

Limiting pre-release access to statistics: the Government's response to the consultation exercise





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Executive summary

The Statistics and Registration Service Act 2007 is the most substantial piece of statistics legislation for 60 years and establishes an independent Statistics Authority to promote and safeguard the production and publication of official statistics.

In order that Ministers can account immediately for the implications of statistics about policy areas for which they are democratically responsible, they are in certain circumstances given access to those statistics ahead of publication. As a part of the Governance of Britain programme of constitutional renewal, the Government proposed to tighten the rules under which pre-release access can be granted, in *Limiting pre-release access to statistics: a consultation document*.

The Government received 15 formal responses to the consultation. Following careful consideration of these responses, the Government intends that the rules will require that:

- pre-release access be limited to a strict maximum of 24 hours, reduced from up to five working days for certain National Statistics at present;
- pre-release access be limited to the minimum necessary number of people and the minimum number of statistics, with decisions on pre-release access taking into account the need to reduce pre-release access to promote public trust;
- where pre-release access is granted, it shall be done in an open and transparent manner, with details documented and published. The need for pre-release access to a publication, and the people granted access, will be reviewed ahead of release of the relevant statistics;
- the decisions on pre-release access will be led by statistical professionals, with the professional leading the decisions in each department set out in a published pre-release scheme;

- access will also continue to be allowed in a limited number of special circumstances, reflecting current practice, for example to allow the Monetary Policy Committee of the Bank of England access to statistics relating to interest rates so that it can fulfil its remit efficiently;
- details of journalists given access to statistics ahead of release be published;
- the justification for pre-release access for each person receiving it should be available on request;
- once pre-release access to a statistic in final form has been granted, that statistic will be under embargo – meaning that its contents cannot be shared with others until the point of publication;
- as now, those granted pre-release access to statistical releases must not alter or attempt to alter the content or timing of those releases, or the way in which they are presented; and the pre-release access period must not be used for personal gain, or for political advantage; and
- pre-release access can be removed from anyone knowingly breaching the rules.

Where possible these rules will be contained in an order which the Minister for the Cabinet Office will lay before Parliament for approval under the Statistics and Registration Service Act. Only statistics that are deemed by the independent UK Statistics Authority as complying with the rules in the order will be eligible to be branded as National Statistics.

The Government will review the new pre-release arrangements after 12 months of operation, including assessing whether they remain consistent with the broader objective of building trust in the statistical system. This was welcomed by respondents to the consultation.

The Government thanks all respondents to the consultation for sending it their views, which have been helpful in refining and developing its proposals.

Preface by Ed Miliband MP, Minister for the Cabinet Office



This is a Government that is determined to continue renewing our constitution. In the *Governance of Britain* Green Paper the Prime Minister and Minister for Justice announced changes that

demonstrated our commitment to be as transparent and accountable as possible.

These changes included a strengthened Parliament, constraints on the royal prerogative, enhanced roles for select committees over public appointments – and measures to improve trust in official statistics.

We have created a UK Statistics Authority that is independent of Ministers. The Authority will assess official statistics across the UK and ensure their quality and integrity. They will do so in an open and transparent manner. And we have agreed to tighten the rules around the access that Ministers have to official statistics before their publication.

Following the responses to our consultation document on pre-release access we are setting out our final proposals. Where we now have up to five days of advance access to published statistics, we will in the future have no more than 24 hours. This represents a significant move towards improving public confidence in statistics while still allowing Ministers to account for them as soon as statistics are published.

A handwritten signature in black ink that reads "Ed Miliband". The signature is written in a cursive, slightly slanted style.



Chapter 1 – Introduction

On 2 July 2007, the Exchequer Secretary to the Treasury announced to Parliament that the Government would consult publicly on the principles and rules for pre-release access to statistics in their final form. On 10 December the Government's proposals were published and a 12-week consultation followed. This document summarises the proposals, analyses the responses received and sets out what the Government intends to do in light of these responses.

