

LAW No. 1405
LAW OF NOVEMBER 1, 2021

DAVID CHOQUEHUANCA CÉSPEDES
ACTING PRESIDENT OF THE PLURINATIONAL STATE OF BOLIVIA

Whereas, the Plurinational Legislative Assembly has enacted the following Law: THE

PLURINATIONAL LEGISLATIVE ASSEMBLY,

DECREES:

**LAW ON OFFICIAL STATISTICS OF THE
PLURINATIONAL STATE OF BOLIVIA**

CHAPTER I
GENERAL
PROVISIONS

ARTICLE 1. (PURPOSE). The purpose of this Law is to regulate the production of official statistics of the Plurinational State of Bolivia through the National Institute of Statistics (INE).

ARTICLE 2. (COMPETENCE FRAMEWORK). This Law falls within the scope of:

- a) The exclusive jurisdiction of the central level of the State over official censuses, established in paragraph 16 of Section I of Article 298 of the Political Constitution of the State;
- b) The exclusive competence of the central level of the State to prepare and approve official statistics, as provided for in paragraph 13 of Section II of Article 298 of the Political Constitution of the State.

ARTICLE 3. (SCOPE OF APPLICATION).

This Law applies throughout the territory of the Plurinational State of Bolivia to:

- a) Entities that produce official statistics;
- b) Informants;
- c) Users of statistics.

ARTICLE 4. (DEFINITIONS). For the purposes of this Law, the following definitions shall apply:

- a) Anonymization. Process that expresses data relating to entities or persons, eliminating references to their identity;
- b) Fortuitous event. An internal obstacle attributable to man, unforeseen or unavoidable, relating to the very conditions under which the obligation was to be fulfilled (civil unrest, strikes, blockades, revolutions, etc.);
- c) Census. Set of operations consisting of collecting, compiling, evaluating, analyzing, and disseminating characteristics of statistical units belonging to a given population or universe;
- d) Data. Quantitative or qualitative value with respect to a variable, with reference to time and space;
- e) Survey. Set of activities aimed at collecting, compiling, evaluating, analyzing, and disseminating characteristics of a sample, whether probabilistic or not, representative of a given population or universe.
- f) Entities producing official statistics. This includes the INE and central government entities certified by the governing authority for statistical production, which collect, compile, process, or safeguard information to produce and disseminate official statistics within the scope of their powers.
- g) Official statistics. Statistics published by the INE and entities that produce official statistics, resulting from statistical production that describes economic, demographic, social, environmental, and other phenomena in a representative manner;
- h) Standardization. Normalization or unification of concepts, coding, classifiers, and processes, among others, with the aim of ensuring the comparability and integration of official statistics at the national and international levels.

- i) Force majeure. An external, unforeseen, or unavoidable obstacle that causes a force beyond human control that prevents the fulfillment of an obligation (fires, floods, and other natural disasters).
- j) Official source. INE and certified central government entities that collect or compile information from primary sources, process and publish statistics within the scope of their powers;
- k) Informant. Any natural or legal person, public, private, or mixed, including autonomous territorial entities, social organizations, non-governmental organizations (NGOs), foundations, non-profit civil entities, religious and spiritual belief entities, international organizations, cooperation agencies, and other subjects of international law, from which the INE and entities producing official statistics request information;
- l) Metadata. Data and documents that describe statistical information and processes in a standardized manner, providing information on sources, categories, variables, methods, definitions, classifications, and data quality.
- m) Microdata. Data from the basic units of observation that constitute the databases of surveys, censuses, and administrative records, which have been obtained through statistical methods and techniques, constituting inputs for the generation of statistics and indicators;
- n) Statistical production. Set of procedures by which information is planned, gathered, collected, and processed for the purpose of obtaining and disseminating statistics and indicators;
- o) Administrative records. Set of data recorded by public, private, or mixed entities, including autonomous territorial entities, social organizations, NGOs, foundations, non-profit civil entities, religious and spiritual belief entities, international organizations, cooperation agencies, and other subjects of international law, which they collect as part of their institutional powers and obligations;
- p) User. Natural or legal person who makes use of statistical information produced by the INE and entities that produce official statistics.

