

**Chair of the UK Statistics Authority, Sir Michael Scholar KCB**

Mr Jim Mather, MSP  
Minister for Enterprise, Energy and Tourism  
Meridian Court  
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29 August 2008

Dear Jim

**CONSULTATION ON PRE-RELEASE ACCESS ORDER**

Thank you for your letter of 9 July and for your kind words in relation to the event at Holyrood on 19 June. I and Statistics Authority colleagues found it of real value as well as being a most pleasant occasion. We look forward to inviting you to visit our Edinburgh office once it is operational.

Thank you also for sight of the draft *Pre-release Access to Statistics (Scotland) Order*. Your letter underlines the commitment of Scottish Ministers to allowing the professional statistical staff to manage the arrangements and this is very welcome. However, on a specific point, paragraph 3(2) of the Order seems to allow those granted access to pass on the statistics to other officials without the agreement of the professional statistical staff. We would prefer to see that provision removed.

Underlying the debate about access to official statistics before publication are the principles of equal access and earliest possible release. The draft Code of Practice<sup>1</sup> on which we are currently consulting, places emphasis on both these principles. Enabling the administration of the day to discuss, and prepare statements about, the statistics whilst not allowing the same access to Parliament or the public is not, in our view, good statistical practice.

We believe our view on this is shared by statistical offices and other authorities around the world. As your letter points out, international practice in relation to pre-release access arrangements outside National Statistical Institutes is difficult to establish with certainty but international *policies* in these respects are mostly clear and supported by both the EU and United Nations.

The Pre-release Order which has been laid before the Westminster Parliament leaves little doubt that its aim is to reduce the amount of early access currently being granted. The Scottish Order appears to take a different stance and to be focused more on the formalisation and endorsement of pre-release access.

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<sup>1</sup> *Official statistics serving the public good: consultation of the code of practice*, July 2008

The Scottish Order allows a normal maximum of five days but also allows this to be increased to an unlimited extent and without public explanation; only the fact of the increase has to be made public (paragraph 4(5) of the draft Order). We would question the need for such a long period of access. If the statistics are ready for publication, it would be better if they were published on the internet at the earliest opportunity rather than held back for five or more days.

Your letter also lists various ways in which pre-release access to unpublished statistics is seen within the Scottish Government as contributing to good administration. The Statistics Authority believes these arguments are less clear-cut than they are presented:

- One argument is that Ministers need early access in order to comment on them at the time of release. In the normal run of business we think that statistics should be released without the simultaneous accompaniment of Ministerial press notices or other statements. Our current consultation document on the Code of Practice raises the possibility that the Code should apply to such Ministerial statements in some respects, at least where they selectively re-state the statistics. Our concern is that these statements have the potential to distract attention from the statistical commentary and may encourage public scepticism about the trustworthiness of the statistical product itself.
- Another is that, in the absence of early access, statisticians would not be able to correct erroneous statistical information which is already available to Ministers from management information sources. We would question this. It should normally be possible to correct erroneous data without providing access to the statistics in their final form – in particular without providing access to the text of the publication in which they will be issued.
- A third argument is that other, non-statistical, publications may be being prepared for release at the same time as the statistics and need to be informed by the correct figures. The solution here would seem to be to publish the non-statistical publications a little later when the statistics will be available to all. To issue policy documents that build on the statistics at the same time as the statistics could again be seen by some as distracting attention from, or weakening trust in, the statistics and associated statistical commentary.

The Statistics Authority would wish to see a commitment both to a progressive reduction in the length of time for which privileged access is granted, as well as in the number of officials and Ministers seeing statistics prior to their publication. We would encourage the Scottish Government to adopt statistical policies that promote equal access, the earliest possible publication, and minimise the opportunity to make policy proposals or comments from advance sight of the unpublished statistics.

Looking to the future, we will carry out an independent assessment of the impact of the Order after about a year of its operation. We will be concerned primarily to see whether a reduction in pre-release access has taken place and whether external commentators consider that the Order has affected trust in Scottish official statistics. We do not think it is desirable for different administrations to adopt different release practices we would expect critical comparisons between these practices to be drawn and this could be unhelpful to the reputation of all official statistics.

I am copying this letter to Karen Dunnell as National Statistician, to Sir John Elvidge and to Rob Wishart.

Yours sincerely

*Michael Scholar*

**Sir Michael Scholar, KCB  
Chair of the UK Statistics Authority**

COPY:

Karen Dunnell, National Statistician

Sir John Elvidge, Permanent Secretary, Scottish Government

Rob Wishart, Chief Statistician, Scottish Government