

**296/2009 Coll.**

**Act  
of 22 July 2009**

**on Population and Housing Census in 2011**

The Parliament resolved on this Act of the Czech Republic:

**Section 1  
Subject matter**

This Act regulates preparation and carrying out the Population and Housing Census in 2011 in the Czech Republic (hereinafter referred to as „Census“) and conditions for Census data providing.

**Section 2  
Definitions**

For purposes of this Act,

- a) „Census“ shall mean a specific Statistical Survey during which data on natural persons, their demographic, social and economic characteristics, households, housing arrangements and spatial distribution and structure of dwelling stock in the territory of the Czech Republic are surveyed, within the time which is specified in this Act – the decisive moment,
- b) „obligated person“ shall mean an adult natural and legally competent person or a legal entity, bound to provide or check data required by this Act,
- c) „permitted temporary residence in territory“ shall mean a stay of an alien with a temporary residence permit in the territory of the Czech Republic issued for a stay for over 90 days in accordance with another law<sup>1)</sup>, resident of an European Union member state citizen, who intends to continue his/her temporary residence in the territory of the Czech Republic for a period exceeding 3 months<sup>1)</sup>, and a residence of an alien who has been granted international protection in the form of asylum or subsidiary protection in the territory of the Czech Republic<sup>2)</sup>, or temporary protection<sup>3)</sup>,
- d) „house“ shall mean a building<sup>4)</sup> that contains living quarters designed for human habitation or accommodation in the absence of this act so providing,
- e) „dwelling“ shall mean a set of rooms or one separate room what is determined for housing by Building Authority,

f) „dwelling household“ shall mean a natural person or community of natural persons living in specified dwelling regardless of the type and duration of residence, or those who are found in a specified dwelling in the decisive moment,

g) „dwelling user“ shall mean a natural person or natural persons using *de facto* a dwelling regardless of the type and duration of residence, legal title of usage of dwelling mentioned or missing legal title of usage

h) „institution“ shall mean a building which is designated as a whole or partially for collective accommodation facilities or a building designated for social or health bed care delivery,

i) „provider of services relating to the Census and its results processing“ shall mean a legal entity or a natural person who concludes a public contract performed by the Czech Statistical Office (hereinafter referred to as „Office“) according to another legislation<sup>5)</sup>,

j) „enumerator“ shall mean a natural person who carries out dissemination and collection of census questionnaires and other relating activities,

k) „enumeration unit“ shall mean a territorial unit designated for the purposes of Census organization and executing field operations, which is defined by an address list of buildings including seasonal and secondary housing units,

l) „census questionnaire“ shall mean a document in a paper or electronical form whereon an obliged person shall declare data required by this Act,

m) „pre-fulfilling of a census questionnaire“ shall mean fulfilling data from information systems of public administration<sup>6)</sup> into the census questionnaires.

### **Section 3 Data Survey and Processing**

Data are collected within the time specified in this act and are processed with respect to their interrelations in following regional breakdown:

a) Czech Republic ,

b) regions of cohesion<sup>7)</sup>,

c) self-governing regions<sup>8)</sup>,

d) districts<sup>9)</sup>,

e) administrative districts of municipalities with extended powers,

f) administrative districts of municipalities with the designated authority,

g) municipalities,

- h) parts of municipalities <sup>10)</sup>,
- i) basic settlement units <sup>11)</sup>,
- j) statistical units <sup>11)</sup>.

#### **Section 4 Term of the Census**

(1) The Census shall take place in 2011.

(2) In accordance with this Act, the decisive moment for data surveying shall be midnight from Friday 25 of March to Saturday 26 of March 2011.

#### **Section 5 The Scope of the Census**

(1) Subjects of the Census shall be following:

- a) any natural person having permanent residence <sup>12)</sup> or permission for temporary residence in the territory of the Czech Republic at the decisive moment,
- b) any other natural person being found in the territory of the Czech Republic at the decisive moment and having neither permanent residence nor a temporary resident permit,
- c) whatever house, even vacant,
- d) whatever dwelling, even vacant.

(2) The Census shall cover neither foreign citizens enjoying diplomatic privileges and immunities nor housing units and dwellings owned by foreign countries in the territory of the Czech Republic serving for diplomatic purposes.

