



Awareness of Tanzania

Statistics Act 2015 among Tanzanian Civil Society Organizations

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Abstract

On March 26th, 2015 the Tanzania Parliament approved the Statistics Bill 2013 with its schedule of amendments effectively enacting it as the Statistics Act 2015 after the Presidential assent and signing. The enacted Statistics Act, 2015 (the Act) has become a subject of ongoing discussions in the media and other fora. Several contributions and opinions have been provided by both the Government of the United Republic of Tanzania and several Non-State Actors, among whom Civil Society Organizations (CSOs) have provided the most passionate contributions about the Act.

The Tanzanian government argues that this Act is needed to facilitate and regulate production, access and sharing of official Statistics.

Where as some commentators in Civil Society argue that the Act is draconian in nature infringing on people's democratic rights and that it restricts production, access and sharing of Statistics/data. With this in mind, and in a bid to resolve the highlighted conflicting opinions, this report focuses on the study that looked at assessing awareness on the Tanzania Statistics Act 2015 and its implementing regulations (Statistics Regulations 2017) among Tanzanian Civil Society Organizations. In order to comprehend how civil society knows and understands Statistics Act 2015 and its implementing regulations (Statistics Regulations 2017) and their implication with the aim of creating a better understanding on the provisions of the Tanzanian Statistics Act 2015 and for CSOs to comply with the law and enhance the quality of their data and Statistics so that it can be considered for official policy and decision-making processes.

I.Literature Review



1. Background Information

On March 26th, 2015 the Tanzania Parliament approved the Statistics Bill 2013 with its schedule of amendments effectively enacting it as the Statistics Act 2015 after the Presidential assent and signing.

The Parliament enacted Statistics Bill 2013 as the Statistics Act, No. 9 of 2015 which repealed previous Statistics Acts including the Statistics Act (Act No. 1 of 2002), adopted in 2002, and Statistics Ordinance of 1961 to establish the National Bureau of Statistics ⁽¹⁾, and the Statistics Governing Board to provide for the coordination of the National Statistical System, and to make better provisions in relation to their functions and for other related matters.

This part of the report looks at various literatures with regard to various stakeholders' perspectives about Statistics Act 2015.

2. Government Perspective

Presenting the Statistics bill 2013 to parliament, the then finance minister Saada Mkuya said "its goal was to give the National Bureau of Statistics (NBS) more autonomy. She said the measures would help the NBS carry out its duties efficiently by having one source of correct data and by reducing ambiguity, especially when Statistics are compiled by more than one institution ⁽²⁾".

This position was reiterated by the then President of Tanzania, Jakaya Mrisho Kikwete when speaking during the opening of Africa Open Data Conference on 4th September 2015, he said "Statistics Act of 2015 has empowered the National Bureau of Statistics (NBS) as a sole autonomous body, with powers to direct Ministerial departments and agencies to adhere to the principles and standard of production of quality data ⁽³⁾".

On opening of the stakeholders meeting titled "Monitoring and Implementation of Sustainable Development Goals (SDGs) on 8th October 2015", the then Chief Secretary, Mr. Ombeni Sefue said "Tanzania National Bureau of Statistics(NBS) has been given more power under a new law, the Statistics Act, 2015 ⁽⁴⁾". Furthermore he said, "The Bureau is now a public autonomous office, with the authority to issue a code of practice for official Statistics and set professional standards to be adhered to by all agencies producing official Statistics".

Whereas in a statement issued by NBS titled "Clarification on misconceptions of Statistics Act 2015⁽⁵⁾", among other things, the statement made it clear that the Act, established NBS as an autonomous public office under the Ministry responsible for Finance (Clause 4) responsible for production, coordination, supervision and dissemination of official Statistics (Clause 6) and for coordinating the National Statistical System (NSS) that includes all data users and producers of official Statistics in the country.

On her part, NBS director general Dr. Albina Chuwa, told journalist that the then Statistics bill 2013 “provided more room for enhancing research through cooperation with researchers and enhancement of private sector inclusion in preparation of vital Statistics for spearheading people’s development ⁽⁶⁾”.

On his part Mr. Oscar Mangula, National Bureau of Statistics Senior Legal Officer being interviewed exclusively for this study, reiterated Dr. Chuwa’s points highlighted above, in addition to that he did acknowledge that there is a lack of clarity within the laws about official and unofficial Statistics which creates confusion among stakeholders. He went on further to say that the Government is realizing the need for review of this scenario that would help to provide clarity with regard to unofficial and official Statistics.

It is clear from these five statement that the Government of Tanzania feels that Statistics Act 2015, was a necessary law in empowering NBS in creating and coordinating National Statistical System in the country.

3.Civil Society Perspective

One of the major contributors to the debate about the Statistics Act 2015 has been the Civil Society. This started before, during and after the tabling of the Statistics bill 2013 in November 2014, which was later withdrawn for proper drafting ⁽⁷⁾.

Civil Society continued to provide their perspective even during the tabling of the amended bill which was later enacted as Statistics Act 2015. This part of the report will highlight some of these contributions from Civil Society.

(a) Twaweza’s Analysis

In April 2015, Twaweza, conducted a rapid analysis of the then, proposed Statistics bill 2013, dated June 2013 ⁽⁸⁾, together with a schedule of amendments dated November 2014 and highlighted what they saw as key challenges and questions related to the bill. Some of these are as described below:

1. Uncertainty around who is allowed to generate Statistics and authorization required

Twaweza through its analysis of , article 3, article 17 (3) (a) and (c) , article 18, article 20 argues that the term “Official Statistics”, is discussed in a way that lacks clarity, opening room for multiple interpretation which may lead to multiple contradicting implications such as NBS being able to designate rigorously produced Statistics as “official”, even when they were not produced by NBS or another government institution according to articles article 17 (3) (a) and (c) and article 20, according to Twaweza this would be a laudable step. But at the same time, the same Act imposes considerable restrictions on non-governmental agencies collecting data and communicating Statistics which meet NBS standards without prior approval of NBS Director General according to article 18.

2. Rules around the dissemination of survey micro-data

Twaweza argues that despite good reasons for placing limits on the dissemination of micro-data (individual statistical records) which provides for protection of the privacy of survey respondents, however there are some restrictions with sharing of micro data which are unnecessarily tight, highlighting article 27 (1) (c), whose strict interpretation can imply prevention of users of micro data from publishing any findings of their analysis.

3. Obstacles to whistleblowing without any public interest protections

Twaweza argues that Article 37 (1) (b), is a broad measure that outlaws leaks and whistleblowing and offers no protection for information leakage in the public interest.

4. Restrictions on the publication or communication of any contentious statistical information

In analyzing articles 37(4), 37(5) and 37(7), Twaweza highlights two significant problems with the clauses. Firstly, the criteria to judge what is “false” or “may result in distortion”. Arguing that in some cases this may be uncontroversial, but in many cases it is not, since even rigorously produced Statistics can often appear to conflict and are routinely contested forming the basis of much academic and policy debates around the world, often without easy resolution.

Secondly Twaweza points out that in these clauses, there is no consideration of the intention of the person or agency publishing or communicating statistical information to an extent that even an honest mistake could result in a person being guilty of a crime. This lack of protection is in contrast to Article 16, which provides broad protections to NBS employees who act “in good faith”.

5. Penalties

In reviewing Article 37, Twaweza’s analysis points out the severity of penalties and how that might affect academic and media freedom and open public debates. It also highlights that in all cases, these penalties are minimum penalties, with no maximums stated. Which means that there is no upper limit to fines or prison sentences issued to those found guilty of these offences.

Twaweza concludes its analysis by stating that, the then Statistics Bill 2013, contravenes the principles of open government, democracy and freedom of the press.

(b) Fesmedia Africa and Friedrich-Ebert-Stiftung Review

In his analysis for Fesmedia Africa and Friedrich-Ebert-Stiftung titled “An assessment of the new Tanzanian Media Laws of 2015”⁽⁹⁾, Hendrik Bussiek in addition to all the issues raised by Twaweza highlighted some additional points about the Statistics Act 2015 .

He starts by pointing out that the Act is not in line with African and International Standards on Statistics, since it fails to adhere to accessibility principle of the African Charter on Statistics⁽¹⁰⁾, and principle 1 of a resolution on the fundamental principles of official Statistics⁽¹¹⁾.

On whistleblowing Hendrik’s analysis highlights how the Act fails to provide a public interest defense for cases where disclosure of statistical information takes place for legitimate purposes, such as investigative journalism or research. And that in addition, such a provision contradicts section 23 of the Access to Information Act which provides protection for whistleblowers for disclosing information of public interest as long as that person acted in good faith and in the reasonable belief that the information was substantially true”

On the subject of publication of false information or distortion of facts, Hendrik’s analysis proposes that rather than using punitive measures in these scenarios, the more appropriate measure is to use, the UN’s resolution on the fundamental principles of official Statistics which sets out a principle in this regard which states “The statistical agencies [here the Bureau] are entitled to comment on erroneous interpretation and misuse of Statistics”.

Hendrik’s also points out towards the end of his analysis that the Act misses a clause which would prevent NBS from preferential treatment of certain bodies and institutions in the publication of the results of its research in accordance with the principle of simultaneity as spelled out in the African Charter on Statistics.

4. Media Perspective

Several media channels have also weighed in, on the debate around Statistics Act 2015. With views ranging from supporting the adoption of the Act or parts thereof and how necessary a move that was in strengthening Tanzania national statistical system (NSS) to pointing out weaknesses or faults in clauses of the Act and their implications for researchers, media, academia and the general public. The data science blog operating out of Kenya, in its 10th April 2015 article ⁽¹²⁾, went on to do a re-assessment of its previous position with regard to the then Statistics bill 2013 , after reading the draft bill.

It reported that prior to this it had the same opinion as so many other commentators, who were against the draft bill.

The new position was built on the realization that every single government in the world has a right to constitute a body that is responsible for its data collection, dissemination and publication. It went further on to state that the draft Statistics Bill 2013 went on to institutionalize NBS and to define its role.

