Reporting breaches of the Code of Practice for Official Statistics

Government Statistical Service

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WHAT YOU NEED TO KNOW

The GSS Good Practice Team (GPT) took over the administration of reporting breaches of the Code in July 2016 as part of our GSS support role. Following a light touch review of the process we are issuing refreshed guidance to remind producers of how to report breaches, their responsibilities and the service that they can expect from the GPT. This guidance will be reviewed again as and when the UK Statistics Authority (the Authority) issues a revised version of the Code of Practice.

What hasn't changed?

- The process of reporting breaches is fundamentally the same as previous guidance from 2012.
- The scope of breaches which should be reported is unchanged and relates to when the impartiality objectivity, integrity or confidentiality of the statistics does not meet the standard set out in the Code.
- Breaches should still be reported to the National Statistician using a template form.

What has changed?

- Minor changes to the reporting template form to make it easier to complete, with links to help producers provide the required level of detail when completing breach reports.
- In cases when it takes a considerable time to collect full information for the report, GPT will consider publishing an interim breach report to help increase transparency.
- This guidance references the National Statistician's new Management Information and Official Statistics guidance.
- The GPT will publish an annual review of breaches. This is to increase transparency and will also help identify any modifications that could improve the process and guidance.

The GPT commitment

- We will provide timely advice and support to complete the form.
- We will review the breach reports we receive promptly and support producers to produce an accurate and fair account.
- We will ensure that completed reports are published on the Authority's website in a timely manner.

We ask that you as producers

- Be open and transparent. Discuss potential breaches with us. Transparency is the key driver during the breach reporting process.
- Provide any additional information requested in a timely manner.
- Give us feedback on the efficiency and effectiveness of the breach reporting process.
- When completing breach reports, think of your users and the information they will require to maintain trust in official statistics.

GUIDANCE ON THE BREACH REPORTING PROCESS

Introduction

Being open about the occurrence of a breach of the Code of Practice for official statistics ("a breach") enhances the transparency and public accountability of the statistical system, helping to build trust. When things go wrong, being open about the circumstances and publicising improvements made as a consequence, are positive ways to improve trust.

The Authority has an obligation under the Statistics and Registration Service Act 2007 to promote and safeguard good practice in relation to official statistics. Producers support and uphold this principle by reporting breaches. This guidance:
- offers advice on what might constitute a breach.
- sets out the steps to take when a producer suspects that a breach may have occurred.

How do I decide if a breach has occurred and if it should be reported?

The Code of Practice sets out the principles and practices that ensure that official statistics are impartial, and objective, and demonstrate integrity and confidentiality. If these conditions are not met then it is likely that a breach has occurred.   Breaches should be reported to the National Statistician via the GSS Good Practice Team. This applies to both National and official statistics.

Release practices protocol: Breaches occur most frequently under the protocol on release practices, for example:

Protocol 2 practice	Example of breach
Practice 4 - *statistics not released at the scheduled time of 09:30am (delayed publication)*	Publication of a statistical report is delayed e.g. due to issues with the publication system. See also note below *
Practice 7 - *content of a statistical report has been shared before publication with someone not on the relevant pre-release access list.*	Someone on the pre-release list forwarded a copy of the statistics to a colleague not on the list.
Practice 8 - *Content of a statistical report made public or available to anyone not essential for statistical production that is not on the relevant pre-release access list before publication, through accidental or wrongful release.*	A statistical report, or part of a report, was published early by mistake, e.g. accidentally made live on a website before the scheduled 9.30am time.

* Note on statistics released just after 09:30: There are instances when statistics have been published shortly after the 09:30 release time, often due to a minor technical issue or manual oversight. A breach report should still be completed in such cases. However, where the delay relates to a non-market sensitive statistical report, corrective action was taken to ensure prompt

publication when the error was spotted (e.g. before 10:00) and there was no significant impact on users, we envisage that the breach reporting process will be very straightforward.