#### **Section 6 Census content**

The following data shall be collected for Census purposes:

- a) compulsory data about natural persons
  1. identification of the dwelling - district, municipality, part of municipality, enumeration unit, street and row number of the building ,house number or registration number <sup>13)</sup>, serial number of the building, the number of the dwelling,
  2. name, eventually names and surname,
  3. personal identification number,

4. date of birth,
5. sex,
6. country of citizenship,
7. legal marital status,
8. registered partnership,
9. place of residence at decisive moment,
10. place of residence one year prior to the Census,
11. place of residence of mother at the time of person's birth,
12. mother language,
13. educational attainment,
14. field of education,
15. total number of children born alive,
16. number of children born alive during current or last marriage,
17. main economic activity,
18. industry (branch of economic activity),
19. occupation,
20. status in employment,
21. location of place of work or school,
22. frequency of journey to work or school ,
23. time spent on daily journey or outwalk to work or school,
24. mode of transport used for daily journey or outwalk to work or school,

b) voluntary data about natural persons

1. ethnicity,
2. religious belief;

c) about housing arrangements, dwellings and dwelling households

1. identification of the dwelling - district, municipality, part of municipality, enumeration unit, street and row number of the building ,house number of registration number <sup>13)</sup>, serial number of the building, the number of the dwelling,
2. housing arrangements of dwelling household,
3. occupancy status of the dwelling,
4. legal title for the use of the dwelling
5. dwelling size – number of rooms and floor space,
  - 5.1 kitchen or kitchenette,
  - 5.2 rooms of floor space 4 to 7,9 m<sup>2</sup>,
  - 5.3 rooms of floor space 8 and more m<sup>2</sup>,
  - 5.4 other spaces of dwelling than rooms,
6. position of dwelling in house,
7. piped gas,
8. water supply system,
9. hot water,
10. type of heating,
11. energy used for heating,
12. bathroom or shower,
13. toilet facilities,
14. personal computer and internet connection,
15. list of natural persons living in the dwelling or the other living quarter – name or names, and surnames, data of birth,

16. relationships between persons sharing common housekeeping within the scope of dwelling household,
17. members of the dwelling household staying 12 and more months out of the territory of the Czech Republic - name or names, and surnames, data of birth,
18. temporarily present persons - name or names, and surnames, date of birth;

d) on housing units

1. identification of the building - district, municipality, part of municipality, enumeration unit, street and row number of the building, house number or registration number, serial number of the building,
2. number of dwellings in the house,
3. type of the building,
4. occupancy status,
5. type of owner,
6. period of construction or reconstruction,
7. material of bearing walls,
8. number of floors (above the ground),
9. connection to sewerage,
10. central heating and type of fuel,
11. lift.

## **Section 7**

### **Obligation to Provide Data**

(1) Natural persons indicated in Section 5, paragraph 1, letter a) and b) shall be obligated to provide data surveyed in the Census in the extent and way stipulated by this Act. They also shall be liable:

a) to prove their identity to the enumerator during delivery of prefulfilled questionnaires or during delivery of password for authorized access to questionnaires in electronic form, if the enumerator asks for; citizens of the Czech Republic prove the identity by the identity card or passport, foreigners by their travel document or another document proving the identity of,

b) to return completed census questionnaires to the enumerator or send them by postal service, or send them electronically to the designated address under the conditions laid down in the implementing legislation.

(2) Natural person indicated in Section 5, paragraph 1, letter a) shall be also obligated to enroll for subsequent Census in accordance with Section 21.

(3) Natural person indicated in Section 5, paragraph 1, letter a) and b) shall be obligated to provide data indicated in Section 6, letter c) on dwelling which uses.

(4) Owner or administrator of a building is obligated to provide data indicated in Section 6, letter d) and also data on vacant dwellings in occupied building.

(5) If the institution represents an detached enumeration unit the enumerator shall be obligated to disseminate and collect completed census questionnaires from every person that is either housed or granted by health bed care or social care services.

(6) If the institution does not represent an detached enumeration unit the administrator shall be obligated to disseminate and collect completed census questionnaires from every person that is either accommodated or granted by health bed care or social care services. The administrator of institution shall return the census questionnaires to the enumerator.

(7) Legal entity or natural person being under obligation to provide data shall provide exact and complete data in due form and in time determined by this Act.

(8) The data for under age persons and persons legally incapable shall be provided according to the Civil Code by their legal representative or their custodian or by other person entrusted with custody of a child by decision of competent authority, with the exception of Section 16, paragraph 5.

(9) Costs arising from meeting the obligations following this Act shall be borne by an owner of a house.

