

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')

Rail Finance, 2015-16 Annual Statistical Release
http://orr.gov.uk/_data/assets/pdf_file/0005/22982/rail-finance-statistical-release-2015-16.pdf

Name of Producer Organisation

Office of Rail and Road (ORR)

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

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2. Circumstances of breach

Relevant Principle/Protocol and Practice

Statistical reports have been released contrary to Protocol 2 of the Code, including where the content of a statistical report has been made available to individuals who are not on the relevant pre-release access list (Practice 7).

Date of occurrence

Wednesday 13 October 2016

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

The ORR shares pre-release statistics with the Department for Transport on a confidential basis to permit Ministerial briefing. The information is shared with a limited list of officials on the ORR's 24-hour pre-release access list.

http://orr.gov.uk/data/assets/pdf_file/0015/3237/Pre-Release-List.pdf

Reasons for breach

In the course of correspondence between individuals entitled to see the statistics in advance which was tangential to the statistics, a protective marking had been inadvertently removed from the subject line of an email which contained a high level summary of the statistics earlier in the email chain (but not the actual statistics).

A new member of DfT's Ministerial Private Office staff (on the pre-release list) who received this email forwarded it to colleagues in the 24-hour release window (at 6pm on the evening before publication) including two people not on the ORR's pre-release list. This individual was unaware of the sensitivity of the pre-release statistics, and had not read the handling instruction regarding not sharing them before publication which was earlier in the email chain.

The breach came to the attention of the DfT's responsible statistician (the head of the rail statistics team at DfT) on Tuesday 18 October in a follow-up email that revealed the earlier circulation of a summary of the statistics. ORR was made aware of the breach immediately.

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

- Before they were published, the statistics were not shared beyond the pre-release list and the two people that accidentally received them.
- There was no external release of statistics prior to publication.
- This was an accidental breach which did not involve officials attempting to use the statistics for personal gain or for political advantage.

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

- Immediate actions: The individual responsible for removing the protective marking from the email, and the individual who forwarded the email, have both been made aware of the relevant guidance on pre-release access, which they have now read and understood. All staff who receive pre-release access to rail statistics in DfT have been reminded of their responsibilities under the Code of Practice.
- Follow up action: new DfT briefing and induction materials will be prepared for individuals (particularly new members of staff) given pre-release access to official statistics. This could be used across DfT as a whole.