

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)

Adult Dental Health Survey - 2009, Summary report and thematic series
Web link: <http://www.ic.nhs.uk/pubs/dentalsurveyfullreport09>

Name of Producer Organisation

The Health and Social Care Information Centre (known as "The NHS Information Centre for health and social care", hereinafter "the NHS IC")

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

Report made 13 April 2011
Submitted by:
Andrew Wineberg
Tel 0113 866 5529
Email Andrew.Wineberg@ic.nhs.uk

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

23 March 2011

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

1. The NHS IC published *Adult Dental Health Survey - 2009, Summary report and thematic series* ("the Statistical Output") on 24 March 2011.
2. 24-hour pre-release access to the Statistical Output had been granted to a list of ministers and officials at: the Department of Health [UK] ("DH"); the Department of Health, Social Services and Public Safety [Northern Ireland] ("DHSSPS"); and the Welsh Assembly Government ("WAG"). Such access was granted by or on behalf of the NHS IC's Head of Profession for Statistics pursuant to paragraph 3 of the Schedule to *The Pre-Release Access to Official Statistics Order 2008*.
3. Shortly after publication of the Statistical Output, NHS IC requested the three pre-release access recipient bodies to send copies of their ministerial briefing documents (including the cover emails by which they were disseminated) in order to assist with a pre-release access compliance audit being conducted by NHS IC.
4. The documents supplied to the NHS IC by WAG disclosed no breach of pre-release access rules. However, the DH and DHSSPS ministerial briefing email copy lists had each included one person who had not been granted pre-release access by the NHS IC and who had thus received access to some or all of the Statistical Output without having been correctly granted pre-release access.
5. The NHS IC had not been contacted to request that the unapproved recipients be approved for pre-release access.

Reasons for breach

An official at DH stated that he had copied the email to the unapproved recipient (a private secretary to the Minister of State for Quality) because the minister's box was about to go and needed to be packed by him in the temporary absence of the assistant private secretary who had been granted pre-release access.

An official at DHSSPS stated that the unapproved recipient (the department's Permanent Secretary) is routinely copied in to all ministerial briefings. The official further stated that "Due to an oversight on my behalf I had not included his name on the [list of people for whom pre-release access was requested]".

3 Reactions and Impact

Although two people received pre-release access to official statistics without having the NHS IC's approval, the risks to the integrity of the Statistical Output, to its orderly release and to the public trust in official statistics are negligible. Both the unauthorised recipients are senior civil servants in positions of trust who routinely handle documents of the greatest sensitivity. Furthermore, in the circumstances, both would have been granted pre-release access by NHS IC had such access been requested. They have subsequently been added to the list of those who received pre-release access.

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

The NHS IC's Head of Profession for Statistics has written to the Heads of Profession at DH and DHSSPS to notify them of the incidents and to ask that they consider reminding relevant staff of the need to seek clearance for **all** pre-release access recipients.

5 Any other relevant supporting material (including link to published statements about this breach)

None