It also painted a similar picture to what had happened in Kenya at the Kenya National Bureau of Statistics through Kenyan Statistics bill, 2006, which went through that process too. It also highlighted, key points which it used to come to a conclusion that the bill does not have any faults, these included:

- The oath of secrecy in protecting some government information and secrets that generally, for any government should be protected.
- The bill encourages working together among NBS , other government institutions and private agencies by joint collections provided that they develop and maintain a comprehensive national databank by using sectoral data banks developed by various agencies.
- Ensuring data protection in the disclosure of unidentified information by insisting that all data be anonymized before publication and all individual forms and returns destroyed within 5 years.
- Plans by the government to fund its own data collection through appropriations by parliament.

In an article ⁽¹³⁾ dated 18 June 2015, Aljazeera highlighted several opinions from several commentators about the Act. The director General of NBS, Dr Albina Chuwa was quoted as saying

“

the new law will empower her office to accommodate more, better production of the [data] system and that it will improve the standards of the published data

”

The same Aljazeera commentary, points out that, according to the new Statistics law (Statistics Act 2015), it is illegal for any publication to claim data not approved by the National Bureau of Statistics as "official." From the same article, Julian Newman of UK-based Environmental Investigation Agency (EIA), called the passing of the law "unfortunate", and that the government of Tanzania should not have pushed a law which effectively criminalizes any truth it has not first endorsed.

In an interview ⁽¹⁴⁾ conducted by Freedom House, which works to defend human rights and promote democratic change, with a focus on political rights and civil liberties, with the Citizen newspaper journalist Damas Kanyabwoya, talked of how the Act, criminalizes publication of data and figures from any other source without the approval of the National Bureau of Statistics (NBS), which means the government can control data being published and avoid any figures that would be a mark on its record.

He goes on to say that there were no consultations before moving the Statistics Bill to the parliament. The citizen newspaper reporting a day after the passing of Statistics bill 2013 to become Statistics Act 2015, in article titled “Unofficial data could land you behind bars”⁽¹⁵⁾, it pointed out that Tanzania could become one of the most hostile territories for publishing firms, researchers and academicians after Parliament passed Statistics Act 2015, limiting the publication of data to only those from the government’s own Bureau of Statistics.

The Media Council of Tanzania Executive Secretary, Mr Kajubi Mukajanga, pointed out that stakeholders had earlier criticized the Statistics bill 2013 heavily, particularly the section that touches on publication of unauthorized Statistics, but on passing the law the provision was still retained with no amendments.

In the same article, Mr Onesmo Olengurumwa, coordinator of the Tanzania Human Rights Defender Coalition, said the passing of the bill will have a significant effect on private institutions in academia because making NBS the only institution allowed to approve Statistics would curtail research and freedom to challenge NBS data. “It is retrogressive in the current world for the government to pass such a law,” he said. “What we see is a move to force on the people what the government wants them to believe.”

Mr. Alex Ruchyahinduru, Communication and Advocacy Manager at Policy Forum, expressed the same sentiments and added that the law would affect the way research and academic institutions do their work. “These institutions will lack the space and freedom to exercise their duties, some of them critical to national development” he said.

The latest incident which has led to a number of media reports about the Statistics Act 2015 is related to the release of findings on Media Measurement report⁽¹⁶⁾ with audience Statistics on Top TVs and Radio Stations for Quarter 2 of 2017 in Tanzania by a Kenyan based research institution GeoPoll. Soon after the release of the report, NBS Director General called a press conference⁽¹⁷⁾ to address the report in which NBS said that Geopoll’s statistical information was not produced in accordance with the procedures laid down under of the Statistical Act No. 9 of 2015, such that GeoPoll violated sub-section 20 of the Act.



She further stated that “NBS would like to inform the general public and interested statistical stakeholders that the Statistics produced by GeoPoll Company on radio listeners and television viewers is not official Statistics as the company failed to observe the methodologies and standards stated in the Statistics Act No. 9 of 2015”.


This statement further puts a spotlight on one of the points that various stakeholders have commented on, saying that the Act is silent and lacks clarity on production and dissemination of “unofficial Statistics”. If the Act and its accompanying regulations were clear, they would have explicitly stated that agencies can produce and disseminate Statistics that are not “official Statistics” i.e. “unofficial Statistics” – without any need for prior approval from NBS.

Giving out commentary about this GeoPoll incident in an August 23rd 2017 article ⁽¹⁸⁾, Deus Kibamba, a political commentator, highlighted the same point about unofficial Statistics. Asking questions such as, what are unofficial Statistics? Who said Geopoll’s Statistics were official? Must all Statistics be official? , He further went on to say that these questions were not answered by NBS during its press briefing about this GeoPoll incident. He also proposed that unofficial Statistics should continue to exist alongside “official” Statistics, and hence people and/or agencies should be allowed to freely undertake research, data collection and production and dissemination of information and Statistics regardless of whether they want the resulting data to be recognized as official or not.

From the above reviewed literature there is no doubt that several stakeholders including CSOs are concerned with some sections of Statistics Act 2015 as highlighted in this literature review and the potential for those sections to infringe on basic rights afforded by the constitution of the United Republic of Tanzania and other related laws. Article 18 (b) of the Constitution of the United Republic of Tanzania provides for the right to seek, receive and/or disseminate information regardless of national boundaries. It is a view of these stakeholders that this right to freedom of information among others is however, constrained by the existence of these sections of the Statistics Act 2015.

Despite this, one thing to note from this literature review is the fact that all of these literatures did not incorporate views from a diverse group of CSOs in Tanzania. This study filled that gap through conducting interviews with sampled CSOs as highlighted and discussed later in the methodology part of this report.

II. Legal Framework for Statistical Laws in Tanzania and Select Neighbouring Countries



1. Legal Framework and Review of Tanzania Statistics Act 2015

(a) Introduction

This part of the report critically analyzes the legal framework for Statistics Act No 9 of 2015 and the Statistics Regulations, 2017, GN. N.46 of 2017.

The Act and its Regulations among other things regulates how official Statistics/data are collected and how they are used by Government institutions, Civil Society organizations/ Non-Governmental Organizations and other stakeholders. And they also provide procedures for obtaining Statistics (Official Statistics), restrictions and penalties for non-compliance.

This analysis gives a guideline on the general overview of the Statistics Law and the Statistics Regulations, 2017 for the purpose of easy understanding and appreciation of the Law, reviews the application, data use, offences and penalties in instances of contravention of the same and reviews the Statistics laws of other countries namely Kenya, Uganda and South Africa for the purpose of making a comparative analysis with Tanzanian law .

The Tanzania Parliament enacted the Statistics Act, No. 9 of 2015. The purpose of enacting the Act can be realized by reading the long title of the Act. According to the long title the Act is aimed at “repealing the previous Statistics Act, to establish the National Bureau of Statistics, and the Statistics Governing Board to provide for the coordination of the National Statistical System, and to make better provisions in relation to their functions and for other related matters”.

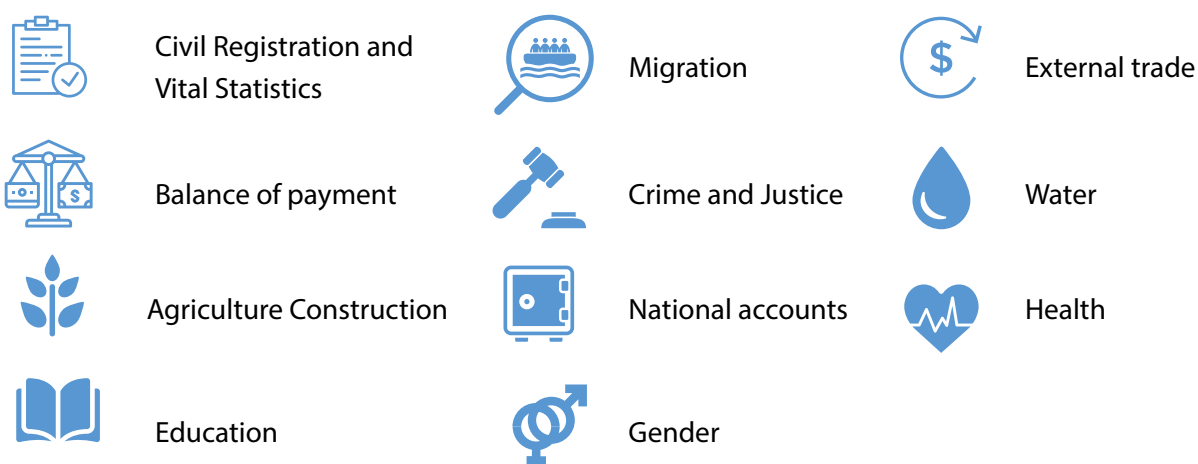
The above long title of the Act, implies that the Act was enacted with the view of establishing the National Bureau of Statistics and the Statistics Governing Board for the purpose of regulating all matters relating to collection, analysis, compilation, processing, publishing and dissemination of Statistical Information in Tanzania.

(b) Scope and Application

The Statistics Act No. 9 of 2015 became operational on the 2nd day of November, 2015 through Government notice (GN) No. 491 of 30th October, 2015.

Again the Minister through the powers conferred to him under Section 38 of the Statistics Act, 2015 made the Statistics Regulations, 2017 which came into operation on 24 February 2017 through Government Notice No. 46 and the same were published on 24 February 2017.

The Statistics Act, 2015 applies to both Tanzania Mainland and Tanzania Zanzibar. This is in accordance with Section 2 of the Act. However the application of the Act in Tanzania Zanzibar is only in respect of Population and Housing Census. In Tanzania Mainland, the Act applies to all specified matters in the third Schedule to the Statistics Act, 2015. Those specified matters to which the Act applies in Tanzania Mainland include but not limited to :



(c) Definition of Technical Terms and Concepts

The art of legislating laws invariably uses various terms and concepts for easy understanding by those applying the law and to those whom the law was intended. Some of the terms might have ordinary meaning in their ordinary use, however when such terms are used in a technical way, they may acquire a technical meaning. In order to simplify the understanding of the law, drafters tend to define the terms that may have ordinary meaning but in the law they may have been ascribed the technical meaning.