## **Section 8 Office's Tasks**

(1) The Office shall organize, govern and ensure preparation and conducting of Census and its output processing.

(2) With regard to paragraph 1 the Office shall

- a) announce public contracts and conclude contracts on services related to the Census with contractors,
- b) delimitate enumeration units,
- c) supervise carrying out the Census,
- d) set up conditions for the protection of personal data when collecting and processing and assure their compliance,
- e) ensure training of enumerators,
- f) ensure methodological conducting of enumerators,
- g) ensure editing of Census questionnaires and their distribution to provider of services and central administrative authorities following Section 9, paragraph 1 to 4,
- h) carry out the Census in enumeration units where the provider of service or central administrative authority following Section 9, paragraph 1 to 4 are not responsible,

- i) ensure public awareness about the Census with the aim to its correct course, whereas Section 11 of Act on Personal Data Protection shall not be applied to the Office or other authorities having state of administrator during Census,
- j) be responsible for gathering and processing of Census data according to this Act,
- k) ensure accessibility of results of Census according to Section 25 and other legislation <sup>11)</sup>.

(3) The Office shall ensure preparation of Census and its carrying out in cooperation with central administrative authorities indicated in Section 9 which ensure fundamental data for preparation of Census being required by the Office.

### **Section 9**

#### **Tasks of Some Central Administrative Authorities**

(1) Ministry of Interior shall

- a) cooperate with the Office in the field of methodical control of regions, Capital of Prague and municipalities,
- b) assure enumeration of collectively accommodated members of the Police of the Czech Republic, including members of the Police of the Czech Republic effecting in foreign countries, and in case of persons accommodated in asylum institutions and detention centres for foreigners,
- c) assure enumeration of collectively accommodated members of the Security Information Services.

(2) The Ministry of Defense shall ensure enumeration of collectively accommodated members of the professional career soldiers including members of corps operating abroad.

(3) The Ministry of Foreign Affairs shall ensure enumeration of persons with permanent residence in the Czech Republic and working at diplomatic representations abroad at the decisive moment, including their family members if they live with them abroad in a private household.

(4) The Ministry of Justice shall ensure enumeration of persons in institutions under the governance of the Prison Service of the Czech Republic and of collectively accommodated employees of the Prison Service of the Czech republic.

(5) The Czech Office for Surveying, Mapping and Cadastre shall:

- a) provide the Office detailed information on vector borders of territorial units and cartographic base for the revision of basic settlement units and statistical units
- b) cooperate with the Office in the preparation of background for Census of Housing, shall provide to the Office the necessary information on the map layer of streets, concourses and roads,
- c) provide to the Office for purposes of Census preparation the necessary data from the Land Registry Information System <sup>14)</sup>, including the identification of owners of housing units used for seasonal and secondary housing.

### **Section 10**

#### **Cooperation in Preparing of Census**

(1) The Office shall cooperate with Regional Authorities, Prague City Hall and Municipal Authorities in preparation of the Census.

(2) Regional Authorities and Prague City Hall shall express their opinion of current delimitation of borders of basic settlement units, statistical units and possibility of their alignment with the functional areas presented in the digital land-use analytical documentation.

### **Section 11**

#### **Municipal Authorities' Tasks**

(1) The municipal authority shall cooperate with the Office in the preparation and carrying out the Census. It shall express its opinion of the delimitation of basic settlement units and statistical units and of the list of buildings, including those used for secondary housing.

(2) Municipal authority also

- a) in collaboration with the Office shall assure public awareness about the importance, term, way of carrying out the Census and its organization putting out the announcement by the local regular manner ,
- b) shall participate in supplementary enumeration of obligated persons under Section 21,



- c) shall provide to individuals who are obliged persons, free public Internet access to fulfill the obligation to transmit Census information, if local conditions make it possible,
- d) shall assure organizational prerequisites for the protection of personal data of obligatory person using the public Internet access under subparagraph c),
- e) shall publish a list of enumeration units established in the territory governed by the municipality, including their delimitation,
- f) shall publish the name and surname and number of the certificate of enumerators carrying out the enumeration within particular enumeration units, and telephone links to the enumerators,
- g) shall publish a list of addresses and contacts relevant for the local offices of the Office and field service contractor.

(3) Publishing the information under paragraph 2, letters e) to g) shall take place at the usual manner, not later than 14 calendar days before the decisive moment.