Other parts of the code where breaches may occur (these are less common in practice) include:

Principle and practice	Example of breach
Principle 2 - Impartiality and objectivity **Practice 3 -** *Statistics are not made equally available to all, subject to statutory provisions for pre-release access.*	Statistics are provided to a single user, or group of users, in advance of being published.
Principle 3 - Integrity **Practice 1 -** *Statements or comments based on prior knowledge of the statistics are published ahead of the publication of the statistics*	Information is made available through media and /or other channels prior to the pre-announced time of the publication of the statistics.
Practices 2 to 4 - *The professional independence of statisticians is compromised.*	Following pressure from departmental colleagues, the timing of the release of official statistics is changed for non-statistical reasons.
Practice 6 - *Unpublished information is used for personal gain.*	An individual uses information to be published in a forthcoming market sensitive statistical report to, for example, play the stock market.
Principle 5 - Confidentiality **Practices 1, 2, 5 and 6 –** *Confidential (disclosive) information is inadvertently / inappropriately made available outside the producer body.*	Raw data files with identifiable information are accidently uploaded to the internet and become publicly available.

The GSS Good Practice Team can provide advice and support on whether a breach report or escalation of an issue is required when a breach is suspected.

Guidance on management information

In identifying ways to maintain compliance with the Code whilst maximising value to users, statistics producers may also find the [new guidance on management information](#) useful. This sets out approaches that can be used to produce ad-hoc statistical releases (without for example breaching principle 2, practice 3 of the Code).

Future changes to the reporting of breaches

Producers should be aware that this guidance relates to the Code of Practice introduced in January 2009. A stock take of the Code commenced in early 2016 and is likely to recommend revisions. If a revised Code is introduced we will update this guidance to take account of relevant changes.

How do I report a breach?

The producer responsible for the statistical release should ensure that the relevant Head of Profession (HoP) or Lead Official (LO) is notified of a potential breach straight away. This may mean alerting the HoP / LO in more than one department in some cases.

Informing the National Statistician

The producing department should then contact the GSS Good Practice Team (GPT) (ideally by email to goodpracticeteam@statistics.gov.uk) on the day of the potential breach or as soon as is practically possible. The GPT will provide support and advice and will inform you whether it is necessary to submit a written breach report using the standard template. The GPT can also provide advice on what level of detail needs to be included on the breach report.

If you are confident that a breach has occurred and that you have all the necessary information needed, a written breach report may be completed and provided to the GPT on first contact.

Who is responsible for reporting a Breach?

The responsibility for reporting a breach lies with the 'responsible person', usually the HoP / LO of the producer department. For example, if statistics are sent to eligible persons in another department under pre-release access but the recipient disregards one of the rules or principles, the HoP of the producing department must report the breach. It is their statistics that are the subject of the breach and it is that HoP's responsibility to ensure that all those granted pre-release access comply with legal requirements.

Informing users

The GPT can advise if the producer needs to issue a more timely public statement explaining the breach, in advance of the publication of the breach report. This is usually good practice and would normally be released in the same place that the data has been / is to be published.

What happens if a publication is going to be released after 09:30 – how should this be reported to users?

Alert users to the late release of a publication as soon as possible, with an indication of a resolution time. This can be done by using social media and / or sending an email to all known users (forwarding an electronic version of the statistics) and posting a statement on the relevant webpage (inviting users to contact the producer to receive a copy of the statistics via email). Your response should be proportionate to the nature of the breach and the affected statistics and provide appropriate reassurance to users describing the steps that will be taken to improve the department's statistical processes.

What happens after a breach report has been submitted to the GPT?

The GPT will review the report and may make further contact with the producer to discuss the content and ask for additional information. This may include checking that the proposed corrective actions are sufficient and focussed enough to address the root cause of the Breach.

The report will be discussed with the Authority's Monitoring and Assessment (M&A) Team. This may result in additional information being requested. Other follow up action by the Authority will depend on the nature and severity of the Breach and the risk posed to public trust in official statistics.

Where is a breach report published?

The Breach report will be published on the [Authority's website](). Depending on the severity of the Breach, the Authority will consider on a case-by-case basis whether a further statement or other intervention is needed.

Breach reporting timeline

What stages are involved in the process, and how long should each one take?

Step 1 – The producer responsible for the statistical release should ensure that the relevant HoP or LO is notified of the potential breach and contact the Good Practice Team as soon as is practically possible, ideally on the day of occurrence.

Step 2 – If the producer is unclear as to whether a breach has occurred they should contact the Good Practice Team who will confirm if further action is required.

Step 3 – The producer department should complete a breach report. This should ideally be submitted to GPT within <u>one working day</u>. If needed, GPT will provide advice and support on completing the breach report template.

Step 4 – GPT will review the breach report and will request any additional information needed within <u>two working days</u> of receipt. GPT will liaise with the Monitoring and Assessment team (M&A) as appropriate. The producer should respond to this request within <u>two working days</u> wherever possible.

