

Agricultural Census Act

Passed 12 April 2000
(RT1 I 2000, 35, 217),
entered into force 15 May 2000.

Chapter 1 General Provisions

§ 1. Scope of application of Act

This Act provides the procedure for conducting a national Agricultural Census (hereinafter Census).

§ 2. Definitions used in Act

In this Act, the following definitions are used:

- 1) 'the moment of Census' means the time 00.00 on the date of commencement of the enumeration period; the data collected in a Census shall reflect the characteristics of agricultural holdings as of the moment of Census;
- 2) 'enumeration period' means the period of time during which Census data are collected;
- 3) 'post-enumeration survey period' means the period of time during which post-enumeration sample survey is conducted in order to verify Census data;
- 4) 'Census data' means data collected in a Census;
- 5) 'Census results' means aggregated data of the processed Census data and the analysis of the structure of agricultural production units performed on the basis thereof;
- 6) 'person questioned' means the holder of an agricultural holding or a household plot, or a representative of the holder.

§ 3. Unit of enumeration

(1) The units of enumeration are agricultural holdings and household plots.

(2) Agricultural holding (hereinafter holding) is a production unit which has a single management, both technically and economically, and the main activity of which is agriculture, where:

- 1) there is less than one hectare of agricultural or forest land or at least 0.3 hectare of fish ponds, or
- 2) there is at least one hectare of agricultural or forest land or less than 0.3 hectare of fish ponds or there is no agricultural or forest land or fish ponds and where agricultural products are produced mainly (more than one-half) for sale.

(3) Household plot (hereinafter plot) is a production unit where there is less than one hectare of agricultural or forest land or there is no agricultural or forest land and where agricultural products are produced mainly (more than one-half) for own use and where:

- 1) there are fifty or more square metres of kitchen garden or there are at least three fruit trees or six berry bushes, or
- 2) there are at least ten rabbits, ten domestic fowls or other farm animals, or
- 3) there are at least three beehives.

§ 4. Purpose of Census

The purpose of a Census is to obtain:

- 1) data on the economic activity and economic position, types of production, main sources of income, production resources, location, legal status, management and managers of units of enumeration;
- 2) aggregated data in order to analyse the dynamics of the basic characteristics of the agricultural activities of holdings in intercensal periods;
- 3) aggregated data on the agricultural condition of administrative units;
- 4) data for the establishment of samples for statistical surveys.

§ 5. Organisation of Census

(1) The main agency conducting a Census is the Statistical Office.

(2) The Agricultural Census Committee of the Government of the Republic is formed as an expert committee in order to solve problems arising upon the organisation of a Census.

(3) County and city Agricultural Census committees are formed on the basis of this Act not later than one year prior to the moment of Census.

(4) In organising a Census, local governments shall perform the duties and obligations provided for in this Act.

(5) The organisation of Censuses shall be financed from the state budget.

(6) The moment of a Census, enumeration period and the post-enumeration survey period shall be determined by the Government of the Republic.

(7) The next Census shall be organised not later than ten years after the previous Census.

§ 6. Data collected in Census

Data collected on a unit of enumeration in a Census are the following:

- 1) location;
- 2) name and commercial register code;
- 3) form of ownership;
- 4) first name and surname, personal identification code, place of residence and the level of agricultural training of the holder and the manager;
- 5) the area of land in ownership and commercially leased land;
- 6) land use;
- 7) income from the holding by areas of activity;
- 8) the number of animals;
- 9) tractors, machinery and equipment;
- 10) storages and farm buildings for livestock;
- 11) labour force;
- 12) forest stands;
- 13) felling and reforestation;
- 14) forestry machinery and equipment, forest roads;
- 15) boats and fishing equipment.

§ 7. Census documentation

(1) Census documents are Census questionnaires, Census rules, Census maps and tables of Census results.

(2) Census questionnaires are questionnaires for the collection of Census data.

(3) Census rules contain explanations for the completion of Census questionnaires, the organisation of Census and the making of summaries.

(4) Census maps are the maps of highly and densely populated areas which are adapted for a Census and are in digital form and on paper.

(5) The following supporting documents are used to organise a Census: instructions, lists, questionnaires, certificates and notices.

(6) Official standards and classifications shall be used for processing Census data and publishing Census results.

§ 8. Establishment of Census documentation

(1) The Census rules and the forms of Census questionnaires shall be approved by a regulation of the Government of the Republic not later than one year before the moment of Census.

(2) The formats for tables of Census results shall be approved by a regulation of the Minister of Finance.

(3) The formats for supporting documents of Census shall be approved by the Director General of the Statistical Office.