Independence for statistics

A key Government objective is to build a strong economy and a fair society, with opportunity and security for all. Official statistics make a crucial contribution to effective government in a modern democracy, assisting in the formulation and evaluation of policies and in the management of the services for which the Government is responsible; encouraging and informing debate; and allowing people to judge whether or not the Government is delivering. However, the use of official statistics is wider than government – they are a public good, providing a rich and vital source of information for a range of users, in business, in academia and in the wider community. Official statistics must therefore be, and be seen to be, of the highest professional quality and integrity.

The Framework for National Statistics was introduced on a non-statutory basis in 2000. It was the furthest-reaching reform of statistics in the UK in over 30 years. The Government undertook to review the operation of the Framework after five years. Having done this, the Chancellor of the Exchequer announced in November 2005 that the Government would build on its earlier reforms, strengthening existing arrangements by entrenching independence in legislation. Following a public consultation it introduced this legislation, and the Statistics and Registration Service Act received Royal Assent on 26 July 2007.

The Statistics and Registration Service Act 2007 is the most substantial piece of statistics legislation in the last 60 years. It creates a new non-ministerial department, the UK Statistics Authority – legally known as the Statistics Board – to promote and safeguard the production and publication of official statistics that serve the public good. The Authority's remit extends across all official statistics, wherever they are produced: whether in the Office for National Statistics (ONS), the executive office of the Authority, in departments of the UK Government, or in the devolved administrations in Scotland, Wales and Northern Ireland. The Authority started its work formally on 1 April 2008.

The Statistics Authority will promote good practice for official statistics, including through the development and dissemination of a Code of Practice for Statistics that will set out the best practice to be followed in producing and publishing official statistics. As with the current National Statistics Code of Practice, the new Code of Practice for Statistics is likely to cover a wide range of areas relating to the production and publication of statistics, including topics relating to the quality, relevance, accessibility and integrity of statistics. It may, for example, cover aspects of good practice relating to the release of official statistics, including the timing of statistical releases; the way in which statistics should be released; and who should be responsible for issuing the release.

The Authority will monitor and report on the production and publication of official statistics. It will assess a core set of official statistics against the Code of Practice for Statistics, and publish the results of these assessments. If these core statistics comply with the Code, the Authority will approve them as National Statistics. Statistics that fail to comply with the Code will not be approved as National Statistics. This work – led by the Authority's Head of Assessment – will mean that users of statistics will have independent confirmation of the

quality of statistics produced by government, with the “National Statistics” badge on a publication becoming a clear assurance to the user that transparent standards for the production of statistics have been met.

The Authority will also provide the top governance layer for ONS, replacing the role currently undertaken by Ministers. While the National Statistician will continue to run the executive office on a day-to-day basis, the Statistics Authority will set the body's strategic direction, ensure that its processes and plans are robust, and hold it to account for its delivery of those plans.

Finally – although this is not in the legislation – the Authority is developing a new central publication hub for the first release of those National Statistics that are within the responsibility of the UK Government. The hub will make clear the separation between statistical releases and any policy statements coming out of government departments that relate to those statistics.

Rules for pre-release access to statistics

Under the current Framework for National Statistics, Ministers and certain officials have access to statistics ahead of their publication. The current National Statistics Code of Practice is supported by a Protocol on Release Practices that establishes the conditions under which such access can occur.

In practice, there are three types of early access within the UK system, each underpinned by a clear rationale:

- access to administrative and management data, which may be circulating among officials and Ministers because they form part of a department's daily business;
- access to statistics by officials, as part of the compilation and quality assurance process through which official statistics are produced; and
- access by Ministers and officials to the final data in advance of publication, to enable Ministers to account for the policy implications of statistics at the time of publication and, in certain circumstances, to be in a position to announce policy decisions, or act in other ways, when the data is released.

This third type of early access to statistics in their final form is generally known as pre-release access. It allows Ministers to account for the implications of policy areas for which they are democratically responsible at the time of release, as the public and media have come to expect. In addition, it allows Ministers – and the officials supporting them – to be fully informed in order to make accurate judgements as to the need and form of any immediate action that might be required in light of a statistical release.