Section 3 of the Act provides for the interpretation of various terms which have been used in the Act. This section will not analyze all concepts that have been defined but it will identify a few terms which are very important to be underscored. Some of the defined terms include:-

"Agency or agencies" include research institutions, non-governmental organizations, development partners or any other user or producer of Statistics.

"Authorized officer" means a person appointed as such under section 15; This section confers powers to the Director General to designate on temporal terms and conditions such a number of staff of the Bureau to be authorized officers for purposes of carrying out statistical activities under the Act.

"Sampling" means a statistical procedure by which information relating to a whole field of inquiring is derived by applying statistical techniques to information obtained in respect of a proportion of the total number of persons or undertakings concerned in the field of inquiry.

"Official Statistics" means Statistics designated as official under section 20; According to Section 20 Official Statistics means statistical information produced, validated, compiled and disseminated by the Bureau, Government Institutions and agencies.

However Statistics which are produced, validated and disseminated by agencies qualifies to be statistical information if they meet the criteria and standards set by the Bureau and approved by the Director General. Thus anything which does not meet the standards and definition of the term Official Statistics as provided under Section 20 of the Act is not official Statistics.

"Statistics" means data required for the production of organized statistical information, obtained from census and statistical surveys or administrative records.

(d) Purposes of the Statistics Act 2015

There are several purposes for which the Statistics Act No 9 of 2015 was enacted. The purposes for enactment of the Act can be seen through reading the long title to the Act. These are:

- 01 An Act to repeal the Statistics Act
- 02 To establish the National Bureau of Statistics
- 03 To establish the Statistics Governing Board
- 04 To provide for the coordination of the National Statistical System
- 05 To make better provisions in relation to their functions and for other related matters
- 06 To establish NBS as a continued Bureau responsible for all statistical matters

(e) Establishment of the National Bureau of Statistics and the Governing Body

1.The National Bureau Of Statistics(NBS)

Section 4 of the Act establishes the National Bureau of Statistics which is known by its acronym NBS. The Bureau is established as an autonomous public office placed under the Ministry responsible for Statistics. By being an autonomous body, the bureau can in theory conduct its functions by enjoying freedom and independence without interference.

According to Section 5 of the Act, the Bureau is supposed to exercise professional independence in its functions of collecting, processing, analyzing and disseminating official statistical information.

The general function of the Bureau includes being the national Statistics office responsible for the production, coordination, supervision, and dissemination of official Statistics, and for the custodianship of official Statistics in the country.

However specific functions of the Bureau are specified under Section 6 (2) of the Act, they include among others the following;

(a) In collaboration with the Office of the Chief Government Statistician of Zanzibar conduct population and housing census.

(b) To advice the Government and the public at large on all matters related to official Statistics.

(c) To provide high quality, reliable and timely official Statistical information to the public.

(d) To organize and maintain a central depository of official Statistical reports, publications, documents and data from within and outside the United Republic of Tanzania.

(e) To develop methods, standards, concepts and definitions for the production of official Statistics.

(f) Regulate official Statistical information.

(g) Coordinate and supervise the National Statistical System in the country.

(h) Perform all functions necessary or incidental to the objectives of the Bureau under this Act.

The Bureau may, in the performance of its functions subcontract other organizations or individuals under the terms and conditions as may be agreed by the parties.

This is provided for under Section 6 (3) of the Act. On the functions which extend to Tanzania Zanzibar the Bureau shall perform such functions in collaboration with the Chief Government Statistician.

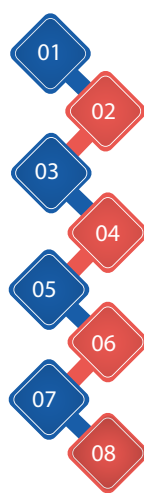
The National Bureau of Statistics is headed by the Director General who is appointed by the President on the recommendation of the minister. The qualification criteria for this position includes possession of a degree or above qualification in the field of Statistics, Economics or Mathematics with at least five years experience in the Statistics field and with proven managerial ability. A Director General shall hold office for the period of five years term, and may be re-appointed for another term, this is as per Section 9 (3) of the Act. The Director General is empowered to employ or to cause to be employed such a number of staff as he considers necessary to discharge the function of the Bureau. This is according to Section 13 of the Act.

The Bureau generates funds from the following sources so as to finance its activities;

- The sums of money as may be appropriated by the Parliament
- Monies received for products provided and services rendered by the Bureau
- Sums borrowed, received by or made available to the Bureau for purposes of the discharge of its functions
- Donations, grants, bequests as the Bureau may receive from any person or body of persons.

2. The Governing Board

Section 7 of the Act establishes the National Bureau Statistics Board. The board consists of the Chairman who is appointed by the President from amongst persons with knowledge and experience in Statistics, mathematics, economics or business oriented management; and eight members who are of, or above the rank of Principal officers, to be appointed by the Minister, upon nomination by their respective organizations or institution as follows:

- 
- 01 A representative from the Bank of Tanzania
 - 02 A representative from the Ministry responsible for Statistics
 - 03 A representative from the Attorney General's Chambers
 - 04 A representative from the Prime Minister's Office
 - 05 A representative from the Planning Commission
 - 06 The Chairman of the Statistics board of Zanzibar
 - 07 A representative from higher learning institutions
 - 08 One member to be appointed from amongst the users or producers of Statistics from private sector.

The Chief Government Statistician of Zanzibar shall be an ex-officio member of the board while the Director General shall be a Secretary to the board.

The provisions of the first schedule shall apply with respect to the tenure and termination of membership, proceedings of the board and other matters relating to the board.

3. Functions of the Board

According to Section 8 of the Act, the following are functions of the board:

- (a) To approve and monitor the implementation of policies pertaining to the Bureau
- (b) To approve the structure, career development plans, staffing levels and terms and conditions of service for the staff of Bureau
- (c) To approve the appointment of managerial staff
- (d) To approve disciplinary measures to be taken on the managerial staff of the Bureau
- (e) To approve the Bureau's corporate plan, annual work programme and annual budget
- (f) To inform the Minister on the progress of the business of the Bureau on a quarterly basis
- (g) To perform any other functions as may be directed by the Minister in writing

(e) Statistics Collection and Data use

1. Population and Housing Census

According to Section 21 of the Act, it is the President only who is mandated by the law to initiate through an order published in the Gazette the Population and Housing Census to be taken in the United Republic of Tanzania or any part of the country. Under the order, the President may specify the date when the Census has to be taken, the information to be obtained in the census and the period within which the Census can be conducted.

2. Other Statistics and Data Collection

Statistics other than the Population and Housing Census as stipulated in the third schedule to the Act may be initiated and coordinated by the Bureau.

This is provided under Section 22(1) of the Act. However the Bureau under Section 23 of the Act, may enter into or make agreement with any agency to jointly collect, statistical information as the need arises. The word "agency" under Section 3 is defined to include CSOs/NGOs. But employees of these agencies if engaged in the joint collection exercise of information or processing of information collected in joint collection shall make a declaration of secrecy as in Section 14 of the Act. According to Section 24 of the Act, Statistics relating to all or any of the matter scheduled in the third schedule to the Act may be collected by sampling.

Regulation 11 of the Statistics Regulation 2017, Government Notice. No. 46 of 2017, requires that the official Statistics producers to meet the criteria and standards set by the Bureau.

Among the standards to be followed includes; 1. scientific sample frames have to be developed or approved by the Bureau, 2. data quality assessment framework, 3. National and International concepts, definitions and standards, 4. National and International classifications and the Statistics compendium.

This goes without saying that any statistical work which does not meet the standards set out under section 20 falls below standards thus it cannot be deemed worth to be recognized as official Statistics.

3. Uses of Data

According to section 20 of the Act, any information or data shall qualify to be called official Statistics if such information is produced, validated, compiled and disseminated by the Bureau, Government institutions and agencies. This means that any statistical information which does not come from above entities will not be treated as official Statistics and thus production, dissemination, validation or compilation of the same amounts to commission of an offence.

Under Section 20(1) (c) , even this statistical information which is the outcome of the work of these agencies , for it to qualify as official statistics, It must be approved by NBS Director General.

According to Section 25(1) of the Act some information are restricted to be published, admitted in evidence or shown to any person not employed in the execution of the duties under this Act unless a prior consent in writing has been obtained from the person making such a return or giving such an answer or in the cause of business of data collection or undertaking, from the person having the control, management or superintendence of such business or undertaking.

Information highlighted by the above section include :

- (a) Individual return or part thereof
- (b) Answer given to any question made for the purpose of this Act
- (c) Report, abstract or any other document containing particulars in any such return or answer to enable the identification of such particulars with any person, business or undertaking.

However the restriction on non-disclosure of the above information does not apply where the person, business, or undertaking has published the return and opened up a computerized data set for general access or when such information are required for purposes of prosecution. This is as per Section 25 (2) of the Act.

It is only when such information has been published and set for general public and data use then they can be accessed or when they are required for prosecution purposes , then they can be used.

(g) Offences and Penalties

Section 37 of the Act provides for offences and penalties in contravention of the provisions of the law.

There are several acts whose commission or omission amounts to an offence. Any person will be deemed to have committed an offence if:



(a) By virtue of his employment becomes possessed of any information which might influence or affect the market value of any share or other security, interest, product or article and who, before such information is made public uses such information for personal gain.

(b) Without lawful authority publishes or communicates to any person otherwise than in the ordinary course of employment any information acquired by him in the course of such employment

(c) Diverts from his duty or willfully makes declaration, statement or return in the performance of his duties or compiles for issue any false Statistics or information.

