

## 2. Relation between the 2001 Population Census and the Municipal Register of Inhabitants

As established in the legislation valid until the endorsement of Law 4/1996, which reformed the Regulation of the Basis of Local Regimes on issues referring to the Register, in years ending in 1 the Municipal Register and the Population census should be performed jointly, using separate registration sheets to preserve the different nature of both documents. Although the goal of the Population census and of Municipal Register has always been different, the joint execution of both documents ensured the population figures extracted from these analyses coincided.

Performing both operations simultaneously, as well as the aforementioned coincidence of population data, also implied a series of reciprocal advantages. In this way, for example, census collection tasks benefited from the infrastructure provided by the councils. Another major advantage the Censuses provides for the Register is the greater exactness of the population figures obtained.

The aforementioned Law 4/1996, passed on January 10th, modifying the Regulation of the Basis of Local Regimes as regards the Municipal Register, and which suppresses successive five-yearly Renovations, implies that this context is no longer applicable to future Censuses and, specifically, to the 2001 Census. Therefore, it is important to determine a new **framework for the relationship between the Register and the Population census**.

In order to do so, the first thing is to establish the power, the obligation even, of the National Statistics Institute to use register information for administrative purposes, and not only, as expected of its nature, for statistical purposes. This obligation is established in article 17.3 of the aforementioned Law 4/1996:

*Art. 17.3. The Councils will send the National Statistics Institute the data from their corresponding Registers, in the manner established in the regulations of the State General Administration, so that the information provided by the Registers of all the municipalities can be coordinated.*

*The National Statistics Institute, attempting to solve possible errors and avoid duplicate entries, will perform the necessary verifications and will inform the Councils of the actions and operations needed to ensure the register data can be used as the basis for the compilation of population statistics on a national level, so that the figures resulting from the annual revisions can be declared official, and so that Councils can send the information from the Electoral Census once it has been duly updated.( )*

After clarifying the double purpose (administrative and statistic) that allows, and obliges, the INE to use Register data, it is necessary to further the new relationship that has to be established between the Register and the Population census. This is precisely this purpose of the **new article 79 of the Population Regulation**, which preserves the relationship that has been valid to date and has been beneficial for both operations<sup>1</sup>:

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Regarding the *danger* of establishing links between local administrative population records and Demographic Censuses, there is quite a widespread *unfavourable interpretation* that is based on the failed German Censuses of 1982, which, if taken as a stereotype and without nuances, can lead to a totally false conclusion establishing that, in our case, there should be no relationship between the Register and the Population census.

Therefore, it is important to point out that the problem that arose in 1982 in the German Census was brought about by the fact that the census law, which was subsequently declared unconstitutional, established the updating of the data contained in the local population records using the data collected in the census questionnaires. This ambivalence of the information contained in the census questionnaires, on the one hand protected by statistical secrecy, and on the other used with a nominal nature and with administrative effects, led the German Constitutional Court to declare the specific articles of the census law that established the non-statistical use of census data as unconstitutional.

*Art. 79. The establishment of the Population census, which is strictly the competence of the National Statistics Institute, will be based on Municipal Register data and will be performed with the collaboration of the Councils that the National Statistics Institute deems fit, and will be used to control the precision of the register data and, if applicable, to enter the necessary corrections.*

*When performing this operation, the necessary measures will be implemented to keep the census data, which are subjected to statistical secrecy, separated from register data, which are nominal and have essentially administrative purposes.*

*The expenses this collaboration causes the Councils will be defrayed by the General State Budgets.*

In order to understand the meaning of this article better, it is important to refer back to the two previous articles, all in the Chapter III of the Regulation, dedicated to the *verification and control of the Municipal Register*.

Consequently, as established in article 77, Councils have the obligation of performing systematic sampling and control operations, which should be emphasised in population sectors with the highest mobility rates; and the INE will provide technical support for these operations to the Councils that request it.

Nevertheless, the subsequent article, no. 78, is the most relevant for the matter in question, since it expressly allows the INE to *carry out operations to control the precision of the Municipal registers, informing the corresponding Councils of the outcome, and of the measures they have to take to make their Register more precise*. It also explains that these operations, either to control or update the Registers, can be performed jointly with the Councils that request it.

Therefore, article 79 is a concrete materialisation of the control operations the INE will perform, as it establishes that, so as to form the Population censuses, each of one of these operations related to controlling the precision of the register data will be performed obligatorily, as it will be used to insert the necessary corrections. This comparison of the Register and the reality of the area has the added value of being comprehensive and simultaneous in all Councils, and of supposing a minimal additional cost, as it exploits the contact with all citizens that takes place during a census operation.