Step 5 – The final breach report will be reviewed by GPT and M&A and, once signed off by both, submitted for publication on the Authority website.

It is important to provide timely information on breaches, to ensure transparency for users and help to build trust. Ideally, we aim for completed breach reports to be published within **10 working days** of the initial report.

Publishing an interim breach report

In some complex circumstances it may take longer than this to complete a breach report (for example to provide all the required information about why a breach occurred or how it will be countered in the future). In these cases the producer must keep in regular contact with the GPT. In rare cases, the GPT may advise the producer that an interim breach report should be completed and published to ensure transparency to users. This will be considered after 6 weeks from the initial breach notification.

REPORTING A BREACH OF THE CODE OF PRACTICE FOR OFFICIAL STATISTICS

1. Core Information [guidance]

Title and link to statistical output	
Name of statistical producer	
Name and contact details of person dealing with report	
Link to published statement about the breach (if relevant)	
Date of report	

2. Circumstances of breach [guidance]

Relevant principle/protocol and practice	
Date of occurrence of breach	
Give an account of what has happened including roles of persons involved, dates, times etc	

3. Impact of the breach [guidance]

Provide details of the impact of the breach both inside the producer body and externally

4. Corrective actions (taken or planned) to prevent re-occurrence[guidance]

Describe the short-term actions made to redress the situation and the longer term changes to procedures etc

Guidance on completing the template

If any further guidance is needed, please contact the Good Practice Team via email in the first instance: goodpracticeteam@statistics.gov.uk

1. Core Information

Please provide the name and contact details of the person who would be best placed to deal with any correspondence relating to the breach.

Published statements about the breach may not be available at the time of reporting, in which case this box can be left blank.

2. Circumstances of breach

Please indicate which part of the Code of Practice the breach relates to e.g. 'Principle 2, practice 3' or 'Protocol 2, principle 4'. This will help us to monitor which parts of the Code the most common breaches relate to.

Provide details of the nature and circumstances of breach in a way that would be clear to a user of the statistics. This should clearly identify how and why the breach occurred, and include references to previous breaches in the same area (where relevant).

The level of detail needed is likely to depend on the exact circumstances, but for minor breaches (e.g. related to minor delays to publication) brief details will be sufficient.

3. Impact of the breach

Please give brief details of the impact of the breach, covering impacts both inside and outside the producer body.

The information supplied will depend on the type of breach, but for example where the breach relates to accidental or wrongful release useful information might include the number of people accessing the statistics, and whether any press reports were published before the official release.

4. Corrective actions

Please provide as much detail as possible to help users and the Authority to understand how the breach has been addressed.

Appropriate actions will depend on the circumstances and severity of the breach; as a guide, some examples of considerations and suitable actions for the most common types of breach are below

Accidental or wrongful early release (Protocol 2, principle 8)	
Things to consider:	Possible corrective actions:
• How sensitive are the statistics and how long is it before the scheduled publication date? • How many people are likely to have accessed the statistics? • Has pre-release access to the statistics been restricted? Should you ask people with pre-release access not to disclose or discuss the statistics until further notice?	• Withdraw the data as soon as possible. • Bring forward the time of the general release. • Issue a statement on your organisation's website alerting users to the problem.

Pre-release data shared with someone not on the pre-release list (Protocol 2, principle 7)	
Things to consider:	Possible corrective actions:
• How many people received the statistics in error and who? • Are the statistics high profile or market sensitive? • How long have the recipients had access to	• Recall the data. • If the statistics have been forwarded by somebody that was eligible to receive pre-release access, consider removing their pre-release access.

the data before the error was discovered? • Have the recipients shared or discussed the data with others? • Can the offending email or statistics be recalled or deleted? • Was the correct security marking applied to the pre-release access email?	• Remind staff about correct pre-release protocol. • Strengthen the wording of all text accompanying pre-release material. • Consider further training to educate staff on their obligations under the Code of Practice. • Increased management control of the processes. • Should stronger words be used in the text that is sent out with pre-release access?
Statistics published after the required time of 9.30am (Protocol 2, principle 4)	
Things to consider: • How sensitive are the statistics and how long is the delay likely to be? • Has pre-release access to the statistics been restricted? Should you ask people with pre-release access not to disclose or discuss the statistics until further notice? • Can social media channels be used to acknowledge or apologise for the delay?	Possible corrective actions: • Consider emailing key users a copy of the release. • Issue a statement on your organisation's website alerting users to the problem • Consider whether there is another way to publish the release.