(d) In the performance of his duties, obtains or seeks information that the person is not duly authorized to obtain such information

(e) Asks, receives or takes in respect of or in connection to his employment under the Act from any person other than a public officer duly authorized thereto, any payment or reward, commits an offence and upon conviction is liable to pay fine of not less than two million shillings or imprisonment for a term of not less than six months or to both. (imprisonment+fine)

Not only that the following also falls into the offences that can be committed;

- To hinder or obstruct any authorized officer or staff of the Bureau in the lawful performance of their duties conferred under the Act.
- To refuse to complete and supply within time the particulars required in any return or failure to answer any question directed to them.
- To make incorrect or untrue return, form or other document.
- Destroying, defacing or manipulating any return, form or other document.
- To present themselves as staff of the Bureau while in actual sense they are not.
- To incite or counsel any person not to participate in activities related to data collection.
- To refuse to grant data records or documents in accordance with section 30 and 31.
- To contravene any provision under the Act.

All these are offences and upon conviction a person is liable to a fine of not less than one million or imprisonment to a term not less than six months or both. According to section 37(5), it is an offence for an agency or any person to publish or communicate official statistical information which may result into distortion of facts. Upon conviction such a person shall be liable to a fine of not less than ten million shillings or to imprisonment of a term of not less than three years or to both.

Any person who is authorized by the Bureau to process any official statistical information, shall before publishing or communicating such information ensure that he or she procures authorization from the Bureau.

(h) Timelines for Government Approvals

Section 18 of the Act empowers the Director General to commence , alter or discontinue any Official Statistics collection exercise.

At the same time section 18(2) implies that other entities (people or agencies) may initiate the commencement of collection of Official Statistics only after getting an approval from the Director General.

Time line for getting an approval has been set by the law during which such a person may request for an approval and that the Director General may accept or reject the request. The time provided is 21 days from the date when the application was made. This is in accordance with Regulation 10(5) of the Statistics Regulations, 2017 GN. No.46 of 2017. The application has to be done in accordance with the forms prescribed in the First Schedule to the Regulations.

For the Statistics collected by an agency to be qualified as official Statistics, they have to be approved by the Director General with the official seal before they are published , this is in accordance with Regulation 10(7).

2. Review of Statistics Acts in Select Neighbouring Countries



(a) Kenyan Statistics Act

Statistical matters in Kenya are governed by the Statistics Act, No. 4 of 2006. The purpose of the Statistics Act of Kenya is to provide for the establishment of Kenya National Bureau of Statistics for collection, compilation, analysis, publication and dissemination of Statistical information, and coordination of the National Statistical system and to provide for other connected purposes.

Section 3 of the Kenya Statistics Act, 2006 establishes the Kenya National Bureau of Statistics which is a body capable of suing and being sued, acquiring and disposing of properties, borrowing and lending money and doing any act in furtherance of discharging its functions.

The main objectives of the Kenya Bureau of Statistics are stipulated under section 4 of the Kenya Statistics Act. The Bureau is the principal agency of the Government for collecting, analyzing and disseminating statistical information in Kenya and it is the custodian of official statistical information. It also coordinates, authorizes and supervises all official statistical programs undertaken within Kenya; it sets standards and promotes the best practices and methods in the production and dissemination of statistical information across the national statistical system.

The Bureau is also responsible for conducting Population and Housing Census after every ten years and other census surveys as the Board of the Bureau may determine. It maintains the comprehensive and reliable national socio-economic database.

According to section 16 of the Kenya Statistics Act, the Bureau is mandated to collect any statistical information estimates or returns concerning any matter set out in the first Schedule. The matters enlisted in the first Schedule includes population, vital occurrences and mobility, immigration, housing, rents, real property, finance, external finance, income, earnings, profits, manufacturing, building, construction and allied industries, forestry and logging, storage and warehousing to mention a few.

Critique of Kenya Statistics Act 2006.

The Kenya Statistics Act has had its share of critiques pointing out various weaknesses in the Act. In his critique⁽¹⁹⁾, Dr. Adams Oloo of Department of Political Science University of Nairobi, opened his remarks by pointing at Section 18(1) and (2) which stipulates that

“Any agency other than the Bureau, wishing to conduct a census or survey at national, or local level shall seek the approval of the board by submitting its plans to the board three months before the intended survey, and the Board may approve or decline to approve such plans.”

Dr Oloo argues that this section beats the essence of surveys, most of which are conducted when there is a sensitive/pressing issue and having to apply and wait for clearance would defeat the purpose, timing and urgency of the survey.

Furthermore, he argues that the Act is likely to be used to curtail freedom of information gathering and dissemination since the Bureau retains the right to approve or decline approval of a survey. This is done without any clear benchmarks regarding the application and approval process thus leaving room for the officer concerned to Act with impunity.

Dr Oloo, furthermore in his critique among others, points to section 26 which criminalizes any person who knowingly compiles for issue any false Statistics or statistical information. He argues that the Act unilaterally creates some offences under this section, without stipulating how the term ‘knowingly’ is qualified, and stipulating who determines false, whether the surveyor or the Bureau.

(b) Ugandan Statistics Act

Statistics in the Republic of Uganda is regulated under the law known as The Uganda Bureau of Statistics Act, No 12 of 1998. The Act establishes the Bureau under section 3 of the Act as a body capable of suing and being sued on its own name, can enter into contract, having its common seal, capable of acquiring and disposing of properties and to perform any act in furtherance of its duties.

The functions of the Bureau are stated under section 4. They include among others to be the principal data collecting and disseminating agency responsible for coordinating, monitoring and supervising the National Statistical System to cover matters specified in the fourth Schedule to the Act. It is also responsible for providing high quality central Statistics information services, promoting standardization in the collection, analysis and publication of Statistics so as to insure uniformity in quality, adequacy of coverage and reliability of information.

The Bureau provides for guidance, training and other assistance as may be required to other users and providers of Statistics. It also conducts census and conduct routine administrative Statistics.

The Bureau is assisted by the governing Board of the Bureau which consists of the Chairman, the Chief Executive and other five members. According to section 14 of the Act, the Bureau is the one which is responsible to collect all statistical information in Uganda. Other agencies may collect statistical data upon approval by the Board in accordance with the procedures as may be prescribed by the Minister responsible for Statistics in accordance to section 16 of the Act.

(c) South African Statistics Act

In South Africa, Statistics are governed and regulated by the law known as the Statistics Act No. 6 of 1999. The Statistics Act No.6 of 1999 of South Africa establishes the Statistics Council and its functions. The Council is known as the South African Statistics Council.

1. Purposes of enactment of Statistics Act No. 6 of 1999

The following is the major purpose of this Act:

(1) To provide for a Statistician-General as head of Statistics South Africa, who is responsible for the collection, production and dissemination of official and other Statistics, including the conducting of a census of the population, and for coordination among producers of Statistics (2) To establish a Statistics Council and provide for its functions (3) to repeal certain legislation (4) And to provide for connected matters.

2. Establishment of the South African Statistics Council

In South Africa the Statistics Act No 6 of 1999 establishes the Council. Under Section 8(1) of the Statistics Act No 6 of 1999. The Section reads; "A council to be known as the South African Statistics Council is hereby established."

3. Members of the South African Statistics Council

The Council is composed of not less than 18 and not more than 25 members, with relevant professional proficiency and interest; This is as provided by Section 8 (2) (b), the same section provides for membership of the Council to be broad representation of groups or interests concerned with the production and use of official Statistics, including; (i) organs of state; (ii) producers of Statistics; (iii) organized business and labor; (iv) specialist and research interests, including Statistics and information technology; (v) economic and financial interests; (vi) demographic and social interests, including rural, gender and disability interests; and (vii) the public, including non-governmental, private, civic and other organizations; and finally out of all members of the Council nine must be persons representing the respective provinces.

(d) Comparisons Between Statistical Laws of Tanzania and Those of Other Countries

There are a number of similarities in terms of the way the legal framework of Statistics Acts in Tanzania, Kenya, Uganda and South Africa are structured.

The following are some similarities of the laws in respect of regulating Statistics and data collection, analysis, compilations and dissemination of the same:

(i) In all four countries the statistical duties are centralized by establishing the statutory bodies known as Bureau. These bodies are then empowered to coordinate, initiate, analyze, disseminate and publish all statistical information and data at national level.

(ii) The Bureaus are assisted by the governing boards in all four countries. The Boards are responsible in formulating and monitoring the implementation of policies pertaining to the Bureau. They also determine from time to time structure and staffing levels of the Bureaus.

(iii) In all countries, the type of Statistical Surveys and information which may be initiated is itemized in the Schedules to the Statistical Laws.

(iv) Like in Tanzania, it is also an offence in Kenya, Uganda and South Africa to disclose statistical information that has not been officially published.

(v) In both countries, other agencies like Civil Society Organizations (CSOs) are allowed to initiate statistical data Surveys after securing approvals from their respective country Bureau.

(vi) It is an offence in all four countries for any person to obstruct or hinder in any way an authorized officer to perform his or her duties as prescribed by the law of the respective Country.

(vii) Staff of the Bureaus, Boards and any authorized officers in all four countries are immune for their acts done or omitted in their discharge of their duties as provided for by the respective laws.

(e) Differences between Tanzania Statistics Act 2015 and Similar Reviewed Acts

Despite the fact that the Statistics Acts of Tanzania, Kenya, Uganda and South Africa have several things in common, there are also differences that exist. The following part analyzes some of the differences in details:

(i) Statistics Act 2015 of Tanzania recognizes the unique nature of the Structure of the Union between Tanganyika and Zanzibar. Due to this fact, the applicability of the law to Zanzibar is in respect of Population and Housing Census which is a Union matter. Other statistical matters are left with the office of the Chief Government Statistician of Zanzibar while Statistics Acts of Kenya, Uganda and South Africa, apply to all jurisdiction of each respective country, with no exception whatsoever.

(ii) In Tanzania for any statistical information to be qualified as official Statistical information, they have to be approved by the Director General. Any unapproved information cannot qualify as official Statistics and therefore dissemination of the same amounts to commission of an offence as stipulated in section 20 of the Statistics Act. In Kenya, any agency which engages in initiating statistical survey after it has acquired an approval of the Bureau, its published report forms official Statistics without a requirement of getting an approval.