After establishing the new normative framework, it is time to move on to **establish the material form of this simultaneous operation that compares the Register and the Population census**.

After considering all the possible options, we have reached the conclusion that the only solution that meets all technical and legal requirements involves sending each dwelling, as well as the census questionnaire, the register data the Council is in possession of at that time<sup>1</sup>, so that the persons can verify the correctness of the information, and enter the corresponding corrections, if needed.

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Consequently, the Census was not carried out. Therefore, said connection has to be performed so that census data are not used to modify register data or added to register files. This guarantees that the negative conditions that appeared in the German case are avoided in the Spanish operation.

<sup>1</sup> Integrating both sets of data, from the register and the census questionnaire, in the best possible manner ensuring that, on the one hand, citizens are bothered as little as possible, and, on the other, the necessary separation between the census information, which can only be used for statistical purposes, and the register information, that has a nominal nature and administrative purposes, is guaranteed.

Subsequent proposals for the modification of register data, which will be performed by some citizens, will be entered into the computer as soon as possible and sent to each Council involved. In turn, after carrying out additional verification procedures, the Council sends the INE the variations it accepts and has introduced in the corresponding Register.

Finally, the INE, after receiving the confirmation, can consolidate the variations, proposed by the citizens and accepted by the Councils, in their copies of the register files. Thus the council's municipal autonomy as regards the Register will be respected scrupulously at all times.

The key points of the proposed process can be summarised as:

- a) The Population census is based on the Register data to improve precision and cut costs and bother the citizens as little as possible, taking advantage of the fact that register data can be used legally with statistical purposes.
- b) The data collected in the census questionnaires are not transferred to the Register (as this would violate statistical secrecy).
- c) The modifications entered by the inhabitants in their register are noted on specific sheets and sent to the Council so that, after performing the necessary verifications, the Register is updated with the corrections.

According to this description, the resulting comparison would not, in essence, be a renovation of the Register (as this would go against the new Law), as -among other many differences- register files that were valid when the Census was performed will continue to be so (obviously including the *natural* variations that appeared during the process) after the operation, which can be considered as an additional update source, and only aims to ensure that the register data are a genuine reflection of the reality. In all, this method:

### **1) As an unavoidable and previous requirement, is perfectly legal**

As mentioned previously, article 78 enables the INE to perform operations that control the precision of register data, and article 79 establishes that one of these operations will be performed on the occasion of the creation of the Population censuses. Councils must be notified of the results of these operations. The proposed method fulfils this requirement. When carrying out these operations, the INE must use the register data legally in its power, both to reduce the trouble for the citizens and to increase the effectiveness of the comparison.

Moreover, the modification of the register data will be entered in a specific document, thus avoiding the legal problems that could derive from the direct use of the census questionnaire to collect changes to be performed in the Register.

Finally, the use of a similar procedure in some Autonomous Communities in the 96 Renovation (when a comprehensive Demographic Survey was performed simultaneously) guarantees the fact that the combination of register and census data, if performed with sufficient guarantees and respecting the different essence and purpose of each one, is perfectly legal (specifically, they passed the pertinent inspection performed by the Data Protection Agency).

### **2) Respects municipal autonomy as regards the register**

As aforementioned, modifications proposed by the citizens can only be entered in the INE's copies of the register files once the corresponding Councils confirm, in a subsequent dispatch, that they have been included in their register files, after having performed the necessary verifications.

### **3) Register data, which given their nature, can change easily over time, can be updated**

### **4) Errors typical of the implementation stage of the new system for register management can be corrected, alongside those existing in the base information (from the 1996 Renovation)**

### **5) The comparison is exhaustive and simultaneous, and this will enable a subsequent verification of the coherence of the proposed residence variations**

**6) The additional cost of the comparison will be very low, as it is integrated in the census operation**

**7) It makes it easier for Councils to notify citizens, at least once every five years, of register data** (article 69.3 of the Population Regulation). Indeed, the register data that will be printed beforehand on the corresponding sheets, and will be sent, with the actual census questionnaires, to all persons that appear in the Register at that time, will be legally valid, as established by the Register Council, for said purposes, with the corresponding savings for the Councils.

Given the aforementioned terms, there is no doubt that, either from the operational or the legal perspective, the relationship between the 2001 Population Census and the Municipal Register of Inhabitants must appear in the specific form described above.