

LAW

ON 2021 CENSUS OF POPULATION, HOUSEHOLDS AND DWELLINGS

"Official Gazette of the RS", No. 9 of February 4, 2020

I. GENERAL PROVISIONS

Subject matter of the Law

Article 1

This Law stipulates the preparation, organization and implementation of 2021 Census of Population, Households and Dwellings in the Republic of Serbia (hereinafter: Census), the period of enumeration, the method of data collection, the units covered by the Census, the content of the Census, the obligations of the government authorities and other public bodies in the course of the Census preparatory activities, organization and implementation, the Census funding, the responsibilities of direct participants implementing the Census related operations, the duties of the persons covered by the Census, data processing, the publication of the Census results, and the terms of usage, protection and storage of the data collected through the Census.

Definitions

Article 2

The terms and expressions used in this Law have the meaning as follows:

- 1) enumeration means an individual and encompassing collection of data on persons, households and dwellings that is organized on the national level in equal time intervals, usually once in ten years;
- 2) quality control of the data collected through the Census is a statistical survey implemented immediately after the finalized process of enumeration, with the aim to check the coverage and quality of data collected through the Census;
- 3) enumeration area is the smallest spatial unit for which data are maintained in the Register of spatial units that is established for Census purpose to ensure the precise distribution of enumerators in field and the full coverage of the census units.
- 4) enumerator is a person who is authorized to collect the data in field directly from the persons envisaged to be enumerated;
- 5) instructor is a person authorized to provide instructions for enumerators and to supervise their work in the course of the data collection in field;
- 6) place of permanent residence is the place where a citizen settled down to permanently live, i.e. reside in;
- 7) place of residence is the place where a citizen temporary live in;
- 8) foreigner is a person who does not have the citizenship of the Republic of Serbia, either being a foreign citizen or a stateless person;

- 9) household is any family or other community of people that live together and share their income for sustenance (housing, food, etc.). Household is also considered to be so-called one-person household, namely, a person that lives on their own in a place covered by the Census and is not member of any other household in any other place in the Republic of Serbia or in a foreign country. Household is also a collective household, i.e. household consisted of persons living in religious institutions, social work institutions providing residential care for children and adult persons, and in other institutions for temporary and permanent accommodation;
- 10) diplomatic personnel of the foreign countries are members of diplomatic or consular representations of foreign countries, as well as members of other missions with a diplomatic status in the Republic of Serbia;
- 11) administrative source of data are official records, registers, databases and other data sets on legal entities and individual persons established and maintained by certain state bodies, organizations and institutions;
- 12) aggregated data are collective data on units of observation;
- 13) anonymised microdata are data to which the identification variables have been removed or modified in order to disable the identification of the person to whom the data previously related;
- 14) pseudonymization is processing in a manner that prevents the attribution of personally identifiable information to a particular person without the use of additional data, provided that these additional information is stored separately and that technical, organizational and staff measures have been taken to ensure that personal data can't be attributed to a particular or a specific person;
- 15) geospatial data are data with direct or indirect connection with a particular location or geographical area;
- 16) geospatial data services are operations that can be performed by calling a computer application over geospatial data contained in geospatial data sets;
- 17) release calendar is an overview of all statistical releases and publications with a precisely specified title, reference period, date and time of publication. It is published on the website of the Statistical Office of the Republic of Serbia before the beginning of the calendar year, for the entire following year.

All terms and expressions used in this Law relate to male and female persons, regardless of their grammatical gender expression.

II. CENSUS IMPLEMENTATION

Period and method of enumeration

Article 3

The enumeration shall be implemented in the period from 1 – 30 April 2021.

Promptly upon the finalized enumeration, the quality control of the data collected through the Census will be conducted by the way of repeated enumeration in the selected enumeration areas.

The enumeration and the quality control of the data collected through the Census will be carried out as of the state on 31 March 2021, 24.00.

The data shall be collected by enumerators directly from respondents, applying the method of interview.

Units covered by the Census

Article 4

The Census is envisaged to cover the following units:

- 1) The citizens of the Republic of Serbia with the place of permanent residence in the Republic of Serbia, disregarding whether during the course of the Census they were present in their place of permanent residence or temporarily stayed in some other place of the Republic of Serbia or abroad;
- 2) Foreigners who are permanent residents, foreigners who were granted temporary residence in the Republic of Serbia and other persons that during the Census course have been staying in the territory of the Republic of Serbia;
- 3) Households;
- 4) Dwellings and other housing units.

