

Quarterly Statistical Data Collection

Guidelines

Malta Communications Authority

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1. Background

The Malta Communications Authority (MCA) and the National Statistics Office (NSO) have implemented a joint data collection process in the communications sector as part of ongoing efforts to reduce multiple regulatory compliance burdens. As part of this exercise, the MCA is managing the process of sending a questionnaire on a quarterly basis for the collection of various statistics from undertakings, together with receiving the responses which are then also forwarded to the NSO.

It is important to note that this statistical information is used for a number of reasons, some of which are sector-specific, and others which are related to the measurement of national economic indicators. These are critical for policy making and budgeting decisions taken both at a national and at EU level.

2. Purpose

Due to the importance of this process, which has also been regularly communicated to every postal and electronic communications undertaking authorised by MCA, it has become necessary to provide guidance on stipulated deadlines so as to avoid putting at risk the timely publications planned throughout the year.

The data collection procedure establishes an improved uniform set of processes with regard to data collection. In view of plans to migrate the collection procedure from one requiring manual intervention to a system that is more automated, these guidelines are intended to apply independently of whether the procedure is administered manually or electronically, and will be updated in order to maintain them applicable to circumstances.

This procedure will be implemented as of Data Collection for Quarter One of 2010.

3. Scope

These guidelines have been drawn up to provide MCA with a set procedure related to the timelines and sanctions concerning the quarterly statistical data collection.

Although both MCA and NSO undertake their best efforts to streamline information collection procedures, it is not always possible to incorporate all information requests within the quarterly exercise. Several reasons exist with the principal ones being:

- *Ad hoc* reporting requests which are subject specific;
- Different periodicity, intervals and deadlines of reporting requirements.

4. The Data Collection Procedure

The Data Collection Procedure follows the below steps:

- At the beginning of the year, dates are calculated and communicated to

undertakings and to NSO.

- Statistical questionnaires are sent via email after **+/- twenty (20) working days** following end of quarter, requesting a “read receipt”.
- Deadline given is **sixteen (16) working days** from when the request was sent.
- The statistics streamlined with NSO are sent to their contact person.

The above steps are to be normally followed in the majority of cases and are intended to facilitate the submission of the quarterly questionnaires in a timely manner.

The MCA reserves the right to exercise its discretion in implementing these Guidelines, particularly in circumstances where undertakings do not adhere to their obligations or where non-submission of information may compromise publication of reports or decisions.

5. Fines for non-Submission of Partial/Incorrect Submission

Attention is drawn on the importance of completeness and the quality of the data being provided, as incorrect and/or incomplete data will inevitably result in reverting back to undertakings with time-consuming queries. This may:

- hinder the timely reporting,
- necessitate revising already published reports, and
- in more serious cases, compromise decision-making processes.

For these reasons, it is necessary to set fines according to the applicable legislation, after following the procedure stipulated under the Malta Communications Authority Act (Cap. 418) for Non-Submission or Partial/Incorrect Submission which will be implemented if the Undertakings do not provide MCA with the necessary requested information.

The fine which may be imposed if the data is not provided to MCA consists of a maximum daily administrative fine of **two hundred and thirty Euros (€230)** for each day of non-compliance and the imposition of a maximum administrative fine of **eleven thousand, six hundred and forty five Euros €11,645** as prescribed by the Malta Communications Authority Act (Cap. 418).

Fines, once imposed, are backdated to the initial deadline sent out with the template.

Without prejudice to the Malta Communications Authority Act (Cap. 418) prescribing the maximum amounts which can be imposed on undertakings for

failure to submit the necessary requested data, MCA deems it necessary to take into consideration that the amount of the fine imposed for the lack of providing correct and full data should be dependent on various criteria including:

- the type of omission or non-submission;
- the size of the undertaking;
- the recurrence and duration of non-compliance; and
- the repercussions of non-compliance.

The basic minimum and maximum daily fines imposed are highlighted in the following table for guidance purposes:

Total Gross Revenue of Undertaking	Non-submission		Partial/Incorrect Submission	
	Minimum	Maximum	Minimum	Maximum
€0 - €50,000	€10.00	€30.00	€5.00	€10.00
€50,000 - €500,000	€30.00	€60.00	€10.00	€15.00
€500,000 - €10,000,000	€60.00	€120.00	€15.00	€20.00
€10,000,000+	€120.00	€230.00	€20.00	€25.00

The MCA reserves the right to exercise its discretion with regards to the amounts of these fines, particularly in circumstances where undertakings do not adhere to their obligations or where non-submission of information may compromise publication of reports or decisions or have other serious repercussions. Where justified, the MCA may also depart from the indicative ranges illustrated above where appropriate.