

English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.

Federal Statistics Act **(FStatA)**

of 9 October 1992 (Status as of 1 January 2016)

The Federal Assembly of the Swiss Confederation,

based on the Articles 27^{sexies}, 31^{quinquies} paragraph 5 and 85 number 1 of the Federal Constitution¹,

and having considered the Federal Council Dispatch dated 30 October 1991²,
decrees:

Section 1 General Provisions

Art. 1 Aim

This Act has the aim:

- a. of providing the Confederation with the statistical principles that it requires to fulfil its duties;
- b. of making public statistical results available to the cantons, the communes, the economy, the private sector, representatives from civil society and the general public;
- c. of gearing the organisation of federal statistical bodies towards gathering and processing data efficiently and in a manner considerate to interviewees;
- d. of promoting national and international cooperation in the area of statistics;
- e. of ensuring data protection within federal statistical bodies.

Art. 2 Scope of application

¹ This Act applies to all statistical activities:

- a. instructed by the Federal Council;
- b.³ conducted or commissioned by the Federal Administration's administrative units, not including the Federal Institutes of Technology.

AS 1993 2080

¹ [BS 1 3; AS 1973 1051, 1978 484]. The provisions mentioned are now Art. 64, 65, 100 and 164 para. 1 let. g of the Federal Constitution of 18 April 1999 (SR 101).

² BBl 1992 I 373

³ Amended by Annex No 4 of the FA of 20 March 1998 on the Swiss Federal Railways, in force since 1 Jan. 1999 (AS 1998 2847; BBl 1997 I 909).

² The Federal Council shall determine which articles of the Act are applicable to the statistical activities of the Federal Institutes of Technology, Swiss Post, and the telecommunications enterprises of the Confederation.⁴

³ It may declare the provisions of this Act to be applicable for other public corporations, institutions or private individuals, if these entities:

- a. are under the supervision of the Confederation;
- b. receive financial aid or payments from the Confederation; or
- c. are engaged in an activity requiring a licence or authorisation from the Confederation.

⁴ When making an entity subject to this Act in accordance with paragraphs 2 and 3, the Federal Council shall take account of the freedom of research as well as the statutory duties and the autonomy of the organisations concerned.

Art. 3 Duties of the federal statistical bodies

¹ Federal statistical bodies prepare representative results in a professionally independent way on the status of and changes in the population, the economy, society, education, research, spatial planning and the environment in Switzerland.⁵

² They assist in:

- a. the preparation, conduct and review of federal tasks;
- b. the assessment of specialist fields in which the duties of the federal government and cantons are closely interlinked, such as education, science and research, culture, sport, legal matters, tourism, public finances, land management, construction and residential accommodation, transport, energy, healthcare and welfare;
- c. supporting research projects of national importance;
- d.⁶ the assessment of the fulfilment of the constitutional mandate to establish equal opportunities for men and women and for disabled and non-disabled people;
- e.⁷ the evaluation of the employability and activities of university graduates.

³ To perform these duties, the Confederation works together with the cantons, the communes, academia, the private sector and representatives from civil society as well as foreign and international organisations, and if possible takes their information needs into account.

⁴ Amended by No II 6 of the FA on Railways Reform 2 of 20 March 2009, in force since 1 Jan. 2010 (AS **2009** 5597; BBl **2005** 2415, **2007** 2681).

⁵ Amended by Annex No II 5 of the Higher Education Act of 30 Sept 2011, in force since 1 Jan. 2015 (AS **2014** 4103; BBl **2009** 4561).

⁶ Amended by Annex No 1 of the FA of 13 Dec. 2002 on the Elimination of Discrimination against People with Disabilities, in force since 1 Jan. 2004 (AS **2003** 4487; BBl **2001** 1715).

⁷ Inserted by Annex No II 5 of the Higher Education Act of 30 Sept 2011, in force since 1 Jan. 2015 (AS **2014** 4103; BBl **2009** 4561).

Art. 4 Principles of data collection

¹ Insofar as the Confederation has the necessary data available or that such data becomes available to an organisation subject to this Act in the implementation of federal law (federal administrative data), separate surveys need not be conducted by federal statistical bodies (direct surveys, indirect surveys or surveys based on observations and measurements).

² In the event that the data required by federal statistical bodies on third parties is available from cantonal or communal agencies or from other entities of the public law, such data must be collected from said agencies or entities (indirect survey).

³ Direct surveys require the collection of new data at source by interviewing natural persons and legal entities for the sole purposes of this Act. The number and type of surveys are limited to what is strictly necessary.

⁴ In the case of surveys conducted in terms of this Act, the Confederation gives notice of the purpose and the legal basis for processing the data, and the categories of participants in the data records and the data recipients.

⁵ The organisations, agencies and other public legal entities in terms of paragraphs 1 and 2 must make the data available to the Federal Statistical Office free of charge.⁸

Section 2 Power to Commission Surveys and Participation**Art. 5** Commissioning surveys

¹ The Federal Council shall commission the required surveys. In doing so, it may provide for hybrid direct and indirect surveys.