(4) The tasks and responsibilities of municipal authorities <sup>15)</sup> under this Act shall perform in the Capital of Prague Municipal Authorities <sup>16)</sup>, in statutory towns Authorities of municipal districts or urban areas and in military areas Military Authorities <sup>17)</sup>.

## **Section 12 Expenditure on Census**

(1) Census expenses incurred by the Office, the central administrative authorities, the Capital of Prague, regions and municipalities are covered by the state budget.

(2) Expenditures of Capital of Prague, regions and municipalities are covered by the based subsidy from the state budget <sup>18)</sup>.

## **Section 13 Communication of Data Surveyed in Census**

(1) Obligated person shall fulfil his/her obligation by entering the data specified in Section 6 to census questionnaires, or checking the prefulfilled data in them.

- (2) Census questionnaires are the following
- a) personal questionnaire,
  - b) dwelling questionnaire,

- c) building questionnaire.

(3) Filling the data surveyed in Census may be done by one of the adult members of the dwelling household for all members of the dwelling household. In the case of absence of a mandate or if designated person will not fill the data surveyed in Census, each adult member of a dwelling household is liable. The mandate does not require a written form.

(4) If the obliged person referred to in Section 5, paragraph 1, letter a) and b) is not able to fulfil a Census form herself/himself for objective reasons, the enumerator shall do so for him/her, with the exceptions of an entry in the Census form in electronic form and the cases referred in Section 16, paragraph 5.

(5) The specimens of census questionnaires, including the definition of content of data surveyed, the concept of delivery of census questionnaires, the rule of authorized access to electronic census questionnaires, and their sending by an obliged person and the form of confirmation of their delivery by the Office, shall be regulated in implementing legislation.

#### **Section 14**

#### **Using Data from Information Systems of Public Administration in Preparing the Census and Processing of Census**

(1) The Office shall cooperate with the administrators of public administration information systems, from which it shall receive data necessary for the preparation and carrying out the Census. Administrators of the public administration information systems shall be obliged to transmit the required data to the Office by the deadlines and in the format defined by the Office, unless otherwise agreed.

(2) The Office shall use data from public administration information systems for pre-fulfilling census questionnaires and data processing, including the addition of information not being provided by the obligated person in the extent indicated in Section 6.

(3) The prefulfilled data shall be checked by the obligated person and if the person find inaccuracies, shall rectify them. The obliged person shall complete data not prefulfilled.

(4) The personal questionnaire in electronic form may be prefulfilled in these details

- a) the name or names and surnames,
- b) personal identification number,
- c) date of birth,
- d) sex,
- e) country of citizenship,
- f) marital status,
- g) data on economic activity and employment.

(5) List of data and the extent of prefilling of questionnaire following paragraph 4, letter g) and its means of implementing shall regulate the implementing legislation.

### **Section 15**

#### **Distribution and Collection of Census Questionnaires**

(1) Distribution and collection of Census questionnaires shall be carried out by enumeration units. Enumeration units shall be defined by the Office pursuant to the opinion of the respective municipal authority.

(2) The Ministry referred to in Section 9, paragraph 1 to 4 shall delimit the enumeration units in its jurisdiction.

(3) The Office may realize distribution and collection of Census forms realize through provider of services selected on the basis of public contracts awarded by another legal regulation <sup>5)</sup> and in accordance with Section 23, paragraph 6. Subject of the public contract shall be activities relating to the distribution and collection of census questionnaires, if this Act does not confer them to the jurisdiction of the Ministry specified in Section 9, paragraph 1 to 4 or to the Office.

### **Section 16**

(1) Distribution of census questionnaires in paper form shall be done by

a) delivery of the dwelling questionnaire and the necessary number of personal questionnaires to dwelling household, or to the manager of institution which was not detached as the enumeration unit,

b) delivery of building questionnaire to the owner or designated administrator of the building.

(2) The necessary number of personal questionnaires of dwelling household is determined by the number of persons who represent subjects to Census under Section 5, paragraph 1, letter a) or b), are living in the respective household or are present at the decisive moment of the Census.

(3) A natural person or a representative of a legal entity accepting Census questionnaires shall notify the enumerator expected mode of return of the completed census questionnaires to the Office and shall acknowledge the receipt of Census forms and the mode of delivery to the Office by undersigning the delivery list.

(4) Census questionnaires in paper form under paragraph 1 shall be delivered by the enumerator to members of dwelling households and to persons accommodated in institutions

or located there for health or social reasons no later than 6 hours before the decisive moment. At the same time building questionnaires are delivered to the building owners or administrators.

