

## 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')

Safety in Custody Quarterly Statistics bulletin

<https://www.gov.uk/government/collections/safety-in-custody-statistics>

Name of Producer Organisation

Ministry of Justice

Name and contact details of the statistical Head of Profession (Lead Official in an Arm's Length Body) submitting this report, and date of report

Steve Ellerd-Elliott. Head of Profession for Statistics, Analytical Services Ministry of Justice, 102 Petty France, London, SW1H 9AJ. [steve.ellerd-elliott@justice.qsi.gov.uk](mailto:steve.ellerd-elliott@justice.qsi.gov.uk)

DATE: 3 October 2016

### 2. Circumstances of breach

Relevant Principle/Protocol and Practice

Protocol 2 - 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.*

Principle 2 - Impartiality and objectivity

Date of occurrence

30 September 2016, article published 1 October 2016

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

On 30 September, a journalist contacted MoJ to advise that the Sun on Sunday would be publishing an article using data obtained from the National Offender Management Service's internal management information data system, the NOMS Performance Hub. The data obtained included management information that will be used to develop National Statistics due for future publication: the next scheduled publication being on 27 October. The data covered a range of assaults in prison measures, including prisoner on staff, prisoner on prisoner, serious assaults and allegation of sexual assaults.

<https://www.thesun.co.uk/news/1893749/lags-in-brit-jails-carry-out-19-attacks-on-prison-staff-every-day-leaked-report-reveals/>

The figures included in the article covered the period April to August 2016. The latest published National Statistics at the time of the article were to March 2016. These were published on 28<sup>th</sup> July. The Safety in Custody Statistics bulletin shows 12 month rolling figures, alongside quarterly breakdowns. The leaked figures released within the Sun on Sunday article were not National Statistics in their final form nor had they been obtained from within the statistical production process but as earlier management information they could give an indication of the volume and trend.

Reasons for breach

Internal management information which is used in the production of National Statistics obtained by a journalist.

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

The NOMS Performance Hub is the management information reporting system for the National Offender Management Service and was believed to be the source of the data the journalist obtained. As a precaution, the NOMS Performance Hub was shut down with immediate effect whilst an investigation was carried out into the data access provisions for the Hub

The Ministry of Justice responded to the Sun on Sunday article with a statement to advise: "We do not comment on leaked documents."

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

A full investigation into the breach is now under way. The investigation is being headed by the Departmental Security Officer alongside the Director of Analytical Services and the MoJ Head of Profession for Statistics. I will update the Authority once the review has concluded.

As a Data Driven Department we are building a culture that is comfortable with data and inquisitive in nature and so makes better policy and operational decisions through better use of data and evidence. At the same time we endeavour to ensure those using data are aware of their responsibilities. This includes clear conditions of use as well as targeted caveats on

data usage which are included on all outputs from the Hub.

The intentional misuse of information is a risk inherent to a Data Driven Department, to mitigate this there are a range of further requirements on the Hub contract to provide security and monitor access.

Following careful review the Hub was reinstated on Tuesday 4<sup>th</sup> October and we have commenced work to increase the security and monitoring capabilities of the Hub immediately.

A formal protocol is being developed that can be followed should this situation arise again.

#### **5. Links to published statements about this breach**

The Ministry of Justice issued a statement at the time of the breach to advise: "We do not comment on leaked documents". This appeared in the Sun on Sunday article as the Ministry of Justice response: <https://www.thesun.co.uk/news/1893749/lags-in-brit-jails-carry-out-19-attacks-on-prison-staff-every-day-leaked-report-reveals/>

#### **6. Any other relevant supporting material**

None.