ARTICLE 5. (STATISTICAL SECRECY).

I. The information provided by respondents may not be disclosed individually and may only be published in anonymized form. Likewise, it may not be used for tax, judicial, administrative, or police purposes, even if an administrative or judicial order is issued.

II. The exchange of microdata between entities that produce official statistics, as well as the INE, must be carried out only within the framework of each entity's powers, respecting statistical confidentiality.

CHAPTER II NATIONAL INSTITUTE OF STATISTICS

ARTICLE 6. (NATIONAL INSTITUTE OF STATISTICS).

I. The INE is a decentralized, specialized technical public institution with administrative, financial, legal, and technical autonomy, with its own assets, under the supervision of the Ministry of Development Planning, with headquarters in the city of La Paz and offices throughout the Plurinational State of Bolivia.

II. The INE is responsible for producing, regulating, and disseminating official statistics through administrative records, censuses, surveys, geostatistical information, unstructured information, among others.

III. The INE is the only entity in charge of conducting official censuses throughout the territory of the Plurinational State of Bolivia.

IV. The INE shall carry out its activities impartially, with technical autonomy, free from any kind of pressure or interference, in order to provide official statistics.

ARTICLE 7. (POWERS OF THE NATIONAL INSTITUTE OF STATISTICS). The INE has the following powers:

- a) To produce official statistics within the framework of this Law;
- b) To conduct official censuses, within the framework of the exclusive competence of the central level of the State established in paragraph 16 of Section I of Article 298 of the Political Constitution of the State;
- c) To act as the governing authority for the production of official statistics in the Plurinational State of Bolivia;
- d) Certify central government entities as producers of official statistics;
- e) Define the technical criteria and standards to be applied by entities producing official statistics for the preparation of statistics, within the framework of the principles established in this Law;
- f) Promote the generation and use of statistical, geographic, and geospatial information;
- g) Apply sanctions in accordance with the provisions of this Law and current regulations;
- h) Sign inter-institutional agreements and/or conventions with central government entities, within the scope of its powers;
- i) Provide training and technical assistance services in the field of statistics;
- j) Conduct official surveys;
- k) Forward to the entity in charge of the Commercial Registry the list of informants who failed to submit statistical information and pay fines;
- l) Forward to the Ministry of Foreign Affairs, through the Ministry of Development Planning, the register of respondents who failed to submit statistical information and pay fines;
- m) Others as established by law.

ARTICLE 8. (CONFIDENTIALITY AGREEMENT). Public servants, temporary staff, and consultants, upon assuming their duties at the INE, must sign a confidentiality agreement regarding the information to which they have access or knowledge in the exercise of their duties, which shall remain in force even after they cease to work for the entity. This provision also applies to volunteers in census activities.

ARTICLE 9. (EXECUTIVE DIRECTOR).

I. The Chief Executive Officer is the highest executive authority of the INE and shall be appointed by Supreme Resolution from a shortlist of three candidates proposed by the Minister of Development Planning.

II. The Executive Director of the INE who has ceased to hold office may not be reappointed to the same position until two (2) years have elapsed since the termination of their functions.

ARTICLE 10. (TERMINATION OF THE EXECUTIVE DIRECTOR'S TERM OF OFFICE). The Director General of the INE shall cease to hold office due to:

- a) Resignation;
- b) Retirement;
- c) Disability or death;
- d) Dismissal;
- e) Abandonment of duties for a period of three (3) consecutive working days or six (6) non-consecutive days in a month, without proper justification;
- f) Due to elimination of the position.

ARTICLE 11. (DUTIES OF THE EXECUTIVE DIRECTOR OF THE INE). The duties of the Executive Director of the INE are:

- a) To act as the legal representative of the institution;
- b) To approve the Institutional Strategic Plan (PEI) and the Annual Operating Plan (POA);
- c) To approve the INE budget;

- d) To approve the institution's internal regulations and manuals, in accordance with current regulations;
- e) Issuing administrative resolutions, rules, and technical guidelines within the scope of their powers;
- f) Approve the use of classifications and standards applied in official statistics;
- g) Sign inter-institutional agreements and/or conventions with central government entities, within the scope of its powers;
- h) Issue administrative sanctions.