At present, under the rules set out in the Protocol on Release Practices, Ministers may have up to five days' pre-release access to National Statistics in general, and up to 40.5 hours for market sensitive statistics. The Protocol on Release Practices also sets out a number of special cases where access to statistics may be given outside the normal rules, for example to allow the Monetary Policy Committee of the Bank of England to take informed decisions in setting interest rates.

Sometimes pre-release access is cited as a contributing factor to problems around trust and confidence in official statistics. The Government recognises there may be an issue of perception and is therefore committed to tackling any perception of ministerial interference in statistics. It therefore gave pre-release a special status in the new system, with the pre-release arrangements to be set out in secondary legislation, in an order, made by the

Minister for the Cabinet Office under the affirmative Parliamentary procedure. This is distinct from the Authority's Code of Practice, which is backed by statute but not set out in legislation and means that, unlike the content of the broader Code of Practice, the new pre-release arrangements will require the consent of Parliament before they come into force.

Under the Statistics and Registration Service Act, the Authority has a legal duty to assess compliance with the principles and rules for pre-release, as a part of its assessment of statistics against the Code of Practice. The Authority will be able to remove National Statistics status from any official statistics that it considers are being shared ahead of publication in a way that is not compliant with the principles and rules for pre-release.

The consultation

On 2 July 2007, the Exchequer Secretary to the Treasury announced to Parliament that the Government will consult publicly on the principles and rules for pre-release access to statistics in their final form. In July 2007 the Prime Minister proposed that pre-release access to National Statistics would be reduced to a maximum of 24 hours. The *Governance of Britain* Green Paper also contained a proposal that the rules and principles for pre-release would guide departments in reducing the number of people that receive pre-release access, and to which statistics.

Fulfilling the Exchequer Secretary's commitment and in line with these proposals, the Government published *Limiting pre-release access to statistics: a consultation document* on 10 December 2007, as part of the Governance of Britain programme of constitutional renewal.¹

The consultation document set out the background to the Government's proposals, as described above. It also gave a summary of external perspectives on

pre-release, which concluded that international standards set out that pre-release access should be limited, controlled and transparent; that international practice is mixed, reflecting different circumstances in each country; and that a number of external commentators, and Members of Parliament, have suggested that pre-release access in the UK should be tightened.

The key proposals in the document were that, as a part of the Governance of Britain programme of constitutional renewal, the rules under which pre-release access can be granted should be tightened:

- limiting pre-release access to a strict maximum of 24 hours, reduced from up to five working days for certain National Statistics at present;
- requiring that pre-release access be limited to the minimum necessary number of people and the minimum number of statistics, with decisions on pre-release access taking into account the need to reduce pre-release access to promote public trust;
- requiring that, where pre-release access is granted, it shall be done in an open and transparent manner, with details documented and published. The need for pre-release access to a publication, and the people granted access, will be reviewed ahead of release of the relevant statistics;
- access will also continue to be allowed in a limited number of special circumstances, reflecting current practice, for example to allow the Monetary Policy Committee of the Bank of England access to statistics relating to interest rates so that it can fulfil its remit efficiently; and
- once pre-release access to a statistic in final form has been granted, that statistic will be under embargo – meaning that its contents cannot be shared with others until the point of publication.

¹ For further information about the Governance of Britain programme, please see <http://governance.justice.gov.uk/>

As now those granted pre-release access to statistical releases must not alter or attempt to alter the content or timing of those releases, or the way in which they are presented; and obviously pre-release access must not be used for personal gain, or for political advantage.

The consultation closed on 3 March 2008.

Chapter 2 – The outcome of the consultation

The consultation document set out proposals for tightening the current arrangements, including requirements that will mean that pre-release access must always be justified, limited and transparent. These proposals were put out for public consultation following a commitment in Parliament by the Exchequer Secretary to the Treasury on 2 July 2007. This public consultation is in addition to the consultation with the devolved administrations and the UK Statistics Authority that is required under the Statistics and Registration Service Act.

Fifteen formal responses to the consultation were received, from:

- First Division Association trade union;
- Health Statistics Users Group;
- Local Government Association;
- Market Research Society and its Census and Geodemographics Group;
- Royal Statistical Society;
- Society of Business Economists Statistics Group;
- Statistics Commission;
- UK Statistics Authority; and
- six individuals (including one MP).