(iii) Tanzania Statistics Act, 2015 and the Statistics Regulations, 2017 do not specify the time required for an agency to submit application prior to commencing a statistical activity. The only time limit set is 21 days given to the Director General to approve or disapprove after the agency has made an application of its intention to engage in data collection or statistical activity. In Kenya any organization or agency has to submit its application three months before it wishes to commence any statistical activity.

(iv) Under the Tanzanian Statistics Act 2015, it is only the President of the United Republic of Tanzania who may initiate Population and the Housing Census by order published in the gazette. In Kenya and Uganda, the minister on the recommendation of the board, may initiate Population and the Housing Census by order published in the gazette. Whereas in South Africa, Statistician General may initiate Population and the Housing Census, but the Minister is the one who determines the date for the same.

(v) In Tanzania, Director General of the Bureau is appointed by the President on the recommendation of the Minister, in Kenya Director General is appointed by the board, whereas in Uganda, the Minister appoints the Director General (Chief Executive Officer) on the recommendation of the board and in South Africa like in Tanzania, it's the duty of the President to appoint the Statistician-General (Director General).

(vi) In Tanzania, penalties for offences are minimums, with no maximums stated, this means that there are no upper limit to fines or prison sentences issued to a person found guilty of offences. While in Kenya, Uganda and South Africa, penalties for offences are maximums, implying that there are upper limit to fines or prison sentences issued to a person found guilty of offences.

(f) Contribution of Statistical Laws to the Development of National Statistical Systems

Statistical laws have valuable contribution towards development of National Statistical Systems (NSS). In relation to the four Acts reviewed, outlined below are some contributions of the laws to the development of the national statistical systems in Tanzania, Uganda, Kenya and South Africa.

- i. These laws helps to define National Statistical agencies (Bureaus) as the core of the NSS and the go to sources of official Statistics in their respective countries.
- ii. The laws provides for legal mandate of the bureaus in doing national house hold surveys and data collection activities.
- iii. They help to define other statistical stakeholders apart from the Government and its agencies and their relationships in the ecosystem and hence avoiding confusion.
- iv. Helps Government(s) to centralize all national statistical activities so as to get reliable data for planning and development purposes.

III. Methodology



The study comprised two main components – firstly, a review of the Act and other literature referring to the Tanzania Statistics Act 2015 e.g. briefings, publications, reports, and resources related to the law including but not limited to newspaper articles and editorials, online briefings, reports and stakeholder analysis on the contentious issues/clauses as identified by multiple stakeholders was carried out.

Secondly, interviews with sampled respondents to better understand and document their awareness and interpretation of the Act .This also involved documenting main areas of contention in the interpretation of the Act, impact of the Act on the work of these stakeholders so far and misconceptions about the Act.

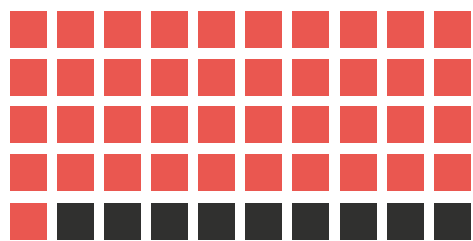
1. Profile Analysis of Sampled Organizations

This analysis is meant to shed more light on the profile of the responding organizations who took part in this study which is based on their answers to profile analysis questions in the questionnaire.

(a) Sampled Organizations

Sampled organizations were obtained from Tanzania Sustainable Development platform, a database consisting of 200 Civil Society Organizations.

A combination of cluster sampling and simple random sampling was used to come up with a sample. This sample consisted of 50 CSOs of different sizes, scope, thematic interest and geographical location so as to ensure the sample is as representative as possible of all CSOs.



Out of the 50 organizations, 41 took part in the actual data collection exercise, making the response rate of this study to be 82%.

These organizations range from the well-known CSOs to lesser known ones, from CSOs which have footprints not only in Tanzania but across East Africa and beyond to local CSOs working mainly within one region of Tanzania only.

The full list these of organizations are as shown below;

Table 1: List of responding organizations

S/N	Name of Organization
01	Agricultural Non State Actors Forum (ANSAF)
02	Association of NGOs of Zanzibar (ANGOZA)
03	Asylum Access, Tanzania
04	Civic Education is the Solution for Poverty and Environmental Management(CESOPE)
05	Comparative Tanzanian Elites Community Organizers(CTECO)
06	HelpAge International
07	Kiota Women Health and Development Organisation (KIWOHEDE)
08	Lindi Region Association of Non-Governmental Organizations
09	Manyara Regional Civil Society
10	Mara Development Forum
11	Mara Women Development Initiative Organization
12	MikonoYetu Centre for Creativity and Innovation
13	Morogoro Paralegal Centre
14	Mtwara Paralegal Center
15	Ntuntu Orphans and Disabled People
16	Orphans Relief Services (ORES) Tanzania
17	Pemba Environmental and Malaria Control Organization (PEMCO)
18	The Pastoralists Indigenous Non-Governmental Organizations Forum (PINGO's FORUM)
19	Restless Development
20	Rufiji Social Development Initiative - RUSODI
21	Safina Women Association
22	Save the Children
23	Sikika
24	Tanzania Bora Initiative
25	Tanzania Centre for Research and Information on Pastoralism (TCRIP)
26	Tanzania Civil Society Forum on Climate Change (FORUMCC)
27	Tanzania Organic Agriculture Movement (TOAM)
28	Tanzania Peace, Legal Aid & Justice Center (PLAJC)
29	Tanzania Water and Sanitation Network (TAWASANET)
30	Tanzania Youth Environmental Network
31	Tanzania Youth Vision Association
32	Tanzania Gender Networking Programme (TGNP) Mtandao
33	The Children Youth Adult and Development
34	The Pemba Island Relief Organisation (PIRO)
35	Tushiriki
36	Twaweza
37	Under the Same Sun
38	Vitongoji Environmental Conservation Association (VECA)
39	Women Entrepreneurial Development Trust Fund (WEDTF)
40	Zanzibar Child Rights Forum (ZCRF)
41	Zanzibar Current Generation Forum

(b) Geographical Location

The 41 CSOs that took part in the study are from 17 different regions of both Tanzania mainland and Zanzibar, Out of which Dar es Salaam was the most represented region with 18 out of the total of 41 responding CSOs.

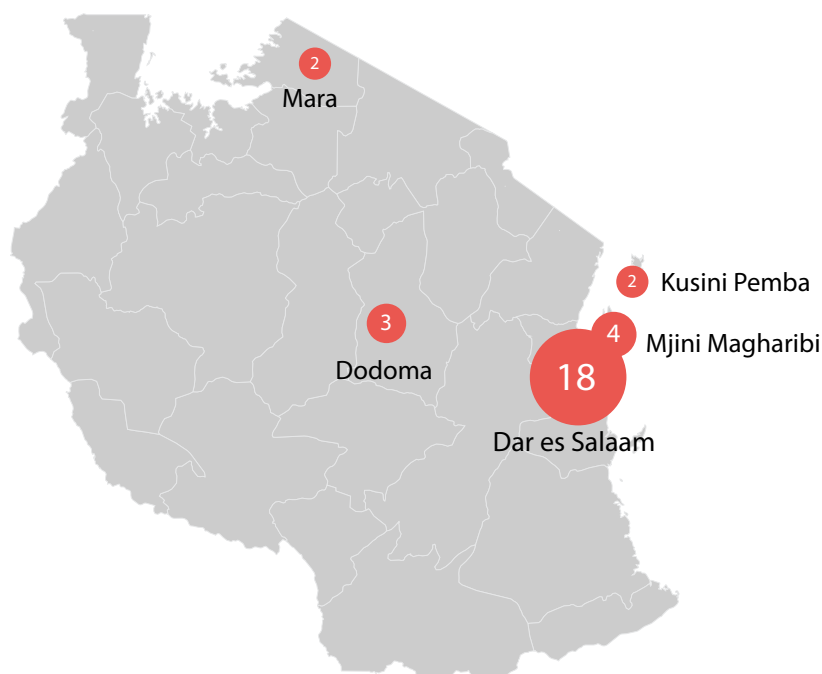


Table 2: Locations of responding organizations

S/N	Region	Number of organization(s)
01	Dar es Salaam	18
02	Mjini Magharibi	04
03	Dodoma	03
04	Kusini Pemba	02
05	Mara	02
06	Arusha	01
07	Kaskazini Pemba	01
08	Lindi	01
09	Manyara	01
10	Mbeya	01
11	Morogoro	01
12	Mtwara	01
13	Mwanza	01
14	Njombe	01
15	Pwani	01
16	Ruvuma	01
17	Singida	01
Total: 41		

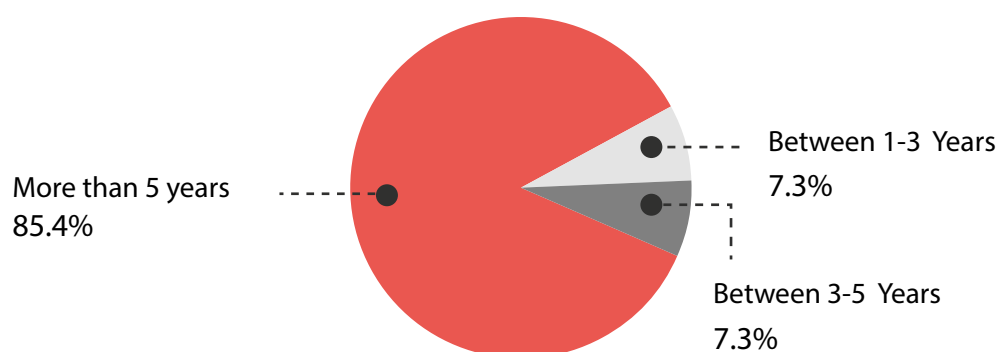
Despite the fact that majority of the interviews were through an online based questionnaire, it was encouraging to see that even CSOs from towns which are traditionally seen as less developed, were able to take part in the study and contribute to the diversity of respondents and comments/opinions of the survey.

(c) Time of Operation

Question 5 on the questionnaire asked about the time that the respondent organizations has been operating. Most organizations reported being in operation for more than 5 years, as shown in the table below.