ARTICLE 12. (INCOMPATIBILITIES OF THE EXECUTIVE DIRECTOR).

I. The Executive Director of the INE, in the exercise of their functions, may not:

- a) Exercise other public functions simultaneously, with the exception of teaching;
- b) Acquire ownership or equity interest in a company or corporation whose business purpose or line of business is the production, collection of data, and/or surveys. This incompatibility shall also apply when relatives of the Director or Chief Executive Officer, up to the fourth degree of consanguinity and second degree of affinity, acquire ownership or equity interest in a company or corporation whose business purpose or activity is the production, collection of data, and/or surveys.

II. When the Chief Executive Officer has left office, he or she may not own or hold equity interests in a company or corporation whose business purpose or activity, or part thereof, is the production, collection of data, and/or surveys, for a period of one (1) year from the date of termination of their functions, a limitation that extends to their spouse or partner as well as their first-degree relatives by blood. To this end, the INE shall notify the entity in charge of the Commercial Registry of the impediment to obtaining the respective commercial registration.

ARTICLE 13. (IMPEDIMENTS AND INCOMPATIBILITIES OF PUBLIC SERVANTS, TEMPORARY STAFF, AND CONSULTANTS OF THE INE).

I. Persons who own or have an equity interest in a company or partnership whose business purpose or line of business is the production, collection of data, and/or surveys may not join the INE as public servants, temporary staff, or consultants.

II. It is incompatible with the exercise of functions as public servants, temporary staff, or consultants of the INE to acquire ownership or equity interest in a company or partnership whose purpose or business is the production, collection of data, and/or surveys.

This incompatibility shall also apply when relatives of the public servant, temporary staff member, or consultant, in the first degree of consanguinity or affinity, acquire ownership or equity interest in a company or partnership whose business purpose or activity is the production, collection of data, and/or surveys.

III. When the personnel referred to in the previous paragraph have ceased to hold office, they may not be owners or have equity interests in a company or partnership whose business purpose or activity is the production, collection of data, and/or surveys for a period of one (1) year from the date of cessation of their functions. To this end, the INE shall notify the entity in charge of the Commercial Registry of the impediment to obtaining the respective commercial registration.

IV. INE civil servants, temporary staff, and consultants are prohibited from using information in their custody or to which they have access for purposes other than their duties, except for information published or disseminated by the INE, either directly or through an intermediary.

ARTICLE 14. (FINANCING). In order to fulfill its objectives, the INE may have the following sources of financing at its disposal

sources of funding:

- a) Resources from the General Treasury of the Nation (TGN), according to financial availability;
- b) Official donations, in accordance with current regulations;
- c) External credit, in accordance with current regulations;
- d) Specific resources.

CHAPTER III OFFICIAL STATISTICS

ARTICLE 15. (PRINCIPLES OF STATISTICAL INFORMATION).

The production of statistical information shall be carried out in accordance with the following principles:

- a) Clarity. Statistics must be presented in an understandable manner;
- b) Quality in technical results. Statistics must be produced with quality throughout the entire statistical production process. Statistical results must meet the following characteristics:
 - i. Timeliness and punctuality. Statistical production must be carried out within the established or planned deadlines, so that the results are timely for decision-making;*
 - ii. Accuracy and reliability. Statistics should reflect reality as faithfully, accurately, and consistently as possible and be based on scientific criteria used for the selection of sources, methods, and procedures.*
 - iii. Coherence and comparability. Statistics must be coherent, consistent, and comparable over time, both internally and internationally, in strict compliance with the principles, methods, and procedures generally accepted by statistical technique and science;*
 - iv. Relevance and relevance. Statistics must meet information needs within the framework of comprehensive government planning.*
- c) Impartiality and objectivity. Statistics must be compiled, produced, and disseminated in a neutral, reliable, and impartial manner;
- d) Cost-effectiveness. Entities producing official statistics must make the best possible use of all available resources to achieve the expected result, seeking to avoid duplication of activities.
- e) Transparency. The methods and procedures applied must be communicated transparently to users to facilitate correct interpretation.