The full list of consultation respondents is given in the Annex.

Most responses were supportive of all or part of the Government's proposals, with individual respondents saying that they "welcome the proposed new legislation", "agree with the proposals in full" and "welcome these proposals, as appropriate and proportionate". The FDA said that it "supports the limiting of pre-release access to statistics for Ministers. We recognise that early access to statistics has given the impression that there is potential for political interference in statistical processes and that has reduced trust in official statistics."

Some bodies said that the pre-release arrangements should be tightened further – these included the UK Statistics Authority, the Royal Statistical Society (RSS) and the Statistics Commission.² Specific proposals by these bodies to tighten the arrangements further are discussed under the relevant headings below.

Reducing the number of statistics to which pre-release access is given

In the consultation document, the Government proposed that pre-release should be strictly limited, only being granted to ensure that those Ministers with the relevant policy or operational responsibility are able to respond – whether in words or in action – at the time of release. A statistic would be eligible for the granting of pre-release access only where to withhold access would impede the ability of the Minister to respond at the time of release. Pre-release access would be minimised, and could only be granted where the public benefit outweighed the detriment to public trust likely to result from such access.

The RSS said that pre-release should be given only for a limited number of key national statistics. The Statistics Authority said that pre-release should only be granted for statistics currently deemed to be market sensitive, or for other statistics only with their explicit consent.

In light of the comments received, the **Government intends to retain the requirement that the number of statistics for which pre-release access is granted is to be minimised.**

Decisions on whether to grant pre-release access to a particular statistic are likely to take into account the importance, public profile and complexity of that statistic. The Statistics Authority can assess whether this is being done, can

² The UK Statistics Authority is legally known as the Statistics Board. It is distinct from the Statistics Commission, which was the body that advised on the quality and integrity of official statistics until March 2008.

challenge departments where it considers that pre-release access is not needed, and, ultimately, can take away National Statistics status from statistics where inappropriate pre-release access is being granted.

Reducing the number of people receiving pre-release access

The consultation document explained that Ministers need to be advised on statistics by officials, who must be able to explain what the statistics mean and the implications of those statistics, as well as advising Ministers on their response to the statistics. In many cases, however, the officials advising Ministers, and responding on their behalf, are not the statisticians who produce the statistics, and these officials need pre-release access themselves in order that they can carry out these functions. Statistical releases can be complex, requiring considerable time to understand and explain properly. Some statistical releases cover many topics, and in these cases, expertise from a number of officials may be needed to advise Ministers and suggest possible responses.

To achieve the appropriate balance between the legitimate need of government for pre-release access and the need to minimise pre-release access in the pursuit of public trust, the consultation document proposed that the number of people who may get pre-release access to statistics be minimised, and the number of statistics to which they have access also be minimised. Pre-release access would not be extended simply because someone needs to be aware of new data generally, and would not be granted to officials simply because they are in the line management chain above those providing advice. Again, pre-release access could only be granted where the public benefit outweighed the detriment to public trust likely to result from such access.

An individual respondent said that they supported “requiring that pre-release access be limited to the minimum necessary number of people”. The Local Government Association welcomed the proposal that the number of people with pre-release access be much reduced, and suggested that the position of Special Advisers on pre-release access lists be particularly considered. The Statistics Authority said that only relevant Ministers and at most one or two briefing officials should receive pre-release access. The RSS and one individual respondent said that people should only be given access after the person responsible had consulted with the National Statistician (or the Authority for ONS statistics).

Given these comments, the **Government intends to retain the position in the consultation document requiring that the number of people to whom pre-release access is granted is to be minimised**. This minimum may include more than just one or two briefing officials, given the potential need for advice from multiple policy areas on complex releases and the need to have specialist advice, for example from press offices. Different departments have different procedures for briefing Ministers, and it would not be helpful to set down centrally exactly which officials should take part in the briefing. The Statistics Authority can assess pre-release practice across government, challenge departments where it considers that pre-release access is not needed and, ultimately, take away National Statistics status from statistics where inappropriate pre-release access is being granted.