Chapter 2

Organisation of Census

§ 9. Territorial organisation of Census

(1) A Census shall be organised on the basis of the administrative-territorial organisation in force.

(2) In order to organise a Census, Census districts, supervision areas and enumeration areas shall be formed on the basis of workload standards established for Census staff.

(3) Workload standards for Census staff shall be established by a regulation of the Minister of Finance.

§ 10. Census district

(1) Census districts shall be formed by the Statistical Office on the basis of the administrative-territorial organisation.

(2) The work of a Census district is directed by the head of the Census district (hereinafter head of district). The deputy head of the district shall substitute for the head of the district in his or her absence.

(3) The duty of the head of a district and his or her deputy is to organise a Census in the territory of the relevant Census district and to make preliminary summaries on the basis of Census results pursuant to the procedure provided for in the Census rules.

§ 11. Supervision area

(1) Supervision areas shall be formed by county or city Agricultural Census committees on the proposal of the Statistical Office.

(2) Supervision areas shall be formed in the territory of a Census district.

(3) A supervision area is the work area of a supervisor of enumerators. The duty of a supervisor of enumerators is to prepare the Census and organise the work of enumerators in the relevant supervision area and to make preliminary summaries on the basis of Census results pursuant to the procedure provided for in the Census rules.

§ 12. Enumeration area

(1) Enumeration areas shall be formed by county or city Agricultural Census committees on the proposal of the Statistical Office.

(2) An enumeration area is the work area of an enumerator.

(3) The duty of an enumerator is to prepare and conduct the Census in the relevant enumeration area and to make preliminary summaries on the basis of Census results pursuant to the procedure provided for in the Census rules.

§ 13. County Agricultural Census committee

(1) County Agricultural Census committees shall be formed by county governors not later than one year before the moment of a Census.

(2) The Chairman of a county Agricultural Census committee and members thereof shall be appointed by the county governor.

(3) A county Agricultural Census committee approves the schedule for the organisation of a Census in the county, co-ordinates and monitors the organisation of the Census within its jurisdiction and assists in resolving issues relating to the Census.

(4) County Agricultural Census committees have the right to receive information necessary for their activities from state and local government agencies located in the county and from heads of Census districts.

§ 14. City Agricultural Census committee

(1) City Agricultural Census committees shall be formed in Tallinn, Tartu, Pärnu, Kohtla-Järve and Narva. The committees shall be formed by city governments not later than one year before the moment of a Census.

(2) The Chairman and members of a city Agricultural Census committee shall be appointed by the city government.

(3) A city Agricultural Census committee approves the schedule for the organisation of a Census in the city, co-ordinates and monitors the organisation of the Census within its jurisdiction and assists in resolving issues relating to the Census.

(4) City Agricultural Census committees have the right to receive information necessary for their activities from state and local government agencies located in the city and from heads of Census districts.

§ 15. Duties of Statistical Office in organising Census

(1) The duties of the Statistical Office are:

- 1) to inform the public of the purpose of the Census, the questions to be asked and the procedure for conducting the Census and the enumeration period;
- 2) to prepare the forms of Census documents and supporting documents of Census and provide the Census districts with the said documents;
- 3) to hire, train and supervise Census staff and monitor their work;
- 4) to supervise the work of Agricultural Census committees and agencies participating in the organisation of the Census;
- 5) to collect, process, analyse, publish and store Census data;
- 6) to prepare a budget for the Census and monitor implementation thereof;
- 7) to monitor compliance with this Act upon the organisation of a Census.

(2) The Statistical Office is the chief and authorised processor of databases containing Census data and ensures the protection of Census data upon the collection, processing, use and storage thereof.

§ 16. Duties of local governments in organising Census

Local governments shall, in co-operation with Agricultural Census committees and government agencies, ensure the organisation of a Census in their administrative territory and this shall include:

- 1) allowing the involvement of servants of local governments in the organisation of the Census;
- 2) participation in the preparation of Census maps and lists of holdings and plots necessary for the organisation of the Census;
- 3) specification of building numbers and the list of owners and holders of holdings and plots prior to the Census;
- 4) providing the Agricultural Census Committee of the Government of the Republic and the county and city Agricultural Census committees with information necessary for the organisation of the Census.

§ 17. Census staff

(1) Heads of districts, deputy heads of districts, supervisors of enumerators, and enumerators are Census staff.

(2) Census staff shall be hired for a period provided by a directive of the Director General of the

Statistical Office on the basis of § 8 of the Public Service Act (RT I 1995, 16, 228; 1999, 7, 112; 10, 155; 16, 271 and 276; 2000, 25, 144 and 145; 28, 167). Census staff may also be hired under a contract for services.

