

The Census and the Law

The legal background to census-taking in the UK

The Census Act 1920

For the past 80 years, since the passage of the Census Act of 1920, the law has supported census-taking in Great Britain. This legislation authorises the conduct of a census from time to time - but no more frequently than every five years.

The Act empowers the Queen to make an Order in Council directing that a census be taken. The Order specifies the date of the census, the people who are required to fill in the forms, and the people whose details are to be included on the forms. It also sets out the information to be given in the returns.

Following devolution, the Scottish Parliament and the Northern Ireland Assembly must approve the necessary secondary legislation relating to arrangements for the censuses there.

The duty of carrying out a census in Great Britain rests with the Registrar General for England and Wales and the Registrar General for Scotland. Similar arrangements apply in Northern Ireland, where the Registrar General for Northern Ireland has responsibility under the terms of the Census Act (Northern Ireland) 1969.

The Census is compulsory

Every household must return a form by law. This is because it is important for people not to be missed out - the Census is designed to be a complete count of the population. Failure to make a completed return, or giving false information, is an offence which attracts a fine of up to £1,000. After the last census in 1991, a small number of people were prosecuted and fined.

Confidentiality is protected by law

Just as people are legally required to provide information requested on a census form, so the confidentiality of that information is protected by law. The Census Act 1920 (as amended in 1991) and regulations made at the time of each census prohibit the unlawful disclosure of any information given in the census by anyone involved in taking it or in any other census-related activities. Similar legislation applies in Northern Ireland.

It is unlawful, for example, for the Census Offices to pass information to any Government department, or to any individual or other organisation, except for the purposes specified in the Census Acts.

The law also prohibits any member of the public who is given personal information by someone else for the purpose of completing the census form (e.g. a head of a household who has to include a lodger on the form) from disclosing that information.

The confidentiality of the information collected in a census is further protected in a number of other ways:

- Anyone aged 16 or over on Census Day who does not wish other members of the household to see their particulars may ask for a separate form and make their own return.
- The information collected will only be used to produce statistics, and no information will be released which allows the identification of any individual or household.
- The computer systems used to process census data will have safeguards which prevent unauthorised access to the information.

Other factsheets:

1. The Census
2. Why We Need a Census
3. Census 2001 – What's New?
4. Counting Everyone In – the Big Challenge
5. The Census Organisation
6. Census Jobs
8. Census Taking Through the Ages

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