

DEPARTMENT FOR TRANSPORT STATEMENT OF COMPLIANCE

PRE-RELEASE ACCESS TO OFFICIAL STATISTICS ORDER 2008

Introduction

This statement sets out the Department for Transport's operational arrangements for giving Ministers and their officials pre-release access to official statistics once they have attained their final form prior to publication.

These arrangements are designed to ensure that such access is justified, limited, controlled and publicised and complies with statutory requirements. Their purpose is to maintain public confidence in the integrity of official statistics while allowing DfT Ministers to account immediately for the implications of statistics covering policy areas for which they are democratically responsible.

This statement is published in conformance with the *Pre-release Access to Official Statistics Order 2008* that came into effect on 1 December 2008.

Exclusion

Different arrangements apply to Ministers' and officials' access to the organisation's own administrative or management data where those data subsequently form the basis for published official statistics. These arrangements will be regulated by the Official Statistics Code of Practice and the National Statisticians guidance. They are currently being drafted in consultation with the National Statistician. This permits the publication of Official Statistics in accordance with the Pre-Release Access rules, while not preventing their use for operational purposes. A preliminary statement on the access arrangements which apply to administrative or management data (where those data subsequently form the basis for published official statistics) is at:

<http://www.dft.gov.uk/pgr/statistics/standardsreview/>

Authority

These arrangements have been drawn up by the Department's Head of Profession for Statistics in consultation with the responsible Minister and the Department's Permanent Secretary.

The Head of Profession for Statistics is also responsible for ensuring the day-to-day implementation of these arrangements.

General Principle

The Department for Transport operates under the general principle that pre-release access to official statistics must be:

- Limited to the minimum number of persons deemed necessary to allow the Minister to either:
 - Provide responses to questions, or make statements about those statistics at,



or shortly after, their time of publication

- Take action just before, at, or shortly after the time of publication

- Allowed in circumstances where the public benefit likely to result from such access outweighs the detriment to public trust in official statistics likely to result from so doing.

Granting of advance access

The arrangements set out in this statement are confined to those persons who meet the eligibility criteria set out in **Annex A(i)** attached. Recipients can, in addition, share their access with their immediate administrative support staff even though those staff may not directly engage with the statistics in question.

Their advance access is limited to statistics which meet the eligibility criteria set out in **Annex A(ii)** attached, and which are in their final form prior to being published for the first time. This procedure is strictly applied and some releases do not have any pre-release access.

Documentation and Publication

In the interests of openness and transparency, the Department maintains a public record on its website listing the titles of all the statistical releases to which these arrangements apply, as well as the job titles of all those persons to whom pre-release access has been granted, and the organisations to which they belong.

All current and past publications can be accessed from the following link,

<http://www.dft.gov.uk/pgr/statistics/recentpubs/>

From 1 December 2008, all official statistics publications are accompanied by a pre-release access list where pre-release access is granted.

Period of access

In line with the legislative rules, pre-release access to the organisation's official statistics is restricted to a maximum of 24 hours before their public release at 9:30am on the following day.

In exceptional circumstances only, and in accordance with Principle 5 of the Pre-release Access to Official Statistics Order 2008, the Head of Profession for Statistics may grant pre-release access in excess of 24 hours. They will only do this if, in their opinion, the public benefit outweighs the detriment to public trust which is likely to result from such extended access. When this happens, the Head of Profession will publish their reasons for granting extended access, and will also inform the UK Statistics Authority's Chief Executive, the National Statistician.

Conditions of access



Those persons who are given access to the Department's official statistics ahead of their release must keep the statistics secure and under embargo, and they must abide by certain conditions of access. They must avoid:

- Disclosing the statistics or any part of a publication containing those statistics
- Providing any indication of the size or direction of any trend revealed by the statistics
- Using such access for personal gain, or taking any action for political advantage
- Exploiting such access to change or compromise the content, presentation, or timing of publication of official statistics

The code gives additional requirements for statistics regarded as "market sensitive". The Department for Transport has no such statistics.