Table 3: Number of years responding organizations have been operating

S/N	Category	Number of organization(s)	Percentage (%)
01	1 Year or less	0	0
02	Between 1-3 Years	03	7.3
03	Between 3-5 Years	03	7.3
04	More than 5 years	35	85.4
	Total	41	100



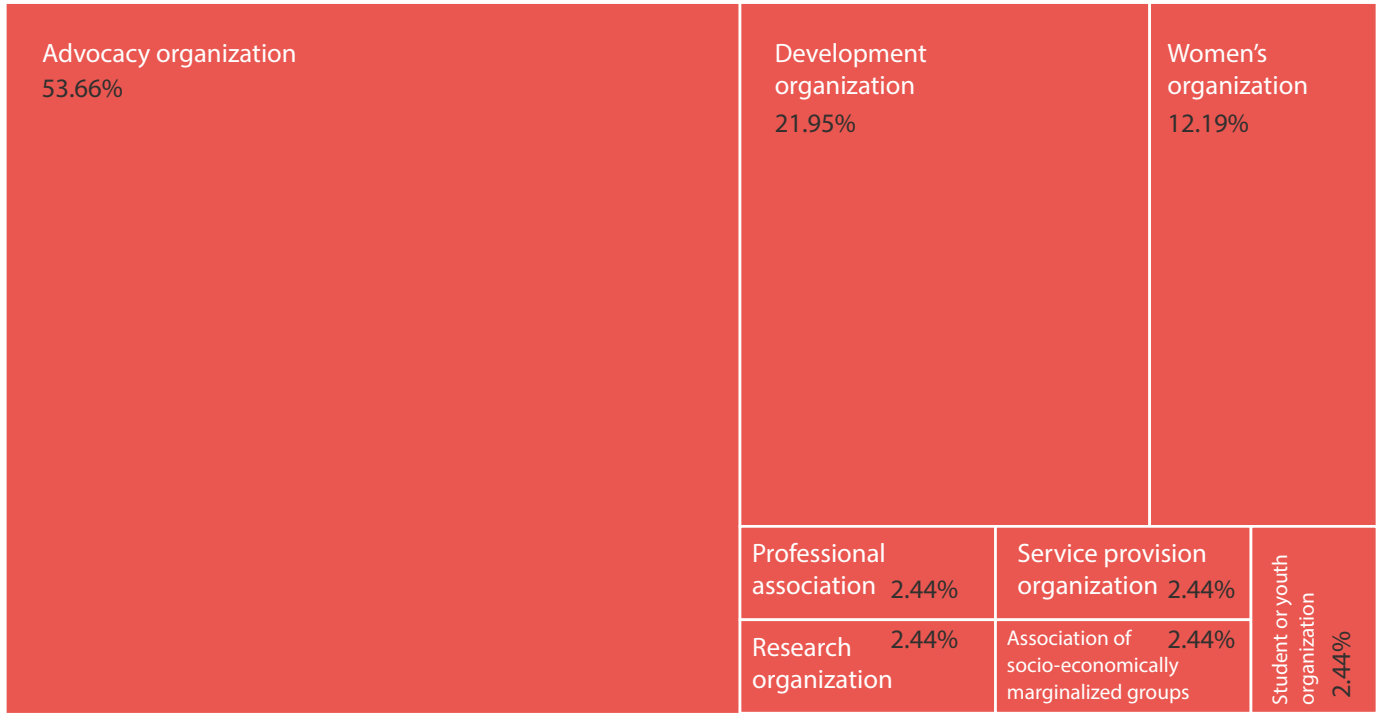
A lion share of organizations that were interviewed have been in operation for more than 5 years representing 85.4% of all responding organizations. The fact that most organizations have been operating for this much time can be translated as these organizations, have had some form of experience with these kind of discussions and debates around new laws which have a direct or indirect impact on their work.

(d) Profile of Sampled organizations

In order to understand better the description of the profile of the sampled organizations, question number 6 on the questionnaire asked about how these organizations describe themselves from a set of multiple choices options. This is how the question was framed, " 6. Which of the following is best description of your Organization?" A little over a half responded by describing themselves as being advocacy organizations working to promote social justice, human rights and increased citizen's engagement in governance matters.

Table 4: Organizational Profile

S/N	Organization Profile	Number of organization(s)	Percentage (%)
01	Advocacy organization (e.g. civic action, social justice, human rights, consumer groups)	22	53.66
02	Association of socio-economically marginalized groups (e.g. poor people, homeless, immigrants, refugees, landless)	01	2.44
03	Development organization (e.g. health, literacy, social services)	09	21.95
04	Professional association service provision organization	01	2.44
05	Research organization or think tank	01	2.44
06	Service provision organization	01	2.44
07	Student or youth organization	01	2.44
08	Women's organization	05	12.19
Total		41	100

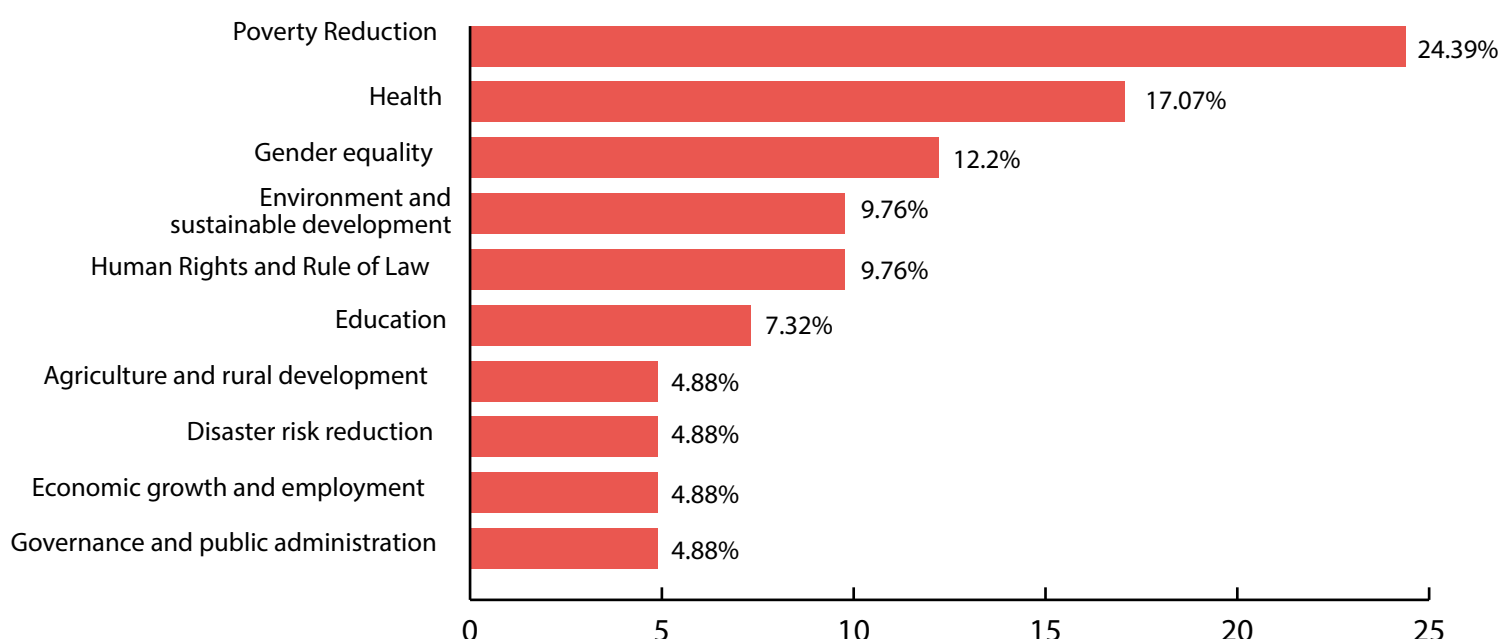


(e) Profile of Organizational Thematic Focus

Eight different thematic areas are covered by organizations in this study, though it should be noted that there are organizations which overlap some of these thematic areas which they described as the best thematic area in which they fit best currently. This was done purposely during sampling to ensure that this diversity of thematic areas and the cross cutting nature of some organizations thematic focus enriches the outcomes of the findings.

Table 5 : Thematic focus of responding organizations

S/N	Thematic Area	Number of organization(s)	Percentage (%)
01	Agriculture and rural development	02	4.88
02	Disaster risk reduction	02	4.88
03	Economic growth and employment	02	4.88
04	Education	03	7.32
05	Environment and sustainable development(including climate change, water and environment sanitation)	04	9.76
06	Gender equality	05	12.2
07	Governance and public administration	02	4.88
08	Health	07	17.07
09	Human Rights and Rule of Law	04	9.76
10	Poverty Reduction	10	24.39
Total		41	100



While there was a fair distribution of themes among organizations, poverty reduction emerged as the most frequent theme across several organizations.

2. Knowledge about Statistics Act 2015 and Regulations 2017

In the questionnaire, the next set of questions were designed to test the awareness and knowledge of CSOs about Statistics Act 2015 and the implementing regulations (guidelines) for the Act, also known as Statistics Regulations 2017.

This section looks at the analysis of these responses from the CSOs.

(a) Awareness about existence of the Act

The basic question that was asked early on in the survey was about whether CSOs knew about the existence of Tanzania Statistics Act 2015. The key thing that was being looked at here was just the knowledge of the existence of the Act, without going into too much details. 78% of the respondents reported to know the existence of the Act. It was also interesting to note that most of the 78% of those who know about the existence of the Act, many came to this knowledge through their peers in form of forums and discussions both offline and online.