To ensure that people do not get pre-release access merely because they received it in the past, the consultation document proposed a **requirement that decisions on pre-release access be reviewed ahead of that access being granted**. This proposal was welcomed by the Local Government Association, and the Government intends to retain this requirement.

Reducing the length of pre-release access

The consultation document explained that some have suggested that the amount of time currently given for pre-release access – up to five working days for certain National Statistics – is overly generous. As set out by the Prime Minister in a speech to Parliament on constitutional reform on 3 July 2007, the Government proposes that the advance sight that certain Ministers and officials have of statistical information be reduced to a strict maximum of just 24 hours. This means that for statistics published at 9:30am, pre-release access could be granted from 9:30am the day before. This limit would apply both to Ministers and the officials advising them.

Half of the respondents supported reducing the pre-release time. For example, one said, “I welcome the proposal ... to reduce the length of time for advance sight of statistics to a maximum of 24 hours.”

A third of the respondents said that the time should be reduced further. These included the Statistics Authority, which suggested that the period of pre-release access should be reduced to a maximum of 2–3 hours, and the Statistics Commission, which said that “we would prefer the upper limit specified in the Order to be 3 hours”. The RSS said that it “would prefer the UK to follow the best practice of a number of advanced countries ... by dispensing with pre-release access altogether” but proposed a maximum of two hours’ pre-release access as a compromise position.

The Health Statistics Users Group warned about the dangers of reducing pre-release access times too far in terms of the quality of the presentation of statistics, saying that “the public also expects these same officials or ministers to be able to talk intelligently about the figures, and their implications, as soon as the figures are published. In order to do this they need to be properly briefed, and the

government staff who are responsible for preparing these technical briefings need to be given adequate time to prepare the briefings.” The FDA said that it was “important that officials were not put under undue pressure to produce briefings of the depth that can be produced under current arrangements” and suggested that officials should receive more time than Ministers. The devolved administration in Scotland proposed that statisticians should get more than 24 hours’ access to allow them to prepare technical briefing for Ministers.

The Government agrees that pre-release should be kept to a minimum, but believes that a period of less than 24 hours would be difficult to manage in practice, given the need to develop, coordinate and agree briefing with all relevant officials, and would risk that this briefing would not be of an acceptable quality for complex statistics. **The Government therefore intends to retain the 24-hour maximum for pre-release access.** It would be legally and practically difficult to set a rule giving Ministers less pre-release access than officials.

Leadership by professionals

Under the Statistics and Registration Service Act, it is ultimately the responsibility of the “person responsible” for an official statistic to determine pre-release access to that statistic. The person responsible is the National Statistician in the case of official statistics produced by the UK Statistics Authority, and the Minister in charge of a department for official statistics produced by that department.

However, in order to distance Ministers from the decision making on pre-release, the consultation document proposed giving a formal role in applying the pre-release principles and rules to departmental heads of profession for statistics. Heads of profession would play a central role in carrying out the order, with support from Ministers and Permanent Secretaries, seeking advice and guidance from the Authority and the National Statistician as required. This will mean that

the decision-making process for pre-release access – including ensuring awareness of the rules, monitoring compliance and determining which statistics are eligible for pre-release and who gets pre-release access – will be led by statistical professionals.

These proposals were explicitly supported by a third of the respondents to the consultation. For example, the Statistics Authority and the Statistics Commission welcomed this role for the head of profession, and suggested that a reference be made to this role in the order itself.

The Government therefore intends to retain the proposals in the consultation document, meaning that decisions on pre-release access will be led by statistical professionals. As described below, **the Government accepts that every department should set out who has day-to-day authority for implementation of the rules – generally the department’s head of profession for statistics.**

Preventing the misuse of statistics

The consultation document proposed that there be a requirement that, once pre-release access to a statistic in final form has been granted, that statistic will be under embargo – meaning that its contents cannot be shared with others until the point of publication. Being under an embargo means not only that the person with pre-release access must not reveal the figures, but also that they must not reveal, hint at or speculate about the trend or direction of the figures. In addition, the consultation document proposed requiring that those granted pre-release access to statistical releases must not alter – or attempt to alter – the content or timing of those releases, or the way they are presented, and that the pre-release access period must not be used for personal gain, or for political advantage.