Units not covered by the Census

Article 5

The Census shall not cover the diplomatic and military personnel of the foreign countries, as well as the members of their families staying in the Republic of Serbia.

The Census shall not cover the dwellings owned by foreign countries.

Information on persons

Article 6

The following data on persons covered by the Census shall be collected: name and surname, middle name, sex, date of birth, personal ID number, foreigners' registration number, residence address, citizenship, place of birth, place/locality where person emigrated from, date and reason for immigration, period of time spent abroad, state and reason for immigration/returning to the Republic of Serbia, marital status, person living in consensual union, number of livebirths and year of birth, ethnicity, mother tongue, religious affiliation, educational attainment, school attendance, place of schooling, mode of transport to school, literacy, economic activity, occupation, activity, status in employment for employed person, place of work, mode of transport to work and functional ability for everyday routine activities.

Apart from the data mentioned in paragraph 1 of this Article, the following data are collected for absent household members: reason and period of absence, place where absent person is staying and frequency of coming back to the place of permanent residence; however the following data are collected for persons temporary present in the enumeration locality: reason and length of presence, place of permanent residence and frequency of going back to the place of permanent residence.

Information on households

Article 7

The following information on households shall be collected through the Census: address details, total number of household members, relations and family composition, basis for occupying the dwelling where household is enumerated, and whether household members are engaged in own-account agricultural production.

Information on conventional dwellings and other housing units

Article 8

During the Census the following information on conventional dwellings and other housing units shall be collected: address, type of dwelling, occupancy status of the dwelling, type of ownership over the dwelling, useful floor space of the dwelling, number of rooms, installations and sanitary facilities in the dwelling, type of energy used for heating the dwelling, floor on which the dwelling is located, and data on basic characteristics of the building structure where the dwelling is constructed.

III. RESPONSIBILITIES OF GOVERNMENT AND OTHER BODIES AND ORGANIZATIONS IN PREPARATION, ORGANIZATION AND IMPLEMENTATION OF THE CENSUS

Bodies implementing the Census

Article 9

The Census shall be prepared, organized, and carried out by the Statistical Office of the Republic of Serbia.

Certain operations in preparing, organizing and implementing the Census in the territory of municipalities, towns and the City of Belgrade, the Statistical Office of the Republic of Serbia shall conduct in accordance with this Law via census commissions.

For the completion of activities within their authorities, in the Census preparation, organization and implementation the following bodies also shall be involved:

- Ministries and special organizations;
- Local self-government units;
- Other bodies, organizations and institutions.

Statistical Office of the Republic of Serbia

Article 10

The Statistical Office of the Republic of Serbia shall be engaged to do the following: supervise the timely and full implementation of this Law; define the methodology for the Census in compliance with the national requirements and international obligations; prescribe the contents of the census questionnaires in accordance with this Law; create the questionnaires, guidelines and other methodological and organizational Census tools; cooperate with ministries, special organizations, local self-government units and other bodies, organizations and institutions, coordinate their joint activities related to the Census preparation, organization and implementation and, according to this Law, pass instructions,

render professional assistance and require reporting on the implementation of the census activities; ensure full, accurate and timely information for the general public on the importance and objectives of the Census, and the method and period of its implementation; establish census commissions in municipalities, towns and the City of Belgrade and define their responsibilities; for the census commissions provide methodological and organizational guidelines, and the equipment needed for fieldwork data collection; distribute and allocate funds to the census commissions; create financial instructions for using the funds dedicated for the Census implementation and supervise the use of the funds; define the criteria and procedures for the selection of direct participants in the Census operations; conduct professional training and organize and coordinate training courses for direct participants implementing the Census; issue the prescribed authorizations for the Census related work; organize data collection in field and quality control of the data collected through the Census; initiate the procedure of misdemeanour liabilities in accordance with this Law; conduct the data processing and analysis; release the Census results; archive the census material and ensure the data protection in accordance with the law and other regulations.

The Statistical Office of the Republic of Serbia shall establish a special managing body that will be assigned the task of organizing and coordinating the work of all participants in the Census. This body shall be led by the Director of the Statistical Office of the Republic of Serbia, and as members shall include the persons in charge of organization and implementation of specific census activities.

Census commission

Article 11

Census commission shall be established for each municipality, town and city municipality of the City of Belgrade.

The census commission members shall be appointed by the Director of the Statistical Office of the Republic of Serbia on proposal by the local self-government unit, i.e. the city municipality of the City of Belgrade.

