

Report of a breach of the Code of Practice for Statistics

Core Information

Information needed	Response
Title and link to statistical output	Fostering in England 2019-20 https://www.gov.uk/government/statistics/fostering-in-england-1-april-2019-to-31-march-2020
Name of producer organisation	Office for Standards in Education (OFSTED)
Name and contact details of person dealing with report	Klara Davies socialcaredata@ofsted.gov.uk
Name and contact details of Head of Profession for Statistics	Jason Bradbury Jason.bradbury@ofsted.gov.uk
Link to published statement about the breach (if relevant)	N/A
Date of breach report	12/11/2020

Circumstances of breach

Information needed	Response
Relevant principle(s) and practice(s)	Trustworthiness: T3: Orderly release
Date of occurrence of breach	11/11/2020 and 17/11/2020

Please give an account of what happened including roles of persons involved, dates and times:

Our pre-release access email for the Fostering in England Statistical first release is sent out 24 hours prior to publication to a small, specific number of Ofsted and Department for Education (DfE) employees. The recipients are clearly made aware that they must not share, forward or discuss the information presented in this release with others who do not have pre-release access to this data and that any accidental or wrongful release should be reported immediately and may lead to an inquiry. We remind them that wrongful release includes indications of the content, including descriptions such as 'favourable' or 'unfavourable'.

On 11 November 2020 at 13:46 we were informed by a statistician at DfE that there had been a data breach. A DfE statistician became aware that a summary email had been prepared for circulation within an internal policy team at 11.45 on Wednesday 11 November, and so sought clarification on whether this had been circulated and explained that would represent a breach of statistics. Thirty minutes later the statistician received confirmation that an email including a short summary of 5 of the headline findings had been circulated to 6 policy colleagues who were not on the pre-release access list. The intention had been to alert colleagues to potential issues that might arise as a result of the release and therefore to prepare reactive lines. The email was marked Official Sensitive and none of the recipients had shared it onwards as they had been instructed not to. The analyst requested that the email was withdrawn and deleted. It was subsequently deleted by recipients within 1 hour of sending. Half of the recipients had not had the opportunity to read the email when the request to delete was received.

On 17 November at 16:52, we were informed of another data breach from the DfE. The second incident occurred when the minister's private office circulated the final briefing note to the duty press officer who was not on the pre-release access list. This email was sent at 20:35pm on Wednesday 11 November and so wasn't picked up until the following working day at 9.15am. Upon further investigation it became apparent that 4 new people who had recently joined private office were not aware of the rules around pre-release access.

Impact of the breach

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

On 11 November the headline findings had been circulated to 6 policy colleagues who were not on the pre-release access list. The email was marked Official Sensitive and none of the recipients had shared it onwards as they had been instructed not to. The analyst requested that the email was withdrawn and deleted. It was subsequently deleted by recipients within 1 hour of sending. Half of the recipients had not had the opportunity to read the email when the request to delete was received.

For the second breach on 17 November, the final briefing note was circulated to a press officer. This occurred 13 hours before publication of the full report and was not shared more widely so had minimal impact.

Corrective actions (taken or planned) to prevent re-occurrence

Describe the short-term actions made to redress the situation and the longer-term changes to procedures:

The first data breach was acknowledged and understood as soon as DfE Statistics Team identified it. It was made by an experienced policy official who has years of experience dealing with sensitive data so was an isolated incident. The incident has been reported up the line management chain and a performance conversation has been had, with respect to information security and following of due procedure.

With regards to the second data breach, the DfE have agreed 2 actions. Going forward press office (and others) will make sure that the official sensitive embargo notice is always included at the top of any correspondence relating to pre-release access statistics and the Head of Profession office will do a teach-in for all new private office staff so they understand how it works.

From an Ofsted point of view, we will review our pre-release emails to ensure that the importance of everyone understanding what they can/can't do with pre-release data is even clearer and more obvious. In particular, we will consider whether the use of font styles (e.g. bold, increased font size) could aid understanding.