(5) Administrators of institutions not forming an detached enumeration units shall deliver census questionnaires to the persons accommodated in their institutions at the decisive moment. If any of these persons, is for objective reasons unable to fulfill the census questionnaire itself, will do so in its stead the administrator to the extent of information known to him. In the case of the minor or the person not having legal capacity, shall fulfill the personal questionnaire the administrator, if required information is known to him.

(6) The accepting person referred to in paragraph 3 shall hand over

a) personal questionnaire to all natural persons being present in the dwelling at the decisive moment,

b) housing and/or building questionnaire to person obligated to provide the information required under Section 6 letter c) and d).

## **Section 17**

(1) Mode of transmission of the completed census questionnaires by the obligated person shall comprise

a) handing over of completed census questionnaire to the enumerator, or

b) sending completed census questionnaires by postal services to the Office at its expense, to that end, enumerator shall issue to the accepting person to Section 16, paragraph 3, an official envelope with pre-printed address, if demanded, or

c) mailing the completed census questionnaires to the Office electronically, acceptance of data message will be confirmed electronically.

(2) If natural persons constituting a dwelling household choose the mode of return of the completed census questionnaires to the Office pursuant to paragraph 1 letter a), an enumerator shall assume completed census questionnaires in the agreed term, no later than 20 calendar days after the decisive moment.

(3) If a natural or legal person who choose the method of transmission of the completed census questionnaires referred to in paragraph 1 letter b) or c), the census questionnaires shall be sent to the Office no later than 20 calendar days after the decisive moment.

## **Section 18 Enumerators**

(1) Enumerators appointed by the Office shall carry out the distribution and collection of census questionnaires.

(2) The Ministry referred to in Section 9, paragraph 1 to 4 shall appoint enumerators acting in enumeration units, which fall within its jurisdiction.

(3) Enumerator shall be a natural person

- a) having permanent or temporary residence in the Czech Republic,
- b) aged over 18 years,
- c) with integrity,
- d) with full legal capacity,
- e) with sufficient knowledge of Czech language or minority language, if the knowledge of the minority language for carrying out the Census in their assigned area is necessary.

(4) The person with integrity for the purposes of this Act is regarded as a natural person who has not been convicted of a criminal act committed with intent, if it does not look as if he/she were not convicted of <sup>19)</sup>. The integrity shall prove the person to the Office or to the provider of services by an extract from the crime register, not being older than 3 months. The Office is entitled to request an extract from the crime register according to other legislation <sup>20)</sup>.

(5) Following his/her appointment enumerator shall take a certificate issuing by the Office, the Ministry referred to in Section 9, paragraph 1 to 4 or provider of services.

(6) When the enumerator is not able to perform her/his duties, the Office or the Ministry referred to in Section 9, paragraph 1 to 4 shall designate another enumerator, it shall take the pledge of confidentiality and it shall give him a certificate. The enumerator, who is not able to perform the function, will return immediately the certificate issued to him to perform his duties.

(7) When performing their duties, the enumerator shall identify themselves by a certificate and identity card.

(8) The specimen of the certificate of the Census enumerator shall be determined by implementing regulation.

## **Section 19**

### **Enumerators' Obligations**

(1) The enumerator shall distribute and collect census questionnaires in the enumeration unit assigned to him/her in the given terms specified in Section 16, paragraph 4 and Section 17, paragraph 2 in such a way that all persons, houses and dwellings that are subject to the Census are included.

(2) Enumerator shall

- a) complete a training and take the pledge of confidentiality under Section 23, paragraph 2,
- b) disseminate Census questionnaires in paper form to members of dwelling households and owners or administrators of houses or institutions,
- c) provide to obligated persons information required for completing census questionnaires,
- d) in the cases as provided in Section 13, paragraph 4, fill in census questionnaires instead of obligated persons,
- e) collect census questionnaires handed over in paper form in accordance with Section 17 paragraph 1 letter a), and if they are not transmitted in a sealed envelope, check the completeness of filling and indicate any obvious mistakes in completing the census questionnaires,
- f) hand over completed census questionnaires and delivery lists to the Office, the Ministry referred to in Section 9, paragraph 1 to 4 or provider of services to place and date determined by them.

(3) Enumerator is obliged to ensure guarantee that the prefulfilled or completed census questionnaires and data recorded in them cannot be stolen, lost, damaged, destroyed or otherwise abused.