Census commission shall consist of three to seven members, in accordance with the population number, the number of settlements and the area of the territory, however provided that one member shall be a representative of the Statistical Office of the Republic of Serbia. Exceptionally, on the specifically explained request of the local self-government unit, the Director of the Statistical Office of the Republic of Serbia may appoint additional member of census commission.

Census commissions are responsible to timely undertake, in accordance with the instructions received from the Statistical Office of the Republic of Serbia, all measures required for adequate preparation, organization and implementation of the Census in the territory assigned to them.

Census commission shall carry out the following operations: provide information for the general public on the importance and objectives of the Census, the method and period of its implementation, as well as on the rights and duties of respondents in the Census; provide the place and premises for carrying out the selection and training of candidates for enumerators and instructors, for storing the census material and equipment, and other premises required for the work; issue to enumerators and instructors the prescribed authorizations for their work; monitor the work of enumerators and instructors, render the assistance when needed and act to solve the issues arising in the course of fieldwork;

organize on-call work during the course of the Census; engage professionals from the ICT domain to render support in training the direct participants in the Census and during the Census fieldwork operations; engage additional professional staff to deal with certain Census related tasks; supervise the proper allocation and rationalized use of the Census funds, produce accounts of the expenditures and provide reports; acts otherwise related to the Census preparation and implementation, in accordance with instructions received from the Statistical Office of the Republic of Serbia.

Ministries and special organizations

Article 12

Within the scope of their capacities and tasks determined by this Law, the following authorities shall be engaged for the completion of the selected Census related operations:

- 1) ministry in charge of national defence affairs;
- 2) ministry in charge of justice administration;
- 3) ministry in charge of foreign affairs;
- 4) ministry in charge of labour, employment, veteran and social affairs;
- 5) Republic Geodetic Authority,
- 6) Commissariat for Refugees and Migration; and
- 7) other ministries and special organizations.

Ministry in charge of national defence affairs

Article 13

The ministry in charge of national defence affairs shall ensure the conditions for enumeration of military officers and civil persons that during the course of the Census lived in barracks, military schools and other military institutions, and for enumeration of the Serbian Armed Forces officers that are engaged in multinational campaigns.

The method of enumeration of the persons mentioned in paragraph 1 of this Article shall be defined in special instructions passed by the Director of the Statistical Office of the Republic of Serbia, with consent by the Minister in charge.

Ministry in charge of justice administration

Article 14

The ministry in charge of justice administration shall ensure the conditions for enumeration of persons that are incarcerated in respective facilities in view of serving sentence.

The method of enumeration of the persons mentioned in paragraph 1 of this Article shall be defined in special instructions passed by the Director of the Statistical Office of the Republic of Serbia, with consent by the Minister in charge.

Ministry in charge of foreign affairs

Article 15

The ministry in charge of foreign affairs shall ensure the conditions required to organize and implement the enumeration of the citizens of the Republic of Serbia who are employed as personnel in diplomatic and consular representations of the Republic of Serbia, branch offices of companies located abroad, branch offices of banks and other subjects of financial sector abroad, representations of the Serbian chamber of commerce abroad, the United Nations, its bodies and agencies, and other international organizations. The enumeration is envisaged to cover also the members of households of the persons listed above, who live with them abroad.

The method of enumeration of the persons mentioned in paragraph 1 of this Article shall be defined in special instructions passed by the Director of the Statistical Office of the Republic of Serbia, with consent by the Minister in charge.

Ministry in charge of labour, employment, veteran and social affairs

Article 16

The ministry in charge of labour, employment, veteran and social affairs shall ensure the conditions for enumeration of persons accommodated in social protection institutions, and for enumeration of the homeless in shelters and temporary housing.

The method of enumeration of the persons mentioned in paragraph 1 of this Article shall be defined in special instructions passed by the Director of the Statistical Office of the Republic of Serbia, with consent by the Minister in charge.

Republic Geodetic Authority

Article 17

The Republic Geodetic Authority, working together with the Statistical Office of the Republic of Serbia, shall produce the methodological and organizational guideline for preparation and updating the geospatial data necessary for the field realization of the Census.

In accordance with the instructions given in paragraph 1 hereof, the Republic Geodetic Authority is obligated to update the boundaries of statistical and enumeration areas, update the Register of Spatial Units and provide available geospatial data sets and services from its competence, which are necessary for the organization of field activities, the production of updated maps of statistical and enumeration areas, connection of census and geospatial data, processing and publishing census results.

Commissariat for Refugees and Migration

Article 18

The Commissariat for Refugees and Migration shall ensure the conditions for the enumeration of persons accommodated in collective dwelling centres, asylum and other reception centres, and in other housing objects falling within the scope of their competence.