Arrangements made by departments to ensure compliance with these rules would need to be published. It is expected that such arrangements would set out how the person receiving pre-release access should be made fully aware of the conditions under which they receive the statistics early, including being reminded of the limitations in the principles and rules and the consequences of breaching the rules. Whenever pre-release access is granted, the final form of the statistical release would have appropriate protective security markings.

One respondent said that they supported “a statistic being under embargo, once pre-release access to that statistic in its final form has been granted”. Other responses appear to support this proposal implicitly. For example, the Statistics Authority said that requirements on Ministers in the pre-release rules should be replicated in the Ministerial Code, which should emphasise that Ministers should not seek or allow others to seek to make political capital by virtue of their privileged pre-release access.

The **Government intends to retain these proposals – requiring that, once pre-release access to a statistic in final form has been granted, that statistic will be under embargo** – meaning that its contents cannot be shared with others until the point of publication. As now, **those who are granted pre-release access to statistical releases must not alter or attempt to alter the content or timing of those releases, or the way in which they are presented; and obviously the pre-release access period must not be used for personal gain, or for political advantage.** The Government will consider amending the Ministerial Code to include pre-release access to statistics.

Transparency and reporting

The consultation document proposed that, where pre-release access is granted, it should be done in an open and transparent manner, with details of the people to whom pre-release has been granted documented and published so that they are readily available to the users of relevant statistics.

The Statistics Commission suggested that a pre-release access scheme be published setting out which officials in departments have day-to-day authority for implementation of an order, other arrangements made to ensure compliance with the order and standing arrangements for regular publications. The Statistics Authority supported this proposal, which builds on the proposal already in the consultation document that departments should publish arrangements they are making to encourage compliance with the rules.

The Statistics Commission also said that decisions about length of pre-release access should be based on a written assessment, which should be available on request. The Statistics Authority response suggested that, as well as publishing who has access, details of when access is given and the purpose of their access should also be published. One individual respondent said that they “support a requirement that, where pre-release access is granted, it be done in an open and transparent manner, with details documented and published” and another said that “the procedure of naming the recipients and their organisations of pre-release data” will “lead to greater integrity”.

The Government accepts that a pre-release access scheme should be published by every department setting out who has day-to-day authority for implementation of the rules (generally the head of profession for statistics in a department), other arrangements made to ensure compliance with the order and any standing arrangements for regular publications.

The Government accepts that the justification for pre-release access for each person receiving it should be available on request, although it would be overly burdensome on departments to routinely require them to publish this information, which may in many cases be deduced from the published job title and organisation of the recipient of pre-release access. **The Government does not, however, accept the idea that access times within the 24-hour period will be routinely published**, or that justification should be given for the exact length of pre-release access for each individual, on the grounds that such a requirement would be overly burdensome.

The current Protocol on Release Practices requires that the National Statistician be told of accidental and wrongful release. Building on this, and to allow the Authority to make a proper assessment of the extent to which the principles and rules have been complied with for National Statistics, the consultation document proposed that if the head of profession – on behalf of the person responsible – becomes aware that the principles and rules have not been fully complied with, they should notify the Authority, take action to prevent recurrence and provide a written explanation to the Authority. Given that no consultation responses opposed this proposal, the **Government proposes to retain this reporting requirement for breaches.**

Special cases

In certain circumstances access to statistics is currently granted ahead of release in a way that goes beyond the principle of enabling Ministers to respond fully. The Government proposes to allow such access to continue in a number of narrow categories that are operationally justified and in line with current practice as permitted by the release practices protocol in the current National Statistics Code of Practice.

These cases are as follows.