(3) The official duties of and qualification requirements for Census staff and the procedure for training and evaluation of Census staff shall be established by the Director General of the Statistical Office.

(4) Persons who are at least 18 years of age and conform to the qualification requirements established by the Statistical Office and who have completed the training necessary for Census work may work as Census staff.

(5) The authorisation of a member of the Census staff is certified by a valid certificate of employment issued by the Statistical Office which bears a photograph of the enumerator.

(6) Persons working for other employers may be hired as Census staff with the written consent of the employer.

(7) The procedure and rates for the remuneration and compensation for expenses of members of the Census staff shall be established by the Government of the Republic.

Chapter 3 Enumeration

§ 18. Use of existing data

Upon organisation of a Census, persons who maintain state and local government databases are, at the request of the Statistical Office, required to submit data which are necessary for the organisation of the Census from state and local government databases in accordance with the Personal Data Protection Act (RT I 1996, 48, 944; 1998, 59, 941; 111, 1833), the Databases Act (RT I 1997, 28, 423; 1998, 36/37, 552; 1999, 10, 155) and legislation established on the basis thereof.

§ 19. Place and method of enumeration

(1) Persons questioned shall be interviewed at their place of residence or at the location of the person's holding or plot.

(2) An enumerator shall present the document certifying his or her authorisation to the person questioned.

(3) Enumerators shall interview the persons questioned directly. The enumerators shall enter the data collected during the Census in the Census questionnaires pursuant to the Census rules.

(4) Enumerators and supervisors of enumerators have the right to conduct the Census and the post-enumeration survey at the place of residence of the persons questioned from 8.00 to 22.00.

(5) Census questionnaires shall be in Estonian and shall be completed in Estonian.

(6) If a person questioned is not proficient in Estonian, he or she has the right to answer the enumerator in another language in which he or she is proficient.

(7) If an enumerator is not proficient in the language used by a person questioned, the enumerator has the right to use the assistance of an interpreter.

(8) Obligations provided for in subsection 23 (1) and § 26 of this Act extend to interpreters who participate in enumeration.

§ 20. Rights and obligations of persons questioned

(1) Persons questioned are required to provide true and complete answers to all questions on the Census questionnaires.

(2) A person questioned has the right to examine Census questionnaires completed on his or her holding or plot.

Chapter 4

Use, Storage and Protection of Census Data and Publication of Census Results

§ 21. Use of Census data

Census data are used only for statistical purposes.

§ 22. Storage of Census data

(1) Census data shall be stored by the Statistical Office. Census data shall be recorded on magnetic media which are stored in the archives of the Statistical Office.

(2) Census questionnaires shall be stored until the end of the next Census pursuant to the Databases Act and legislation providing for archival processing.

§ 23. Confidentiality of Census data

(1) Census data are confidential. Census data shall not be disclosed or transferred to third persons. Enumerators are also required to maintain indefinitely the confidentiality of other data which becomes known to them in the course of enumeration.

(2) The protection of Census data shall be organised pursuant to the Personal Data Protection Act, the Databases Act and the Official Statistics Act (RT I 1997, 51, 822).

§ 24. Supervision over protection of personal data

The Data Protection Inspectorate shall organise supervision over adherence to the requirements of personal data protection upon conducting a Census.

§ 25. Publication of Census results

(1) Census results are public and shall be available to everyone.

(2) The Statistical Office shall publish preliminary summaries of a Census not later than on the ninetieth day after the end of post-enumeration survey. Statistical tables of Census results shall be published by the Statistical Office within two years after the end of enumeration period.

(3) Census results may be published or transmitted only in a form which precludes the possibility of direct or indirect identification of holdings or plots.

(4) On the application of government agencies, local government agencies or legal or natural persons, the Statistical Office may, at the expense of the applicant, prepare statistical tables not included in the list of established statistical tables taking account of the requirements of data protection.

Chapter 5

Liability for Violations of Requirements of this Act

§ 26. Liability of Census staff and processors of Census data

Census staff and processors of Census data bear administrative or criminal liability for violations of the requirements provided for in this Act, the Personal Data Protection Act and the Databases Act on the bases and pursuant to the procedure provided by law.

§ 27. Liability of persons questioned

Punishments provided for in § 183 of the Code of Administrative Offences (RT 1992, 29, 396; RT I 1999, 41, 496; 45, correction notice; 58, 608; 60, 616; 87, 792; 92, 825; 95, 843; 2000, 10, 58; 25, 141; 28, 167; 29, 169) and in the Official Statistics Act shall be imposed for violations of the procedure for submission and transfer of data collected in a Census.

1 RT = Riigi Teataja = State Gazette
Vice-President of the Riigikogu Tunne Kelam