


I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) REGULAR SESSION

Bill No. *34-31 (one)*

Introduced by:

V.C. Pangelinan



2012 FEBRUARY 21 19
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AN ACT TO AMEND §1107 AND ADD
SUBSECTIONS (c), (d), (e), AND (f) TO CHAPTER
1, 22 GUAM CODE ANNOTATED RELATIVE TO
RESEARCH AND STATISTICS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **SECTION 1. Legislative findings and intent.** *I Liheslaturan Guahan* finds
2 the need to assure the individuals and organizations who provide any statistical
3 information upon the request of the government to the Department of Labor and other
4 agencies needed to compile government reports, that such information will be held in
5 strict confidence. Without this assured confidentiality of the information and the
6 pledge to protect the information, entities and individuals may refuse to participate
7 in the surveys resulting in incomplete data. Incomplete data will affect the overall
8 accuracy and completeness of governments economic and statistical reports.

9 *I Liheslaturan Guahan* intends to amend §1107 Chapter 1, 22 Guam Code Annotated,
10 relative to Research and Statistics to ensure that information supplied by individuals or
11 organizations to an agency for statistical purposes, under a pledge of confidentiality, is used
12 exclusively for statistical purposes. Furthermore, the information will not be disclosed in

1 identifiable form to anyone not authorized by this law or used for any purpose other than
2 statistical in nature, and will be safeguarded pursuant to the pledge of confidentiality.

3 **SECTION 2. Amend § 1107 and Add subsections (c), (d), (e), and (f) to**
4 **Chapter 1, 22 Guam Code Annotated to read as follows:**

5 “§ 1107 . Research and Statistics. Notwithstanding any other provision of
6 law, all information, statistics, or data obtained pursuant to a request by the
7 Government submitted voluntarily by individuals, organizations, companies or
8 other private entities, not otherwise compelled by any law, rule or regulation
9 shall be held in full confidence and not subject to the open government law.

10 (a) The Director shall make studies and investigations, collect and compile
11 statistical information, and report upon the conditions of labor generally.

12 Such studies may include, but are not limited to, studies of employment and
13 unemployment, labor supply, manpower development and training, wages
14 and hours, industrial relations, working and living conditions, cost of living
15 and prices.

16 (b) The Director may, with the approval of the Governor, enter into cooperative
17 arrangements with the Director of the Department of Commerce of the
18 government of Guam for the performance by authorized representatives of
19 the Department of Commerce of any duties prescribed in this section. The

1 performance of duties so delegated to the Department of Commerce shall
2 be subject to the provisions of Title 5, Guam Code Annotated.

3 (c) Confidentiality Pledge. Department of Labor shall, in all correspondence
4 relative to the submission of statistical information as requested by the
5 Government, include a Confidentiality pledge to read as follows:

6 “The Department of Labor, its employees, agents, and
7 partner statistical agencies, will use the information you
8 provide for statistical purposes only and will hold the
9 information in confidence to the full extent permitted by
10 law. In accordance with the Department of Labor
11 Confidentiality Act (22 GCA Ch. 1 §1111), our responses
12 will not be disclosed in **identifiable form** without your
13 **informed consent.**”

14 (d) Confidentiality of Information. Neither the Department of Labor Director,
15 nor any other employee of Department of Labor or the Bureau of Statistics and
16 Plans, or any bureau, office, or agency thereof, may except as otherwise
17 provided by law:

- 18 1. Use the information furnished under the provisions of this article for
19 any purpose other than the statistical purpose for which it is supplied;

- 1 2. Make any publication whereby the data furnished by any particular
2 establishment or individual under this article can be identified; or
3 3. Permit anyone other than the sworn officers and employees of the
4 Department of Labor, or bureau, office, or agency therefor to examine
5 the individual reports.

6 (e) Disclosure of Information. No department, bureau, agency, officer, or
7 employee of the government, except the Director of Labor in carrying out the
8 purposes of this article, may require, for any reason, copies of census reports or
9 statistical information which have been retained by any such establishment or
10 individual. Copies of census reports and statistical information which have been
11 so retained shall be immune from legal process, and shall not, without the
12 consent of the individual or establishment concerned, be admitted as evidence
13 or used for any purpose in any action, suit or other judicial or administrative
14 proceeding.

15 (f) Fines and Penalties. Whoever, being an officer, employee, or agent of an
16 agency acquiring information for exclusively statistical purposes, comes into
17 possession of such information by reason of his or her being an officer,
18 employee, or agent and, knowing that the disclosure of the specific information
19 is prohibited under the provisions of this title, willingly discloses the

1 information in any manner to a person or agency not entitled to receive it, shall
2 be fined not more than \$5,000.

3 **SECTION 3. Severability.** If any of the provisions of this Act or the
4 application thereof to any person or circumstance is held invalid, such invalidity shall
5 not affect any other provision or application of this Act which can be given effect
6 without the invalid provision or application, and to this end the provisions of this Act
7 are severable.