

BREACH OF THE CODE OF PRACTICE FOR OFFICIAL STATISTICS

A breach of the Code of Practice for Official Statistics occurs where one or more provisions of the Code were not followed in situations where an exemption or exception had not been approved by the UK Statistics Authority's Head of Assessment, as required in paragraph (xii) of the Code's preamble. Rules on pre-release access to statistics are covered in the relevant Pre-Release Access to Official Statistics Orders; the Code applies as if it includes these orders.

1 Background Information

Name of Statistical Output (including web link if relevant)

Provisional Monthly Hospital Episode Statistics for Admitted Patient Care, Outpatient and Accident & Emergency data - April - May 2012 - special topic Anxiety and Stress

Link: <http://www.ic.nhs.uk/statistics-and-data-collections/hospital-care/hospital-activity-hospital-episode-statistics--hes/provisional-monthly-hospital-episode-statistics-for-admitted-patient-care-outpatient-and-accident-and-emergency-data-april--may-2012>

Name of Producer Organisation

Health and Social Care Information Centre (HSCIC)

Name and contact details of person submitting this report, and date of report

Andy Sutherland, Head of Profession (HoP) for Statistics, HSCIC
andy.sutherland@ic.nhs.uk
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2 Circumstances of Breach

Relevant Principle/Protocol and Practice

1. Protocol 2 'Release practices', Practice 7:
"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."

2. Paragraphs 2 and 6(1) of the Schedule to *The Pre-Release Access to Official Statistics Order 2008*, the Code of Practice applying as if it included this Order by virtue of s. 11(3) of the *Statistics and Registration Service Act 2007*.

Date of occurrence

7 September 2012

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

1. 24-hour pre-release access to the Statistical Output had been granted to a list of ministers and officials at the Department of Health (DH). Such access was granted by or on behalf of the HSCIC's HoP pursuant to paragraph 3 of the Schedule to *The Pre-Release Access to Official Statistics Order 2008*.
2. At 16:40 on 7 September 2012 a draft version of the pre-release communication was prepared in readiness for the pre-release at 09:30 on 10 September 2012. However rather than being sent to the intender internal HSCIC recipient the e-mail containing the restricted pre-release documents were inadvertently sent to the two DH briefing co-ordinators.
3. The first DH briefing co-ordinator opened the e-mail at 07:20 on 10 September 2012 and on discovering the contents immediately alerted the HSCIC Statistical Governance team to the accidental release, she did not pass this information either verbally or electronically, and deleted the email immediately. The first DH briefing co-ordinator was then also contacted; she arrived into work at 08:40 on 10 September 2012 and confirmed that she deleted the e-mail without opening it.
4. The pre-release communication for "*Provisional Monthly Hospital Episode Statistics for Admitted Patient Care, Outpatient and Accident & Emergency data - April - May 2012 - special topic Anxiety and Stress*" was sent to the correct recipients as planned at 09:30 on 10 September 2012.
5. The HSCIC published "*Provisional Monthly Hospital Episode Statistics for Admitted Patient Care, Outpatient and Accident & Emergency data - April - May 2012 - special topic Anxiety and Stress*" at 09:30 on 11 September 2012.

Reasons for breach

The e-mail in question was a routine e-mail intended for the individuals within the operational team at the HSCIC who were responsible for producing the statistical outputs. It contains instructions and contact details in order that they may act as a back-up for sending the pre-release communication should a member of the Statistical Governance team not be available at 09:30 on pre-release day.

The e-mail addresses were accidentally reversed and the mail was sent to the briefing co-ordinators rather than the internal recipients.

3 Reactions and Impact

Although two briefing co-ordinators received pre-release access to an official statistic for a period of more than 24-hours before release, it is considered that the risks to the integrity of the Statistical Output, to its orderly release and to the public trust in official statistics were negligible.

The unauthorised recipients are civil servants in positions of trust who routinely handle documents of the greatest sensitivity and have confirmed that they deleted the offending email immediately; they did not disclose the contents or act on any of the information in the release.

Although it would have been possible for either recipient to have had access to the publication from 16:40 on Friday 7 September 2012 the e-mail was in fact opened by one briefing co-ordinator 2 hours prior to when they should have had access to its contents, the other briefing co-ordinator did not open the email at all.

4 Corrective Actions Taken (include short-term actions, and long-term changes made to procedures)

In future the back-up e-mail will no longer contain the publication documents themselves, and the HSCIC operational teams will need to add these prior to sending out at 09:30 on pre-release day should this need arise.

The Statistical Governance team at the HSCIC will also investigate the possibility of setting up a secure 'SharePoint' folder to store restricted documents prior to release which would remove the need for attaching them to e-mails.