² It may delegate the authority to a department, a group or an office to commission:

- a. surveys that do not include the collection of any personal data;
- b. surveys with no disclosure obligation relating to a small group of companies and businesses under private and public law;
- c. one-off surveys that relate to a small group of persons.

³ The federal institutions for research promotion and research centres subject to this Act may instruct surveys with no disclosure obligation that are one-off or limited in time.

⁴ Other organisations governed by this Act in accordance with Article 2 paragraphs 2 or 3 have the autonomous power to instruct:

- a. surveys that do not include the collection of any personal data;
- b. surveys with no disclosure obligation relating to natural persons and legal entities under private and public law that work with the organisation in order to fulfil its other duties;

⁸ Inserted by Art. 17 No 2 of the Census Act of 22 June 2007, in force since 1 Jan. 2008 (AS 2007 6743; BBl 2007 53).

c. surveys with the disclosure obligation if this is provided for by another act.

⁵ Surveys for the purpose of testing methodology may be conducted without special instruction, provided there is no disclosure obligation.

Art. 6 Obligations of the interviewees

¹ Direct surveys are voluntary for natural persons in private households. The foregoing is subject to the obligation to provide information under Article 10 of the Census Act of 22 June 2007^{9,10}

^{1bis} Indirect surveys are mandatory for natural persons, legal entities and organisations that carry out public tasks.¹¹

² The survey shall be conducted in a format that imposes the least possible administrative burden on those under obligation.

³ Any person who provides information voluntarily for a survey must do so in a truthful manner and to the best of their knowledge. The Federal Council may provide compensation for voluntary information where its provision requires an exceptional amount of time and effort from the interviewees.

⁴ The Federal Council may on, commissioning a survey, require natural persons and legal entities under private and public law and their representatives to disclose information if this is absolutely necessary for the completeness, representativeness, comparability or up-to-dateness of a statistic. The persons and entities under this obligation are required to provide the information truthfully, within the deadline, free of charge and in the prescribed form.¹²

Art. 7 Participation of the cantons and the communes

¹ On commissioning a survey, the Federal Council shall determine the extent to which the cantons and communes participate in conducting the survey.

² It may instruct the transfer of data from their data records, provided the legal basis for the data records does not expressly exclude use of such data for statistical purposes. In the event that the data is subject to a statutory duty of confidentiality, it may not be divulged in accordance with Article 19 of this Act as well as with Article 22¹³ of the Data Protection Act of 19 June 1992¹⁴.

³ The cantons and communes each meet the costs incurred arising from their participation. Cantonal legislation may regulate the allocation of costs between the cantons and the communes differently.

⁹ SR 431.112

¹⁰ Amended by No I of the FA of 23 Dec. 2011 (Participation in Federal Statistical Surveys), in force since 15 July 2012 (AS 2012 3131; BBl 2011 3967 4429).

¹¹ Inserted by No I of the FA of 23 Dec. 2011 (Participation in Federal Statistical Surveys), in force since 15 July 2012 (AS 2012 3131; BBl 2011 3967 4429).

¹² Inserted by No I of the FA of 23 Dec. 2011 (Participation in Federal Statistical Surveys), in force since 15 July 2012 (AS 2012 3131; BBl 2011 3967 4429).

¹³ Revised by the Drafting Committee of the Federal Assembly (Art. 33 Inter-Council Relations Act; AS 1974 1051).

¹⁴ SR 235.1

⁴ The Federal Council may provide compensation for special expenditures or for supplementary services provided voluntarily.

Art. 8 Participation of other agencies

Research centres and other suitable organisations may, with their consent, be called on to participate in surveys or in other statistical activities, provided that data protection is guaranteed. Compensation may be provided.

Art. 9 Multi-year programme

¹ A multi-year programme is prepared for each legislature period as part of the legislative planning.

² The multi-year programme provides information on:

- a. the major statistical activities of federal statistical bodies;
- b. the financial and staff resources provided by the Confederation;
- c. the impact on participants and interviewees;
- d. international cooperation.

Section 3 Organisation of Federal Statistics

Art. 10 Federal Statistical Office

¹ The Federal Statistical Office (Federal Office) is the central statistical office of the Confederation. It provides statistical services for the administrative units of the Confederation, for other users of data produced by federal statistical bodies and for the general public.

² The Federal Office coordinates federal statistical bodies and draws up standard principles in the interests of national and international comparability. It prepares the multi-year programme in cooperation with other statistical offices and after consulting interested parties. It normally conducts the surveys and prepares comprehensive compilations of data, provided the Federal Council does not assign this duty to another statistical office or federal office.

³ The Federal Office cooperates closely with the cantons in the maintenance of a Business and Enterprise Register (BER) used as an aid in conducting surveys on businesses and enterprises. The Federal Council may provide that specific data is also used for purposes related to specific persons in the public interest.

^{3bis} The Federal Office cooperates closely with the cantons in the maintenance of a Federal Register of Buildings and Dwellings (RBD). Access to the Register for statistical, research and planning purposes and to fulfil statutory obligations is open to the Confederation, and to each canton and commune in respect of the data pertaining to its territory. The Federal Council shall regulate the management of the Register and decree more detailed provisions on data protection. Insofar as no personal