ARTICLE 16. (OFFICIAL STATISTICS PRODUCERS). Official statistics producers are official statistics are:

- a) The INE;
- b) Public entities at the central level of the State, certified by the INE.

ARTICLE 17. (GOVERNING AUTHORITY). The INE is the governing authority for the production of official statistics of the Plurinational State of Bolivia.

ARTICLE 18. (POWERS OF ENTITIES PRODUCING OFFICIAL STATISTICS).

The powers of entities producing official statistics are:

- a) To produce official statistics within the framework of their powers and this Law;
- b) To conduct specific surveys within the scope of their powers;
- c) Access anonymized administrative records and other information deemed necessary for the compilation of official statistics, except for information classified as confidential or restricted, in accordance with current regulations;
- d) Inform respondents of the objectives of statistical production and the results that will be obtained from the information requested from them;
- e) Access, free of charge, the information required to produce official statistics;
- f) Exchange data and information for statistical purposes between entities that produce official statistics;

- g) Publish the results obtained by any means;
- h) Make official observations on misinterpretations and misuse of official statistics, within the scope of their powers;
- i) Apply sanctions in accordance with the provisions of this Law and current regulations.

ARTICLE 19. (CERTIFICATION).

I. Central government entities, in order to be considered producers of official statistics, must be certified by the INE regarding the methodology and procedures used to produce statistical data. This certification must guarantee the quality of statistical production, in accordance with regulations established by Supreme Decree.

II. Entities that produce statistics based on methodologies proposed in international statistical manuals and/or produce data according to the statistical needs of the country shall request certification from the INE as an entity producing official statistics.

ARTICLE 20. (OFFICIAL NATURE OF DATA OR STATISTICS).

Data or statistics shall become official when published by official sources through physical or digital media.

CHAPTER IV OBLIGATIONS AND NON-COMPLIANCE

ARTICLE 21. (OBLIGATION OF RESPONDENTS).

I. It is the obligation of informants to provide, on a mandatory basis, to the INE and to central government entities, by the means requested and within the established time frame, reliable data and information, geographical and other information from the informant, as well as administrative records concerning facts that are necessary due to their nature and purpose.

II. Information from public entities classified as confidential or restricted, in accordance with applicable regulations, is exempt from the scope of the preceding paragraph.

ARTICLE 22. (OBLIGATIONS OF ENTITIES PRODUCING OFFICIAL STATISTICS).

The obligations of entities producing official statistics are:

- a) To comply with the technical criteria and standards established by the governing authority, in accordance with regulations;
- b) To disseminate their statistics in accordance with the principles established in this Law;
- c) To disseminate microdata sets that have been previously anonymized;
- d) To update the certification of the entity producing official statistics when required by the governing authority and at the frequency established in accordance with regulations;
- e) Provide reliable, timely, and high-quality statistics so that statistical production meets the comprehensive planning needs of the Plurinational State of Bolivia;
- f) Entities that produce official statistics must inform respondents of: the obligation to submit the requested information within the required time frame, the objectives of collecting this data, the protection of statistical confidentiality, and the penalties that may be applied in the event of late submission, non-submission, or submission of erroneous information;
- g) Ensure that public servants, temporary staff, and consultants who perform functions related to the production of statistics sign a confidentiality agreement. The confidentiality agreement shall remain in force even after they cease to work for the entity;
- h) Document the metadata of all statistics generated;
- i) Periodically send the INE an updated list of respondents who have not complied with the delivery of

information or the payment of fines imposed.

ARTICLE 23. (USER OBLIGATIONS).

- I.** The statistics to which the user has access are the exclusive property of the entities that produce official statistics; therefore, under no circumstances may the access granted to the user be understood as a transfer or license of rights over said statistics.
- II.** The user is solely responsible for the results of data processing and interpretation, and not the entity that produces official statistics.
- III.** The processing of data or information by the user and the use of logos, isotypes, and others does not imply the endorsement or sponsorship of the entity producing official statistics.

ARTICLE 24. (FAILURE TO PROVIDE INFORMATION BY INFORMANTS).