Special circumstances

Aside from the circumstances described above, the Head of Profession may also allow access to statistics ahead of their release to a limited number of persons in a limited number of special circumstances, sometimes for more than 24 hours. In each case, such access will be documented in the relevant release. For example:

- Access may be given to the compilers of complementary reports due to be published at the same time as, or shortly after the statistics so that they can incorporate the latest available figures. Such access may also be longer than 24 hours
- International organisations may gain access in order to compile supra-national statistics

Breach of these conditions

In the event of a significant breach of the principles and rules set out in the legislation and described in this Statement, the Head of Profession for Statistics will report the breach, and any actions taken to ensure that it is not repeated, to the UK Statistics Authority's Chief Executive (the National Statistician).

Where the Head of Profession considers that a breach was minor in nature, and resulted in no damage to the integrity of the statistics involved, they may choose to deal with the matter informally through internal discussion.

Sanctions against non-compliance

The Head of Profession is responsible for ensuring compliance within their department, and has discretion over how they respond to breaches of the regulations. There are a range of possible responses, and it is for the Head of Profession to decide the most appropriate course of action in the circumstances. In seeking to avoid any breach being repeated, the Head of Profession may decide, for example, to remove pre-release access from someone who previously received it, but who was involved in a breach of the rules or principles set out in the regulations.

The UK Statistics Authority will assess compliance with the pre-release access regulations as part of its assessment of compliance with its own Code of Practice, of which the regulations in effect form a part. This compliance statement does not fetter the discretion of the Authority in dealing with breaches of the regulations. The Authority has the right to report any breach to Parliament and to publish any of its reports on its website.

NOTES:

(a) Pre-release access

In the context described above, the phrase 'pre-release access' covers privileged access to statistical releases in their final form prior to being placed in the public domain. It does not cover pre-release access available to:

- Those staff intimately engaged in the process of producing and disseminating the statistics in question (including those responsible for overseeing this process)
- Those persons requested by the producers to quality assure the statistics before their public release

(b) Heads of Profession for Statistics

Organisations which employ a large number of official statisticians, or produce a large number of official statistics will normally appoint a Head of Profession for Statistics in consultation with the National Statistician. As well as being accountable to their own Minister and departmental line-managers, Heads of Profession are responsible to the National Statistician for the professional integrity of the statisticians whom they manage, and for the quality of the statistics which those statisticians produce. In particular they are responsible for observing the UK Statistics Authority's Code of Practice for Statistics as well as any professional standards set by the National Statistician.

ANNEX A: CRITERIA FOR GRANTING PRE-RELEASE ACCESS

(i) - Categories of persons within government to whom the Department for Transport would normally grant pre-release access to its statistical releases:

The Order describes a recipient of pre-release access as an “eligible person” and sets out three main definitions of an “eligible person”.

- A Minister or Secretary of State
- A person who, in the opinion of the Head of Profession, is otherwise accountable to the public for the formulation or development of government policy or for the delivery of public services to which the statistic has direct relevance, for example the Chief Executive of an agency or other arms length body, or a senior official with direct policy responsibility
- An adviser to a Minister or accountable person

Therefore an “eligible person” may be:

- Lead policy officials, where actively involved with preparing advice or a response, for each area covered by the published statistics requiring a response or action
- Lead statisticians for each area covered, if not already involved in the production of the statistics
- Expert advisers where required
- Designated press officers for each area covered
- Private secretaries in the relevant private office for each area covered
- The designated special advisors or equivalent, if needed

(ii) - Categories of statistical release to which the Department for Transport would normally grant pre-release access:

Statistics will need to be of a profile or importance which may require a response or action when they are published, in order to justify pre-release access. The Order describes this as “the public benefit likely to result from such access outweighs the detriment to public trust in official statistics likely to result from such access.”

Therefore criteria which apply in deciding to which statistics pre-release access might be given include:

- The importance of the statistics, for example:
 - statistics that are likely to influence the behaviour of a section of society
 - statistics that relate to important targets (such as key government performance targets)
 - statistics which can be expected to influence public policy or the allocation of government resources
- The profile of the statistics, for example:
 - statistics on which the Minister - or officials on their behalf – would generally be expected to comment to the national media at, or shortly after, publication
 - statistics on which the Minister would be expected to answer questions in Parliament at, or shortly after, publication

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