The table and the visualization below summarizes the responses that CSOs shared about this:

Table 6: Awareness about existence of Statistics Act 2015

S/N	Category of the answer	Frequency	Percentage (%)
01	Yes	32	78
02	No	09	22
Total		41	100



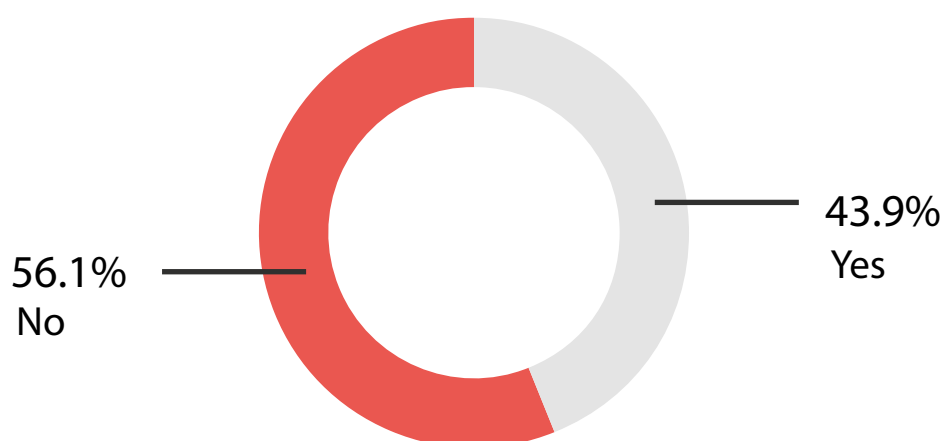
(b) Awareness of the Existence of Statistics Act 2015 Implementing Regulations (Statistics Regulations 2017)

Another basic know how that was tested in this study, was the knowledge of the existence of Statistics Act 2015 implementing regulations (Statistics Regulations 2017) which lay down all the regulations that stakeholders need to follow when going about their day to day business which in one way or the other might be affected by both the Act and the regulations.

The regulations were lesser known compared to the Act with 56.1% of the respondents reporting to not have heard about the regulations at all. The table and the visualization below summarizes these responses.

Table 7: Awareness about Statistics Regulations 2017

S/N	Category of the answer	Frequency	Percentage (%)
01	Yes	18	43.9
02	No	23	56.1
Total		41	100



(b) Reading of the Act and Regulations 2017

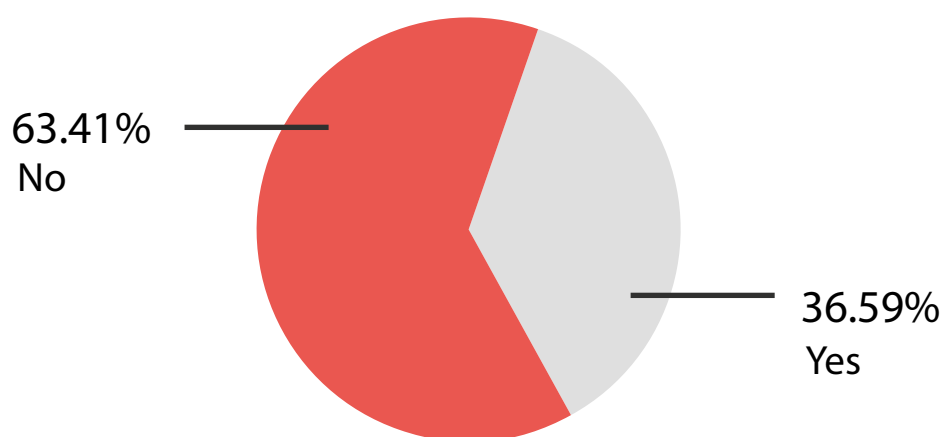
Knowing about the existence of these two legislations is one thing, and reading of them is another thing all together, the next part of the study was to engage respondents into sharing whether they have taken time to read the Act and the Regulations. This part focuses on analyzing these responses.

1. Reading of the Act

It was interesting to note that of the 41 respondents, only 15 reported to have read the 2015 Act, despite some of these people reporting to have heard about its existence and to have read several media reports about the Act. Out of 32 respondents who reported to have heard about the existence of the Act, only 15 had read the Act, whereas 17 had not read the Act at all. When asked follow up questions as to why they have not read the Act, some of the responses ranged from not seeing that they are in danger of being affected by the law directly any time soon to the fact that most laws in Tanzania are not written in an easy to understand way especially if you are not a lawyer or do not have any legal background. Some of these organizations reported that they do not have a dedicated person to interpret laws and provide easy to understand guide of legislations such as Statistics Act 2015. Not only that, some also reported that they would very much be interested in being sensitized about the Act, but they have not heard or seen any awareness and sensitization campaign about the Act. The table below and the visualization below summarizes these responses;

Table 8: Reading of Statistics 2015 among respondents

S/N	Category of the answer	Frequency	Percentage (%)
01	Yes	15	36.59
02	No	26	63.41
Total		41	100



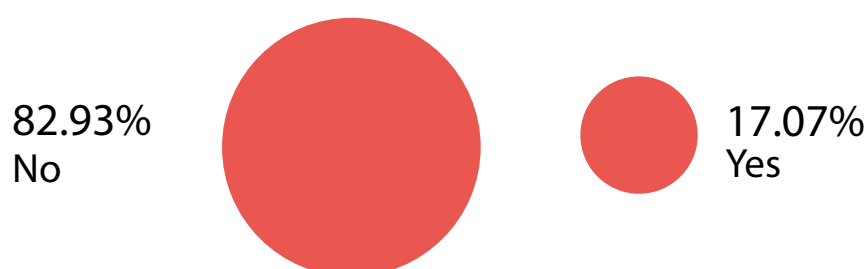
2. Reading of Regulations 2017

The respondents were also asked if they had read Statistics Regulations 2017, in which 34 respondent reported to have not read the Regulations, while 7 had read them. These 7 who reported to have read the Regulations were from a pool of 18 respondents who had reported to have known about the existence of the regulations.

The table and the visualization below summarizes these responses;

Table 9: Reading of Statistics Regulations 2017 among respondents

S/N	Category of the answer	Frequency	Percentage (%)
01	Yes	07	17.07
02	No	34	82.93
Total		41	100



(c) Statistics Act 2015 and Statistics regulations 2017 consultative process

The next part of the study was designed on getting feedback from the sampled organizations of their involvement if any, in the whole process of coming up with the Statistics Act 2015 and its Regulations. In a 2015 statement by NBS titled “Clarification on misconceptions of Statistics Act 2015 ⁽²⁰⁾”, NBS made the following comments about involvement of stakeholders in the drafting of the Act .

“The process of establishing this Act started in 2013 by involving different stakeholders in every step inside and outside the country. To ensure broader participation and according to Parliamentary Regulations, the Statistics Bill has been posted on the Parliamentary website for public awareness and comments, as well as on the official Gazette since June, 7th 2013; the same was also posted to the National Bureau of Statistics website”

Whereas with regard to involvement of stakeholders in the drafting of Regulations 2017, this is what NBS had to say, “The Government is also working with key stakeholders in preparing the implementing regulations that will also add clarity to the controversial clauses.”

It’s clear that from these statements the government feels that the process of coming up with the Act and regulations was a consultative one.

The following is the analysis of the responses collected after respondents were asked if they had taken part in any consultations for the Act and Regulations 2017.

1. Responding organizations involvement in the Statistics Act 2015 consultation process

The respondents were asked the following question; “Was your organization involved in any way in the stakeholder consultations which led to the drafting of the Statistics Act 2015?”

The table below summarizes their responses;

Table 10: Involvement of responding organizations in Statistics Act 2015 consultations

S/N	Category of the answer	Frequency	Percentage (%)
01	Yes	02	4.88
02	No	39	95.12
Total		41	100



The overwhelming majority of the sampled organizations i.e 39 organizations representing 95.2% of all respondents reported to not have been part of any Statistics Act 2015 consultation process.

Whereas only 2(4.88%) organizations reported to have been part of the consultations.

This in itself does not paint negative image to the consultation process as one organizations indeed can be able to represent the entire Civil society provided that they have the necessary skills required for these kinds of consultations. Although some respondents wanted this process of consultation to be more open than currently is.

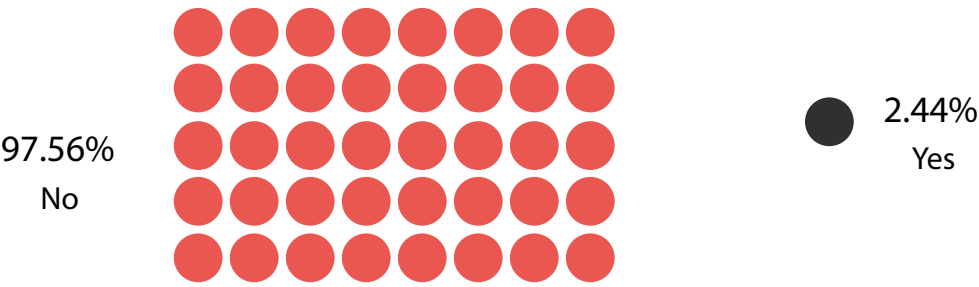
One respondent when asked about their overview of the consultation process , they said , mainly this process is not open to feedback scrutiny , and it's mainly a rushed experience which does not provide enough time for stakeholder's to provide their comments, and even when comments are provided , they are mainly not incorporated into the final proceedings of the process and the final bill. Another respondent suggested that it would be in the best interest of the government and every other stakeholder especially when questions are being raised about the consultation process for the government to be as transparent as possible by for example providing a list of all organizations and individuals who took part in these proceedings and their contribution if any. But also highlighting contributions of the stakeholders in refining the draft bill and if their contributions were incorporated in the final version of the bill.

2. Responding organizations involvement in the Statistics Act 2015 Regulations consultative process

The same respondents were also asked about their involvement in the Statistics Act 2015 Regulations (Regulations 2017) process. The table below summarizes their response;

Table 11: Involvement of responding organizations in Regulations 2017 consultations

S/N	Category of the answer	Frequency	Percentage (%)
01	Yes	01	2.44
02	No	40	97.56
Total		41	100



A similar trend to that of responses with regard to consultations of the Act was also observed here too, in that only one organizations reported to have been involved in the consultations and the rest had not been in these consultations whatsoever.

(e) Respondents familiarity with content and clauses of Statistics Act 2015

This part of the analysis contribution to this paper is to provide an understanding of the respondents familiarity with content and clauses of the Statistics Act 2015.