- I.** Reporters who, within the framework of this Law, fail to deliver the information within the period requested by the entities indicated in Article 16 of this Law, or deliver it in an erroneous or incomplete manner, shall be subject to penalties. The imposition of penalties does not release the offending informant from the obligation to provide statistical information, which must be complied with without the need for an express warning.
- II.** The preceding paragraph does not apply to natural persons, diplomatic representations, special missions, consular missions, international organizations, cooperation agencies, and other subjects of international law.

ARTICLE 25. (NON-COMPLIANCE BY THE INE OR PUBLIC ENTITIES IN THEIR CAPACITY AS REPORTING ENTITIES).

- I.** In the event that the INE or public entities fail to provide the information without justification, or if the information is incomplete, erroneous, or late, the entities described in Article 16 of this Law may file and process the corresponding complaint within the framework of the provisions of Law No. 974 of September 4, 2017, on Transparency and Anti-Corruption Units, and applicable regulations.
- II.** Failure to provide the information or incomplete delivery shall not be considered a breach when the informant communicates to the official statistics-producing entity requesting the information, within the requested time limit, in writing or by digital means, constituting a sworn statement, and substantiating one of the following grounds:
 - a) Expressly established confidentiality or privilege, except in cases where this status has been lifted by a competent authority, in accordance with the provisions of current regulations;
 - b) Non-existence of the requested information in the entity's records;
 - c) Lack of authority or competence to provide the information, when it corresponds to another entity;
 - d) Fortuitous event or force majeure.

ARTICLE 26. (PROVISION OF INFORMATION BY INTERNATIONAL ORGANIZATIONS, COOPERATION AGENCIES, AND OTHER SUBJECTS OF INTERNATIONAL LAW).

- I.** International organizations, cooperation agencies, and other subjects of international law must provide additional information for statistical purposes through the Ministry of Foreign Affairs, within the framework of international instruments signed with the Bolivian State.
- II.** In the event of erroneous or incomplete information for statistical purposes from international organizations, cooperation agencies, and other subjects of international law, or if they fail to provide information within the time frame requested by the

entities indicated in Article 16 of this Law, the INE, through the Ministry of Development Planning, shall notify the Ministry of Foreign Affairs so that it may take the appropriate measures.

CHAPTER V
VIOLATIONS AND SANCTIONS FOR INFORMANTS WHO DO NOT BELONG TO THE STATE PUBLIC
ADMINISTRATION

ARTICLE 27. (VIOLATIONS). The following actions by informants, both from the INE and from central government entities, constitute violations:

- a) Failure to provide information within the requested time frame;
- b) The delivery of erroneous or incomplete information.

ARTICLE 28. (SANCTIONS).

I. The violations indicated in the preceding Article shall be subject to a fine of up to UFV7,200 (Seven Thousand Two Hundred 00/100 Housing Development Units).

II. The amount of the fine shall be differentiated in accordance with the principle of proportionality.

III. The amount of the fines, the deadline for payment, and other aspects necessary for the application of the penalties indicated in Paragraph I of this Article shall be established by regulatory Supreme Decree.

ARTICLE 29. (EXCEPTION TO THE APPLICATION OF SANCTIONS).

I. If the informant is unable to comply with the delivery of the information, they must send the INE or entities at the central level of the requesting State, prior to the expiration of the required deadline, in writing and attaching the corresponding supporting documentation, their justification based solely on one of the following causes:

- a) That the requested information does not correspond to the scope or area of their activities;
- b) Fortuitous event or force majeure.

II. In cases where the INE or the central government entities accept the justification presented as valid, no penalties shall be imposed.

III. The penalties established in the preceding Article do not apply to individuals.

ARTICLE 30. (REQUIREMENT FOR UPDATING THE COMMERCIAL REGISTRY).

When requesting the updating of their commercial registration before the competent authority, private legal entities must not have any pending information to be submitted to the INE or the requesting central government entity, which does not exclude the payment of the corresponding fines.

ARTICLE 31. (REQUIREMENT FOR REQUESTING AUTHORIZATION FOR TAX EXEMPTION)

FEE SCHEDULE). For the application of subsection e) of Article 28 of Law No. 1990 of July 28, 1999, General Customs Law, NGOs, foundations, and non-profit civil entities, in addition to the requirements established in specific regulations, must submit digital or printed certification from the governing authority of official statistics of the Plurinational State of Bolivia, establishing that they have no pending information to be submitted to the INE or to the central government entity, at the time of requesting authorization for exemption from customs duties from the Ministry of Economy and Public Finance.