## **Section 20**

### **List of Enumeration Units and Census Enumerators**

(1) The Office, the Ministry referred to in Section 9, paragraph 1 to 4 and the service provider shall keep a list of enumerators. Ministries referred to in Section 9, paragraph 1 to 4 and the service provider shall forward a list of enumerators to the Office. List of enumerators shall contain the information specified in Section 11, paragraph 2, letter f).

(2) The list of enumeration units and the list of enumerators for each municipality shall be transmitted by the Office to the municipal authorities no later than 20 calendar days before the decisive moment.

## **Section 21**

### **Supplementary Enumeration**

(1) If it is not possible to deliver the census questionnaires within the prescribed period before the decisive moment, it will be the duty of the enumerator to repeat delivery of census questionnaires within 10 calendar days after the decisive moment. If even in this time fails to deliver the questionnaires, it will be the responsibility of the obligated person to pick up them within 20 calendar days after the decisive moment, at any office of the Office, provider of services or any municipal authority.

(2) The obligated person shall complete a census questionnaire subsequently and hand over it as specified in Section 7 paragraph 1 letter b) not later than 25th calendar day after the decisive moment; this cannot be applied if the Office shall supplement the data by Section 14, paragraph 2.

## **Section 22**

### **Data Protection**

(1) Protection of personal data under the Act on the Protection of personal data is not affected.

(2) The processing of sensitive data need not explicit consent of natural person who had provided it for the purposes of the Act.

(3) The processing of data collected during the Census both from the information systems of public administration and from the obligatory persons is not permitted for purposes other than those provided by this Act.

(4) After completion of processing of Census results, within 3 years from the decisive moment of the Census at the least, Census forms shall be included in retention management. Census questionnaires converted into electronic form during processing and electronic questionnaires completed by obligated persons shall be converted to anonymous record and transferred to permanent storage in the National Archives <sup>21)</sup>.

## **Section 23**

(1) Enumerator shall be obliged to keep the confidentiality of individual data and conditions of their processing, as well as the other facts of which he learned about during the exercise of the role of enumerator. This is the bound by the pledge of confidentiality.

(2) Enumerator shall take the pledge of confidentiality, which reads: "I pledge on my honor and conscience not to disclose or not allow anyone familiar with any statistical data obtained for purpose of the Census of Population and Housing in 2011, with that can I make the accordance with the provisions of the Act on Census of Population and Housing in 2011. ". The pledge of confidentiality shall be made up in the hands of the President of the Office or a person authorized by him.

(3) The pledge shall be taken, when after reading the claim the promiser declare "So I promise." and sign the document of the pledge. In the written document of the official pledge shall include the date and place of the official pledge, first name and surname and date of birth of the promiser, and the name and surname and position of the person who accepts the pledge.

(4) Enumerator will not be able to abuse the information obtained in context of the duties of enumerator in favor of his own or other natural or legal persons.

(5) The obligation of confidentiality indicated in paragraph 1 shall be applied also to persons who get familiar with individual data in context with carrying out the Census and processing of the Census results or with any other circumstances.

(6) Conditions for liability of a service provider during personal data processing and its compliance in conformity with other legislation <sup>22)</sup>, shall be contained in the contract concluded with the successful bidder in a public procurement procedure under Section 15, paragraph 3.

(7) The obligation of confidentiality is of indefinite duration.

## **Section 24**

### **Processing of Individual and Personal data**

(1) Personal data collected in the Census shall be used by the Office only for statistical purposes.

(2) Data on individual houses and dwellings shall be used in accordance with other legislation <sup>11)</sup>.

## **Section 25**

### **Census Data Accessing**



(1) The Office shall the Census data make accessible in accordance with other legislation <sup>11)</sup> and under the conditions laid down by this Act. Accessibility to Census results means providing Census results to other parties and their publication.

(2) A similar procedure is applicable for accessing data from the Census carried out in 2001.

## **Section 26 Offences**

(1) A natural person who retired census questionnaires in accordance with Section 16, paragraph 1 and 3 commits an offence by not handing over these census questionnaires to persons included in Section 16, paragraph 6.

(2) A natural person performing the position of an administrator of institution that does not form an detached enumeration unit commits an offence by violation of Section 16, paragraph 5 that consists in not handing over the census questionnaires or not completing the questionnaires instead of a person not capable of completing the questionnaires or that is under age or that is legally incapable.

