

REPORT OF A BREACH OF THE CODE OF PRACTICE FOR STATISTICS

1. Core Information [\[guidance\]](#)

Title and link to statistical output	Mental Health Services Monthly Statistics Final April, Provisional May 2020 https://www.gov.uk/government/statistics/mental-health-services-monthly-statistics-final-april-provisional-may-2020
Name of producer organisation	NHS Digital
Name and contact details of person dealing with report	Sunita Wilkhu, NHS Digital sunita.wilkhu1@nhs.net
Link to published statement about the breach (if relevant)	N/A
Date of breach report	15 July 2020

2. Circumstances of breach [\[guidance\]](#)

Relevant principle(s) and practice(s)	Accidental or wrongful early release (Practices T3.3, T3.4)
Date of occurrence of breach	15 July 2020

Give an account of what happened including roles of persons involved, dates, times etc

The data breach occurred within NHS England and Improvement.

The “Mental Health Services Monthly Statistics Final April, Provisional May 2020” publication was sent out for pre-release at 09:30 on the 15th July 2020. This contained data files related to the publication.

The restrictions around sharing were clearly marked on all material that had been shared with people on the pre-release access list.

An official used the data files to create a document to support the senior sign off for a future statistics publication. They would have usually sent this onto their line manager (also on the pre-release access list) for sign off. But as their line manager was not in work, the official shared this document with their section head for sign off instead. The section head was not on the pre-release access list.

The breach was identified by the briefing co-ordinator when the official sent her an e-mail at 14:19 to informing her he had used the data forwarded that morning to create a document that would allow sign off for a future document. He stated that he had sent the document he had created to his section head, as his line manager was not in work.

The briefing co-ordinator questioned if the section head had received access to the pre-release information as they were not on the pre-release access list.

The official confirmed at 15:14 that their section head was the recipient of the document they had created which included data from the data files they had been sent under pre-release access and that the section head had read it.

The briefing co-ordinator asked the official if anyone else outside of the pre-release access list had had sight of the data files or document they had created. The official confirmed that they had spoken with the section head and they had confirmed they did not pass it onto

anyone else. Therefore the section head was the only colleague not on the pre-release access list who had had sight of the pre-release data.

The briefing co-ordinator notified NHS Digital that there had been a data breach on 15th July 2020 at 15:32.

3. Impact of the breach [\[guidance\]](#)

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

Summary:

One person, not on the pre-release access list, viewed unpublished figures when they were forwarded.

This individual worked for NHS England. They did not share any indication of the figures with anyone else.

Therefore, the impact of the breach is considered low.

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

Once notified of the breach, the Statistical Governance team immediately reported the incident to the Head of Profession for Statistics at NHS England and Improvement.

To ensure this type of breach is avoided in future, NHS England briefing co-ordinators and wider Pre-Release Access (PRA) colleagues will undertake the following activity:

- discuss current PRA processes with the relevant Senior Leadership Teams and reiterate the importance of data sensitivities and confidentiality agreements
- when data is shared by the briefing co-ordinator with PRA colleagues, a list of those included on the PRA will be highlighted in the body text of the email, as well as attached within a separate document (as is the current practice)
- when gathering contact details for those to be included on the PRA list, the briefing co-ordinator will check annual leave and switch names as and when it is needed