Other ministries and special organizations

Article 19

Other ministries and special organizations, apart from those specified in Articles 13 – 18 of this Law, are obligated to render professional assistance to the Statistical Office of the Republic of Serbia in the course of the Census preparation and implementation, within their competences envisaged by law.

Local self-government units

Article 20

Local self-government units shall be engaged in the following activities: to propose the members of census commissions, to provide the premises for the work of census commissions, to monitor the Census implementation in their territory, to render assistance to census commissions in completing their tasks related to the Census, and act otherwise in accordance with the instructions received from the Statistical Office of the Republic of Serbia.

Other bodies, organizations and institutions

Article 21

Other government authorities, the autonomous province bodies, organizations, agencies, offices, and the Government services are all obligated, within their competences envisaged by law and when required, to render their professional assistance to the the Statistical Office of the Republic of Serbia in the process of preparing and implementing the Census.

Use of administrative data sources

Article 22

For the purpose of the Census preparatory activities and implementation, following the coverage of the census units and upgrading the quality of the collected data, the Statistical Office of the Republic of Serbia shall have the right of access to administrative data sources.

The data of importance for the Census, defined in Article 6, 7 and 8 hereof, which have not been compiled in the course of the Census implementation in field, shall be taken over from available administrative sources.

The owners of administrative data sources are obligated on request by the Statistical Office of the Republic of Serbia to ensure the downloading of the data of importance for the census, including identifiers.

The Statistical Office of the Republic of Serbia shall undertake all measures to protect the data taken over from administrative sources, as envisaged by law.

IV. CENSUS FUNDING

Funding of the operations conducted by the Statistical Office of the Republic of Serbia

Article 23

The funds required for financing the Census related operations shall be ensured from the Budget of the Republic of Serbia, and the Statistical Office of the Republic of Serbia shall transfer the granted means to the escrow/special-purpose subaccounts of census commissions for the needs of the Census implementation.

The Statistical Office of the Republic of Serbia shall appoint one or several census commission members to handle the funds at the special escrow/special-purpose account as defined in the paragraph 1 of this Article, and they are responsible for the lawful and purposeful spending of the funds found at the subject subaccount.

The census commissions shall keep the records of the expenditures of the funds stated in paragraph 1 of this Article and submit the report to the Statistical Office of the Republic of Serbia on its request.

The Statistical Office of the Republic of Serbia shall supervise the lawful and purposeful spending of the funds from the subaccount as defined in paragraph 1 hereof.

The unspent amounts of the funds defined in paragraph 1 of this Article and provided pursuant to the Serbian Budget Law, shall be returned to the Budget of the Republic of Serbia before the end of the fiscal year.

Remuneration for direct participants implementing the Census

Article 24

As stipulated by this Law, enumerators, instructors, census commission members and other staff temporary engaged to implement the Census related activities are entitled to remuneration in money, according to the measures determined by the Director of the Statistical Office of the Republic of Serbia.

V. RESPONSIBILITIES AND DUTIES OF DIRECT PARTICIPANTS IMPLEMENTING THE CENSUS RELATED OPERATIONS AND OF PERSONS COVERED BY THE CENSUS

Responsibilities of direct participants implementing the Census related operations

Article 25

Enumerator, instructor and other physical person or legal entity engaged for the needs of the Census is responsible to carry out the assigned tasks timely and in an appropriate manner.

Enumerator, instructor and other physical person engaged in the Census is kept responsible to take care about the accurate entry of the data provided by respondents, i.e. about the correct processing of the data collected through the Census.

The person mentioned in paragraph 2 of this Article is obligated to keep as confidential the data on enumerated persons that were obtained while carrying out the assigned tasks.

Duties of persons covered by the Census

Article 26

Persons covered by the Census are obligated to take part in the Census, i.e. to respond to all the questions asked and to provide correct and complete reply to each question. The data concerning the absent household members shall be provided by the household member to whom the data are best known, and for children under the age of 15 the data shall be provided by a parent, adoptive parent or guardian.

Persons covered by the Census are not obligated to declare their ethnicity and religious affiliation.

In case enumerator in the course of the Census does not find at home a person covered by the Census, and the data could not be collected in a way as specified in paragraph 1 of this Article, a written notice shall be left that the subject person is obligated before 30 April 2021 to keep in touch with the respective body in order to provide the Census related data.

VI. DATA PROCESSING AND PUBLICATION OF THE CENSUS RESULTS

Data processing

Article 27

The Statistical Office of the Republic of Serbia shall carry out the processing of the data collected through the Census for the purpose of producing and publishing official statistics.