(3) A natural person who is a building owner or administrator commits an offence by violation of Section 7, paragraph 4 consisting in not providing data included in Section 6, letter d) or providing them in contradiction to Section 7, paragraph 7.

(4) A natural person that is a subject to Census in accordance with Section 5 commits an offence by

a) not returning or not sending the completed census questionnaire following Section 7, paragraph 1, letter b), or

b) providing data in contradiction to Section 7, paragraph 7.

(5) A statutory representative or a guardian of an under age person or legally incapable person and who is a subject of Census in accordance with Section 5 commits an offence by not providing data on behalf of the mentioned persons in contradiction to Section 7, paragraph 8.

(6) Enumerator and other natural persons that shall take up with individual data in context with carrying out the Census and its results processing commit an offence by violation of obligation of confidentiality following Section 23 paragraph 1 and 5.

(7) Enumerator commits an offence by

a) not ensuring protection of completed census questionnaires and data filled in contradiction to Section 19 paragraph 3 against abstraction, loss, damage, destruction or other abuse,

b) acting in contradiction to Section 23 paragraph 4.

(8) It shall be imposed a fine of up to the amount of 10 000 CZK upon a natural person committing an offence described in paragraph 1, 2, 3, 4 or 5 and a fine of up to the amount of 100 000 CZK upon a natural person committing an offence described in paragraph 6 or 7.

## **Section 27**

### **Administrative Delicts of Legal Entities**

(1) A legal entity that retired questionnaires in accordance with Section 16, paragraph 1 commits an administrative delict by not handing over these questionnaires to persons included in Section 16, paragraph 6.

(2) A legal entity performing the position of an administrator of institution that does not form an detached enumeration unit commits an administrative delict by violation of Section 16, paragraph 5 consisting in not handing over the census questionnaires or not completing the questionnaires instead of a person not capable of completing the questionnaires or being under age or legally incapable.

(3) A legal entity being a building owner or an administrator of building commits an administrative delict by violation of Section 7, paragraph 4 that consists in not providing data included in Section 6, letter d) or providing them in contradiction to Section 7, paragraph 7.

(4) A legal entity in the position of a statutory representative or a guardian of a person under age or legally incapable and who is a subject to Census in accordance with Section 5 commits an administrative delict by not providing data on behalf of the above mentioned persons in contradiction to Section 7, paragraph 8.

(5) It shall be imposed a fine of up to the amount of 10 000 CZK upon a legal entity who commits an administrative delict described in paragraph 1, 2, 3 or 4 and a fine of up to the amount of 200 000 CZK upon a natural person if a violation of obligation is to a larger extent.

## **Section 28**

### **Administrative Delicts Common Provisions**

(1) Legal entity is not liable for an administrative delict if it is proved that the entity made all the effort, which could be requested, to prevent breaching the legal obligation.

(2) At the assessment of a fine to a legal entity the seriousness of the administrative delict is taken into consideration, especially the manner of its commitment and its consequences and circumstances, under which it was committed.

(3) Liability of the legal entity for the administrative delict expires, if the administrative office did not commence the proceedings on it within 1 year from the day, when the office learned about it, however, at the latest within 2 years from the day, when it was committed.

(4) To responsibility for acting happened in context of carrying a business by a natural person<sup>23</sup> or in direct connection to that, the provisions of the law on liability and sanction against a legal entity apply.

(5) Administrative delicts pursuant to this Act in first instance are heard by the administrative bodies of municipalities with extended powers within its administrative district it was committed or within its administrative district is a registered office of a legal entity.

## **Section 29**

### **Competences**

Competences of Prague City Hall, Prague Municipal District Authorities, authorities of municipal districts or urban areas of statutory towns, regional authorities and municipal authorities stipulated in this Act shall be delegated powers.

## **Section 30**

### **Enabling Provision**

The Office shall issue a decree for implementation of Section 7, paragraph 1 letter b), Section 13, paragraph 5, Section 14, paragraph 5 and Section 18, paragraph 8.

## **Section 31**

### **Repealing clause**

Decree of the Czech Statistical Office No. 354/2000 Coll., laying down specimen of census questionnaires and specimen of certificate of Census Enumerator and Census Supervisor, shall be repealed.

## **Section 32**

### **Force**

This Act shall take effect on the 15th day following its promulgation.

on behalf Němcová in her own hand

Klaus in his own hand

Fischer in his own hand