- Access to certain statistics is given to the Governor of the Bank of England, and members of the Monetary Policy Committee (MPC) in certain circumstances, to allow the MPC to fulfil its remit efficiently, and to allow the Bank to act in respect of any financial market disruption that might be triggered on the release of market-sensitive statistics.
- Access ahead of release may be granted to journalists, to allow them to absorb and understand the significance of a given release, and to ensure that any articles they write are based on a proper appreciation of the facts.
- Access is sometimes required to be given to international organisations ahead of release, under European Union or international law.
- Access may be granted to allow statistics to be included in important reports that are to be published at the same time as, or shortly after, those statistics.

In addition to these categories, the consultation document proposed to permit exceptional pre-release access to allow for events that we are not able to predict at this stage, with the consent of the Authority. All instances of such access would be notified to the Authority and be published.

Pre-release in these special and exceptional circumstances would have safeguards like those provided for pre-release access for Ministers – being led by statistical professionals, being transparent and having limits on the use and disclosure of the statistics.

In its response to the consultation, the Statistics Authority said that while there should be scope for special circumstances, these should be more stringent than those proposed in the consultation document, although it did not set out how. One individual respondent said that they supported “access being allowed in a limited number of special circumstances, reflecting current practices (eg the Monetary Policy Committee of the Bank of England)”.

A number of comments were received that related to journalists receiving embargoed access to statistics. For example, the Local Government Association was disappointed that there was no questioning of the embargo access system. The RSS said that it does “not believe that embargoed releases are in the public interest, except under restrictive lockup arrangements”. The Statistics Commission said that, in general, pre-release access to journalists should be actively discouraged and subject to close scrutiny. The RSS and Statistics Commission said that details of journalists with advance access should be passed to the National Statistician or the Statistics Authority.

In general, the Government intends to retain the position in the consultation document in relation to special and exceptional circumstances, recognising that pre-release access in the cases described above is needed. It notes the comments made above regarding embargoed access for journalists and recognises that this method is rarely used in practice. **In light of this it has decided to publish details of journalists who have advance access to statistical releases, to ensure transparency.**

The text of a statistical release

The Statistics and Registration Service Act sets out that the rules for pre-release access in an order are applicable to statistics, rather than the publications of which they form a part.

The Statistics Authority and Statistics Commission said that the text of the statistical release is as crucial as the official statistics themselves. The Statistics Authority therefore suggested that pre-release access should be given only to the actual text of a statistical release, and that it should not just be given to a part of it.

The Government agrees that the text of a statistical release is important and that pre-release arrangements should cover the wider text, as well as the numbers themselves. It disagrees that access should always be given to the whole of a statistical release, on the grounds that this may be impractical, especially for larger releases.

Penalties

The Act also sets out that breaching the pre-release rules may result in loss of National Statistics status for statistics.

One individual respondent said that they would want to see the draft order make some reference to penalties for breaking the embargo. Another said that the Statistics Authority should be given authority to withdraw pre-release access from departments which breach pre-release conditions rather than the “draconian measure” of removing National Statistics status from a publication.

No change can be made to the penalties that are set out in the Statistics and Registration Service Act without primary legislation. However, to boost this area **the Government intends that the head of profession would be able to remove pre-release access from anyone knowingly breaching the rules**, for a period. In addition, the Statistics Authority can take away National Statistics

status from a statistic where the rules have not been followed.

Access to statistics for other purposes

A number of respondents were keen to ensure that the proposals did not limit quality assurance of statistics. For example, the Health Statistics Users Group said that “one good way of ensuring that the statistics are reliable is to share these with data producers, or some of the main data users, before they are finalised”, and the Market Research Society said, “To maintain the quality of official statistics it is vital that quality assurance processes are explicitly considered in drawing up the pre-release regulations and that no restrictions on quality control are imposed.” Linked to this, the Market Research Society Census and Geodemographics Group said, “Where large volumes of detailed statistics are also published in electronic format, it is important that users are able to receive test files as early in the process as possible in order to ensure that their computer systems will read and process the data correctly, and that the detailed data meets user requirements.”

The FDA was also “concerned that more limited arrangements may reduce the access to management information ahead of publication of statistical aggregates”, saying that “it is clearly important for decision makers within departments to have access to the latest information, while at the same time safeguarding the integrity of National Statistics releases.”