The processing is required in order to ensure the official statistical data on the spatial distribution and characteristics of population, households and dwellings, for analytical and assessment purposes and social development planning.

Personal data are processed for statistical purposes, applying all technical and organizational measures to prevent identification of the person to whom the data relates, including the used pseudonyms.

Personal data processing is performed in accordance with the law governing the protection of personal data.

Publication of the census results

Article 28

The Statistical Office of the Republic of Serbia shall release the census results of public importance, as follows:

- 1) Preliminary results of the Census, within 30 days after the finalized enumeration;
and
- 2) Final results of the Census, together with the metadata and the quality report, in accordance with the Release Calendar, in succession until 31 December 2022.

The results mentioned in the paragraph 1 of this Article shall be released in the form of aggregated data and shall be made available to all parties on equal basis on the official website of the Statistical Office of the Republic of Serbia.

VII. USAGE, PROTECTION AND STORAGE OF DATA COLLECTED THROUGH THE CENSUS

Usage of data collected through the Census

Article 29

The data collected through the Census shall be used for statistical purposes only and shall not be ceded by the Statistical Office of the Republic of Serbia to other physical persons or legal entities.

The data collected through the Census may not be used for the purpose of determining civil obligations, or as a proof for practicing civil rights.

The Statistical Office of the Republic of Serbia may use the data collected through the Census for establishing statistical registers in accordance with the law governing the field of official statistics and the law governing the protection of personal data.

For the purpose of using census data for scientific research purposes, the Statistical Office of the Republic of Serbia creates a special database with anonymised microdata.

Protection of data collected through the Census

Article 30

The Statistical Office of the Republic of Serbia is obligated to undertake all prescribed administrative, technical and organizational measures required for the protection of data collected through the Census against illegal access, publication or use, in accordance with the law regulating the domain of information safety.

Storage of data

Article 31

The data collected in the Census is stored permanently, in electronic form.

The Director of the Statistical Office of the Republic of Serbia, in accordance with the valid standards, adopts a special act regulating the storage of data collected in the Census.

VIII. PENALTY PROVISIONS

Article 32

In the event of offence, an amount between RSD 20 000 and 50 000 shall be set as penalty for a physical person covered by the Census or a person obligated to supply the data for the absent household members, i.e. parent, adoptive parent or guardian for persons aged below 15, if they refuse to provide answers to the questions from the census questionnaires, or if provide false and incomplete answers (Article 26, paragraph 1).

Article 33

In the event of offence, an amount between RSD 30 000 and 50 000 shall be set as penalty for an enumerator, instructor and other person assigned the Census related tasks, as well as for an authorized person in legal entity implementing the Census related activities, in the cases as follows:

- 1) fails to carry out the Census operations timely and in the way as prescribed (Article 25 paragraph 1);
- 2) fails to observe the accurate entry of the data provided by respondents, i.e. the proper processing of the data collected through the Census (Article 25, paragraph 2);
- 3) acts contrary to the obligation of protecting confidentiality (Article 25, paragraph 3); and
- 4) contrary to the will of a persons covered by the Census, insists that the person shall declare the ethnicity and religious affiliation (Article 26, paragraph 2).

Article 34

In the event of offence, an amount between RSD 50 000 and 100 000 shall be set as penalty for the census commission member who is authorized to handle the funds at the special escrow/special-purpose subaccount in case the funds from the census commission subaccount are used unlawfully and contrary to the envisaged purpose (Article 23, paragraph 2).

IX. FINAL PROVISIONS

Creation and publication of the methodological tools for the Census

Article 35

The Director of the Statistical Office of the Republic of Serbia shall prescribe the main census forms (Individual Questionnaire and Questionnaire for Household and Dwelling), and organizational and methodological guidelines for the Census implementation.

The content of the questionnaires mentioned in paragraph 1 of this Article shall be published in *Official Gazette of the Republic of Serbia*.

Deadline for census commissions establishment

Article 36

The census commissions as defined in Article 11 hereof shall be established within 10 months after this Law coming into force.

Temporary stopped activities of changing the titles/names and boundaries of territorial units and names of streets and squares in the settlements

Article 37

In the period from 1 – 30 April 2021 the respective authorities shall not be acting to change the titles/names and boundaries of the territorial units: municipalities, towns and settlements, or the names of streets and squares in settlements.

Coming into force

Article 38

This Law shall come into force on the eighth day upon its publication in *Official Gazette of the Republic of Serbia*.