

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)

UK Business Enterprise Research and Development, 2011

Name of Producer Organisation

Office for National Statistics

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

Glen Watson (21 November 2012),

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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 - came into force on 1 December 2008.

Date of occurrence

19 November 2012

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

Individuals at Scottish Government receive pre-release access to the UK Business Enterprise Research and Development (BERD) statistical bulletin. During the process of a ministerial briefing being drafted, headline estimates from the BERD statistical bulletin were inadvertently shared, by an individual that had pre release access copying in four colleagues within the Innovation and Life Sciences team who did not have pre-release access to the statistical bulletin.

An individual within the Scottish Government department identified that this information had been shared, contrary to the Pre release access order. The situation was immediately acted on and guidance was sent to those individuals who had inadvertently been sent the estimates, thereby containing the issue:

You have been forwarded a restricted briefing based on the latest Business Enterprise Research and Development Statistics, which are due to be released tomorrow morning at 9:30am. These statistics are restricted until they are published by the Office for National Statistics tomorrow. Do not forward these statistics on or discuss them until after 9:30am on Tuesday 20th November.

The breach was raised by Scottish Government with ONS at 10:00am on 20 November. ONS asked Scottish Government to provide details of the breach – these were sent to ONS at 14:15. The breach was immediately acted on by ONS.

Reasons for breach

There would appear to be a lack of understanding from individuals at the Innovation and Life Sciences team, Scottish Government over what is allowed and not allowed from a pre-release access perspective.

3 Reactions and Impact

This breach was managed internally, from a Scottish Government perspective, quickly and effectively. There was no internal or external reaction to this breach as it was identified and contained within the department and the information was not passed further.

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

A conversation has been held between ONS and the Head of Profession for Statistics at Scottish Government. It was stressed that individuals who receive pre

release to ONS statistics should not forward the restricted information, in line with the cover page accompanying the release and the pre release access order.

In addition, a letter has been sent to the Head of Profession for Statistics at Scottish Government to further assert this matter and ensure that it is dealt with in a robust and formal manner. This has been responded to outlining the action being taken; the Scottish Government have responded and stated that guidance has been developed and induction training specifically tailored to Private Office staff and special advisors put in place. These measures should ensure that pre-release access responsibilities are properly understood by recipients.

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

Not applicable.