As set out in the Statistics and Registration Service Act, access to statistics not in their final form is a matter for the UK Statistics Authority’s Code of Practice. This was recognised – and welcomed – by a number of respondents, including the UK Statistics Authority, which said that it agreed that this topic was for it to deal with and that it will do this with the objective of balancing “the interests of good

administration with those of statistical integrity to produce proposals that will improve public confidence”.

In response to these points the order has also been slightly amended to ensure that those receiving statistics ahead of release can report any errors they find to the producers of those statistics.

Review

As set out in Chapter 1, the Government intends to review the operation of the new pre-release arrangements after 12 months, including assessing whether they remain consistent with the broader objective of building trust in the statistical system. This was welcomed by respondents to the consultation.

The Cabinet Office intends to work with the Statistics Authority to develop measures to assess how well the first year had gone. These may include the number of statistics to which pre-release access is granted, the number of people given pre-release access, and the number of breaches of the regulations.

Devolved administrations

In line with the Act, the consultation document sets out rules for pre-release access to non-devolved statistics. It is for the devolved administrations to set out rules for devolved statistics.

The Statistics Authority said that it would prefer pre-release rules for all administrations to be the same. One individual respondent said that the review of arrangements after 12 months should look at differences between the administrations and identify whether there are any lessons to be learned there.

The Government accepts that the most convenient position would be if all administrations’ rules are the same, but notes that each administration was given the right to set its own rules and that policy differences may mean there may need to be some differences in the order. This issue will be looked at again in the 12-month

review of pre-release arrangements, subject to agreement by the other administrations.

Summary

After careful consideration of the responses received, the Government intends to:

- retain the requirement that the number of statistics for which pre-release access is granted is to be minimised;
- retain the position in the consultation document requiring that the number of people to whom pre-release access is granted is to be minimised;
- retain the requirement that decisions on pre-release access be reviewed ahead of that access being granted;
- retain the 24-hour maximum for pre-release access;
- retain the requirement that decisions on pre-release access be led by statistical professionals;
- retain the requirement that, once pre-release access to a statistic in final form has been granted, that statistic will be under embargo, and that those granted pre-release access to statistical releases must not alter or attempt to alter the content or timing of those releases, or the way in which they are presented; and the pre-release access period not be used for personal gain, or for political advantage;
- accepts the idea that a pre-release access scheme be published by every department or other statistical producer setting out who has day-to-day authority for implementation of the rules (generally the head of profession for statistics in a department), other arrangements made to ensure compliance with the order and any standing arrangements for regular publications;
- accepts that the justification for pre-release access for each person receiving it should be available on request;

- retain the reporting requirement for breaches of the code;
- retain the position in the consultation document in relation to special and exceptional circumstances in general; but
- publish the details of journalists who receive pre-release access to a statistical release;
- accepts that pre-release arrangements should cover the wider text of a statistical release and not just the numbers themselves; and
- sets out that the head of profession would be able to remove pre-release access for anyone knowingly breaching the rules.

Where possible, these rules will be contained in an order which the Minister for the Cabinet Office will lay before Parliament for approval. When these rules come into force, bodies will have a duty to apply them for National Statistics, and they will apply as best practice for official statistics more widely.

The Government has committed to a review of the new pre-release arrangements after 12 months of operation.

The Government thanks all respondents to the consultation for sending it their views, which have been helpful in refining and developing its proposals.

Annex – Consultation respondents

Fifteen formal responses were received to the public consultation, as well as responses from the devolved administrations in Scotland, Wales and Northern Ireland. The responses to the public consultation may be read in full on the Cabinet Office website at www.cabinetoffice.gov.uk/consultations/prerelease_access/responses.aspx

Written responses received

Mary Berg

Alan Davies

First Division Association trade union

Health Statistics Users Group

Henry Langley

Local Government Association

Market Research Society

Market Research Society Census and
Geodemographics Group

Rob Marris MP

Royal Statistical Society

Society of Business Economists Statistics Group

Statistics Commission

UK Statistics Authority

Philip Watson

John Wood



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