ARTICLE 32. (DESTINATION OF RESOURCES FROM FINES).

- I.** The resources collected from the application of the fines established in Article 28 of this Law shall be deposited in the Single Treasury Account held by the TGN.
- II.** The funds referred to in the preceding paragraph may be allocated by the Ministry of Economy and Public Finance, through the TGN, at the request of the collecting entities, according to an assessment of the funds received for this purpose and the availability of the TGN.

ARTICLE 33. (PROCEDURE FOR IMPOSING SANCTIONS).

- I.** For the imposition of a penalty, within the framework of Article 24 of this Law, for the provision of erroneous or incomplete information, the penalty procedure provided for in Chapter VI of Law No. 2341 of April 23, 2002, on Administrative Procedure, shall apply.
- II.** The penalty for failure to provide information within the requested time frame shall be imposed solely for failure to meet said deadline, except in the cases indicated in Paragraphs II and III of Article 29 of this Law.
- III.** An appeal for revocation may be lodged against the final administrative sanctioning resolution issued within the framework of the preceding paragraphs, as provided for in Section II of Chapter V of Law No. 2341. The resolution resolving such appeal or the expiration of the deadline for filing it shall be subject to the appeal
- an appeal for revocation may be filed as provided for in Section II of Chapter V of Law No. 2341. The resolution resolving such appeal or the expiration of the deadline for issuing it shall put an end to the administrative proceedings.

ADDITIONAL PROVISION

SOLE.

- I.** The governing authority shall refer to the entity in charge of the Commercial Registry or, where appropriate, notify the Ministry of Foreign Affairs, through the Ministry of Development Planning, of the registration of informants who failed to comply with the submission of information and payment of fines.
- II.** When the offending reporting entities comply with the submission of information and payment of fines owed, the governing authority shall report to the entity responsible for the Commercial Registry or to the Ministry of Foreign Affairs, through the Ministry of Development Planning, as appropriate, the lifting of the sanction.

TRANSITIONAL PROVISIONS

- FIRST.** Within a period not exceeding ninety (90) calendar days from the publication of this Law, the Executive Branch shall approve the regulatory Supreme Decree.
- SECOND.** Information produced by central government entities shall remain official for a period of two (2) years from the date of publication of this Law, during which time they must apply to the governing authority for the corresponding certification as an entity producing official statistics.
- THIRD.** The procedures for exemption from customs duties for NGOs, foundations, and non-profit civil entities that, on the date of publication of this Law, are pending authorization by the Ministry of Economy and Public Finance, shall be governed by the regulations in force on the date of commencement of the procedure.

FINAL PROVISION

SOLE.

As of the publication of this Law, the Basic Cooperation Framework Agreements to be signed between the Plurinational State of Bolivia and foreign NGOs and foundations must contain a clause stating the obligation to comply with the regulations in force in the Plurinational State of Bolivia on statistical information, in an

unrestricted manner.

SOLE REPEALING PROVISION

SOLE.

The following provisions are repealed:

- a) Decree Law No. 14100 of November 5, 1976;
- b) Decree Law No. 16686 of June 28, 1979;
- c) Supreme Decree No. 24736 of July 31, 1997.

Refer to the Executive Branch for constitutional purposes.

Issued in the Session Hall of the Plurinational Legislative Assembly, on the eighth day of October of the year two thousand twenty-one.

Signed: Lindauro Rasguido Mejía, Freddy Mamani Laura, Gladys V. Alarcón F. de Ayala, María R. Nacif Barboza, Patricio Mendoza Chumpe, Walter Villagra Romay.

Therefore, I hereby enact it to be held and enforced as Law of the Plurinational State of Bolivia.

Casa Grande del Pueblo in the city of La Paz, on the first day of November of the year two thousand twenty-one.

DAVID CHOQUEHUANCA CÉSPEDES, Maria Nela Prada Tejada, Rogelio Mayta Mayta, Marcelo Alejandro Montenegro Gómez García, Felima Gabriela Mendoza Gumiel.