

BREACH OF THE CODE OF PRACTICE FOR OFFICIAL STATISTICS

This document reports a breach of the Code of Practice for Official Statistics, or the relevant Pre-release Access to Official Statistics Orders, to which the Code applies as if it included these orders.

1. Background information

Name of Statistical Output (including weblink to the relevant output or 'landing page')

[General Practice Patient Survey, 2012-13 Wave 1 and 2011-12 Wave 2 Aggregated results.](#)

This is an Official Statistic, released on 13 December 2012

Name of Producer Organisation

Department of Health (DH)

Name and contact details of the statistical Head of Profession submitting this report, and date of report

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2. Circumstances of breach

Relevant Principle/Protocol and Practice

Protocol 2, Practice 7: Release Practices:

“Subject to compliance with the rules and principles on pre-release access set out in legislation, limit access before public release to those people essential for production and publication, and for quality assurance and operational purposes. Publish records of those who have access prior to release”

Protocol 2, Practice 8: Release Practices:

“Ensure that no indication of the substance of a statistical report is made public, or given to the media or any other party not recorded as eligible for access before publication. Report to the National Statistician immediately any accidental or wrongful release, and investigate the circumstances.”

The Pre-release Access to Official Statistics Order 2008 sets out the rules and principles relating to the granting of pre-release access to official statistics produced by the UK Government. This came into force on 1 December 2008.

Date of occurrence

12 December 2012, i.e. the day before official release.

Nature of breach (including links with previous breaches, if any)

- A Department of Health (DH) press officer – who was on the approved pre-release access list – sent a briefing including selected pre-publication survey results to a DH Minister – who was also on the approved list – and copied it to seven individuals who were not on the pre-release access list - six of these work in DH and one works at 10 Downing Street. (This was done at 17:52 12 December 2012 via e-mail). There is no suggestion that the unauthorised recipients were at fault.
- The breach was discovered by the lead statistical analyst for the GP Patient Survey on the next day 13 December. It was reported to the DH Statistical Governance team immediately and thereafter to the DH Statistics Head of Profession.

Reasons for breach

- The Press Officer was following DH Media Centre protocol for sending media advice to Ministers which includes copying DH senior Media Centre colleagues. The Press Officer mistakenly overlooked the requirement specified in Media Centre guidance on handling statistics which makes clear that you must only share advice on pre-publication statistics to people on the agreed pre-release access list. In effect, there is a conflict between general Media Centre protocol for copying advice to Ministers, and the Pre-Release Access to Official Statistics Order 2008 which strictly limits copying material containing pre-publication statistics. The Statistics Code requirements should have prevailed.
- Originally circulated material containing briefing on the data included the appropriate restricted wording and markings. Subsequent correspondence omitted this wording.

3. Reactions and impact (both within the producer body and outside)

- No evidence of data leaks or comment prior to publication. No impact therefore on public trust in official statistics.

4. Corrective actions taken to prevent reoccurrence of such a breach (include short-term actions, and long-term changes made to procedures)

Short term actions taken once the breach was discovered

- Immediate alerting by the lead statistical analyst to the DH Statistical Governance (SG) team once the breach was discovered. The SG team then reported to the Head of Profession (HoP) via a phone message.
- A discussion will take place between the lead statistical analyst and the SG team concerning the importance of restricted markings on e-mails.
- Discussions between SG team, HoP and Press Office will be held concerning the importance of guidance being read and followed.
- A published statement on the breach was added to the release page on the DH website.

Medium term actions planned to avoid reoccurrence

- One problem was that appropriate restricted markings were omitted from subsequent correspondence after the initial restricted advice was provided to Ministers.
- This indicates that the lead analyst for each DH statistic must be more involved in all parts of the briefing process to ensure that a) no communications are sent without the restricted markings and messages, and b) information is not shared outside those on the agreed pre-release access list. Advice to this effect will be sent by the DH Head of Profession to all DH Senior Civil Service analysts.
- Existing guidance sent to all statistics briefers and press officers each month currently says: "Ensure that pre-release briefing is sent/copied only to those on the agreed pre-release access lists." This will be put in bold at the top of the monthly guidance in future.
- The existing guidance which DH media centre provides to its own staff on "Dealing with statistics" is clear and appropriate, and we will reiterate the importance of this guidance being regularly communicated.
- The Head of Profession will arrange for a refresher training session to be delivered to DH Media Centre, which he will attend in person to reinforce any messages.

5. Links to published statements about this breach

On [statistics release page](#)

"Heading: **Breach of the Code of Practice for Official Statistics**

Prior to publication, selected survey results were shared in error with officials not on the agreed pre-release access list, contrary to Protocol 2 Practice 8 of the Code.

This breach has been reported to the National Statistician's Office and remedial action is in hand."