This is on the premise that the right knowledge about the Act, will help out in getting rid of preconceived notions and misconception about the Act, but also equip the CSOs with the necessary knowledge needed to engage in meaningful discussions so as to provide their own point of view with regard to the Act. This part was designed that way so as to assess this familiarity for those who would have reported to have read the Act and the Regulations in the previous section of the survey.

1. Familiarity with Statistics Act 2015

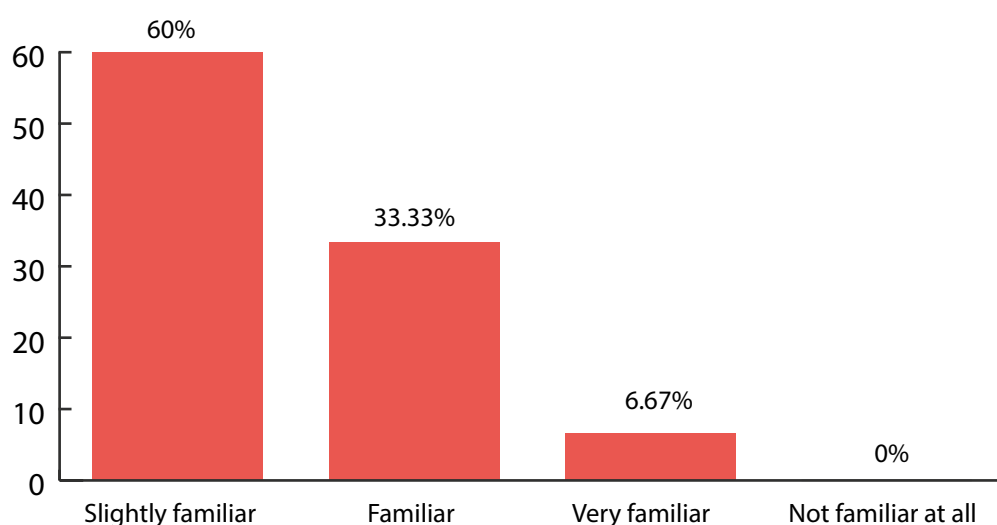
Respondents were asked to grade their level of familiarity with the Act, using the following scale
1. Very Familiar, 2. Familiar, 3. Slightly Familiar, 4. Not Familiar at all.

Out of the 15 people who had read the Act, only one respondent reported to be very familiar with the Act, whereas 5 respondents said they are familiar with the Act, and 9 respondents reported to be slightly familiar with the Act.

When asked the follow up question as to whether their stated level of familiarity enables them to engage meaningfully and confidently in discussions and debates about the Act, only the respondent who stated that they are very familiar with the Act said that he is confident with his ability to engage meaningfully in discussions and debates whereas others were clear that they do not feel confident with their ability to engage meaningfully.

Table 12: Respondents level of familiarity with Statistics Act 2015

S/N	Category	Number of organization(s)	Percentage (%)
01	Very familiar	01	6.67
02	Familiar	05	33.33
03	Slightly familiar	09	60
04	Not familiar at all	0	0
	Total	15	100



2. Familiarity with Statistics Regulations 2017

A similar self-grading style question was asked of respondents on their familiarity with Statistics Regulations 2017. Of the seven that reported to have read the Regulations, None said that their level is very familiar, whereas 4 said that their level is familiar and 3 said that they are slightly familiar with the Regulations.

(f) Impact of the Tanzania Statistics Act 2015 on the work of Civil Society Organizations

One of the main objective of this study was to find out the impact of the Tanzania Statistics Act 2015 on the work of Civil Society in Tanzania through documentation of concerns or point of contentions in the interpretation of the Act which has impacted or which has a potential to impact their work. To this end, question 22 on the survey, was designed to capture this, an open ended question which allowed respondents to write about their detailed experiences in this area.

Analysis of the responses

As pointed out earlier, in the literature review of the Act, there are several clauses which have been the subject of several discussions in various forums. This question presented an opportunity to hear from individual CSOs about their take on this area.

When answering this question respondents mentioned sections of article 18, 20, 22 as the articles which are in direct conflict with CSOs and other stakeholder's work. Question number 23, was a follow up to question number 22, which was designed for respondents to provide detailed explanation of the points raised in question 22.

In their detailed explanation several concerns were raised with these articles as follows.

Article 18(2) was singled out as not allowing the commencement of official Statistics without the approval of Director General, it was argued that most agencies (especially those not affiliated with the government) are working independently to do research and surveys on an ongoing basis, so this will curtail the freedom and speed with which these agencies can execute their tasks. Likewise, it was argued that article 20 should have explicitly stated that agencies are free to produce and disseminate Statistics which are not designated as official without any need for prior approval from Director General, NBS or any other authority. This is because the Act does not provide clarity as to what is "unofficial data" and the terms governing it.

Other respondents decided to raise their concerns without pointing out articles, but rather by focusing on the process that led to the Act. Two respondents raised their concerns on the consultations process of the Act and Regulations 2017, arguing that they needed to be more extensive and inclusive so as to capture concerns and comments of various stakeholders.

IV. Conclusion and Recommendations



1. Summary of Key Findings

The aim of this study was to assess the awareness of Tanzania Statistics Act 2015 among Civil Society in the country based on respondent's responses to questionnaire on the same.

When it comes to knowledge about the Statistics Act 2015, the analysis reveals that there is little awareness about the existence of the Statistics Act 2015 and Statistics Act 2015 implementing regulations (Statistics Regulations 2017). Unsurprisingly, this off course leads to another finding with regard to the reading of the Act in which the situation is still the same as the previous finding as very few respondents reported to have read the Act and/ or Regulations 2017.

This in turn also led to another key finding related to the low level of familiarity with the provisions within the Statistics Act. 60% of those surveyed around this area reported that they are only slightly familiar with the content of the Act. Some respondents reported that this low level of familiarity prevents them from engaging meaningfully in the debates about the Act. It's obvious that all of these findings do not translate well when it comes to the image of Civil Society as an entity which is using evidence based information driven advocacy and campaigns to promote and drive social change.

Reading forms a crucial part of the process of looking for and consuming information. How can Civil Society be able to advocate and campaign for social change if it does not have people who are actively looking for and consuming information?

Another key finding that was reported in this study has to do with the responses that were collected with regard to the involvement of CSOs in the consultative processes for both the Act and Regulations 2017. It was shown that based on the responses there was very little involvement of CSOs in the processes, and to be specific only two and one CSOs for the Act and Regulations respectively reported to have been involved in one way or the other in the two consultative processes.

There is a clear hunger within the respondents that took part in this study based on their responses to be much more involved in the legislative processes which results in the enactment of new laws. This needs to be taken seriously with all concerned stakeholders so as to have credible legislative processes whose end products will reflect as much as possible the true will of the people.

Based on the reviewed literature and responses from interviews with CSOs in this study, there can be no doubt of the fact that, there are several clauses of Statistics Act 2015 as pointed out earlier in this report which have a potential to negatively impact the work of Civil Society and that of other stakeholders whose work revolves around collection, analysis, dissemination and publication of Statistics/data. The next part of this report provides recommendations to provide potential avenues to address this and other highlighted findings from this study.

2. Recommendations

Based on the findings of this study, the following are the suggested key points that needs to be taken into serious consideration;

The fact that even the existence of Statistics Act 2015 is not widely known within Civil Society considering its potential implications to the same, should be of concern to both the Government and Civil Society. The Government on its part can strive to make sure that there is an ongoing open engagement with Civil Society and all stakeholders before, during and after a new legislation comes to life.

This engagement can aim to use several channels to get the message across such as physical meetings with sector specific CSOs, targeted general and specific messages about the law through Radio, Television, Print media and Social media. On its part Civil Society, can also try to build the reading and evidence based driven culture within members. Little but dedicated profound steps that provides offline and online engagement for members of the Civil Society can go a long way in trying to address this situation.

These can include sharing, reading related news such as book/article recommendations from staff, interesting reading-related quotes and information about reading related events. Organizational reading challenges, recognizing and celebrating reading successes such as highlighting minutes read, reviews written and books finished of top readers can also be used to address this situation. These steps can also be the founding blocks for starting to build evidence based culture within Civil Society which can also be realized through creating incentives to actually use evidence when making organizational decisions.

The government and all stakeholders should work together to make sure that the process of coming up with new legislations is as consultative as possible. This needs to start right from draft legislation phase to proposed legislation, gathering of public comments about the proposed bill to enactment and implementation of a new law.

This consultation process needs to be transparent and provide for two way process in which information and feedback flow easily between all stakeholders. For example one way to do this is to make the process of collecting stakeholder's comments on draft legislation as open and inclusive as possible, and to provide avenues for continuous feedback from stakeholders during the integration of said comments and beyond.

With regard to the negative impact that can be caused by clauses highlighted by respondents and literature from other stakeholders. Here are some recommended steps to take;

a) As pointed out earlier that it's in the best interest for the Government and all other stakeholders to have Statistics Act 2015 be a legislation which is not seen as stumbling block but rather an enabler of a better Statistics/information ecosystem in the country. To that end it is recommended that the government in collaboration with Civil Society and other stakeholder should work together to seek avenues for improving contentious clauses, e.g. through proposing possible amendments to the clauses.

b) Being able to easily understand laws is still a challenge as noted by respondents in this study. Until when this situation is addressed by law making bodies, it is recommended that Civil Society aided by legal professionals find ways of making simpler, easy to understand Statistics Act 2015 guideline for CSOs to create better understanding on the provisions of the Tanzania Statistics Act 2015 and enhance the quality of their data and Statistics for policy influence and official decision-making.

Notes Citations

- (1) https://de.wikipedia.org/wiki/Tanzania_National_Bureau_of_Statistics
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List of Abbreviations

APF	Africa Philanthropic Foundation
CGD	Citizen Generated Data
CSOs	Civil Society Organizations
FYDP II	Tanzania's Second Five Year Development Plan
NBS	National Bureau of Statistics
NGOs	Non Governmental Organizations
NSS	National Statistical System
SDGs	Sustainable Development Goals

