



# Ministry of Defence

Owner: MOD Head of Profession

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## Ministry of Defence (MOD) Statement of Compliance with Pre-release Access to Statistics Order 2008

### Introduction

1. This Statement is published in conformance with Section 9 of the Pre-release Access to Official Statistics Order 2008<sup>1</sup> which was approved by Parliament under Section 11 of the Statistics and Registration Service Act 2007 and which came into effect on 1 December 2008. It sets out the Department's operational arrangements for giving our Ministers, along with briefing officials, pre-release access to our own official statistics once they are in their final form prior to publication. These arrangements have been designed to ensure that pre-release access is justified, limited, controlled and publicised and complies with statutory requirements. Their purpose is to maintain confidence in the integrity of official statistics while allowing Ministers to account immediately for the implications of statistics which cover policy or operational areas for which they are democratically responsible.

### Exclusion

2. Different arrangements apply to ministers' and officials' access to the Department's own administrative or management data where those data subsequently form the basis for published official statistics. These arrangements have been described separately by the National Statistician and are published on the UK Statistics Authority's website.

### Authority

3. The Secretary of State for Defence has delegated responsibility for these arrangements to the MOD Head of Profession for Statistics. The Head of Profession is also responsible for the day-to-day implementation of these arrangements.

### General Principle

4. The Department operates under the general principles that pre-release access to official statistics must be:
  - limited to the minimum number of person deemed necessary to allow a minister to either:

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<sup>1</sup> <http://www.legislation.gov.uk/uksi/2008/2998/contents/made>

- 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 those circumstances where the public benefit likely to result from such access outweighs the detriment to public trust in official statistics that may also result.
5. As stated in Section 10, the Pre-release Order Schedule<sup>2</sup> does not prevent access to Official Statistics in their final form prior to publication by a person directly involved in the production of the publication, whether electronic or in hard copy, by which such statistics are to be published providing such access is used only for those purposes.

### Granting Pre-Release Access

6. Defence Statistics manages the department's pre-release access list under direction from the MOD Head of Profession who is responsible for ensuring the day-to-day implementation of the pre-release access arrangements. These arrangements only apply to those who meet the eligibility criteria set out in Annex A (i).
7. Their advance access is limited to statistics which meet the eligibility criteria set out in Annex A (ii) and which are in their final form prior to being published for the first time. This procedure is applied under strict conditions.
8. Defence Statistics will only add or remove publications from the pre-release access list, add in posts, or remove posts without the current post holder's agreement, with authorisation from the Head of Profession. Defence Statistics may remove posts that no longer exist, remove posts with the current post holder's agreement, or make temporary post changes, without explicit authorisation from the Head of Profession.
9. Wherever possible changes to the pre-release access list of a forthcoming publication will be published online before the pre-release copy of that publication is sent out in the interests of transparency.
10. 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. 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.

### Documentation and Publication

11. In the interests of openness and transparency, Defence Statistics
12. Defence Statistics maintains a list of the National and Official Statistics to which pre-release access is granted and the names of the posts (not the names of the individuals) that have been granted pre-release access to each publication. Pre-release access is limited to these publications and these posts. The latest version of this list, and all previous versions, can be found on GOV.UK<sup>3</sup>.

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<sup>2</sup> <http://www.legislation.gov.uk/ukxi/2008/2998/contents/made>

<sup>3</sup> <https://www.gov.uk/government/statistics/defence-statistics-pre-release-access-list>

## **Period of access**

13. In line with legislation, where a publication has pre-release access arrangements, the pre-agreed list of posts will be emailed a copy of the report no more than 24 hours prior to the release of the publication before public release of the publication at 9:30am the next day.
14. 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 on GOV.UK their reasons for granting extended access, and will also inform the UK Statistics Authority's Chief Executive – the National Statistician.

## **Conditions of access**

15. Those that are given pre-release access to MOD's official statistics must keep the statistics secure, in a state of embargo and they must abide by certain conditions of access. They must not:
  - Forward or disclose the statistics or any part of the publication containing those statistics
  - Provide any indication of the direction or size of any trend revealed by the statistics
  - Use pre-release access for personal gain or take any action for political advantage
  - Exploit this access to change or otherwise compromise the content, timing or presentation of the publication of official statistics

## **Breach of these conditions**

16. In the event of a breach of the principles and rules set out in Protocol 2 of the Code of Practice, in legislation and those stated in the Conditions of access in this statement, the Head of Profession will notify the UK Statistics Authority's Chief Executive (the National Statistician) of the breach and corrective actions to be taken; and provide the Authority with a written explanation using the Authority's standard reporting form. The National Statistician may decide to conduct an inquiry on behalf of the Authority, the results of which will be posted on the Authority's website.

## **Sanctions for non-compliance**

17. The Head of Profession is responsible for ensuring compliance with the Code of Practice within the MOD and has discretion over how they respond to breaches of regulations. A range of sanctions can be applied for non-compliance and it is for the Head of Profession to decide the most appropriate course of action. In order to avoid a breach being repeated, it may be decided by the Head of Profession, for

example, to withdraw pre-release access from an individual who is involved in a breach of the rules and principles set out in the regulations.

18. In addition, a heavier sanction can be imposed by the UK Statistics Authority, which has a statutory duty to assess the extent to which any organisation's Official Statistics comply with pre-release access arrangements and with the associated obligations set out in this Statement. The Authority can, for instance, challenge an organisation where it considers that pre-release access to a Official Statistic is not justified or where an organisation is failing to conform to these arrangements. It can also withdraw, or consider withdrawing, 'National Statistics' designation from the statistics in question.
19. In the event of any such challenge or withdrawal the Head of Profession will publish the Department's response or reaction on its website along with its plans for achieving conformance.

## **Annex A: Criteria for granted Pre-release Access**

### **(i) - Categories of persons within government to whom the Ministry of Defence 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:

- Those Ministers who have policy or operational responsibility for a particular subject-matter covered by a statistical release; who are accountable to Parliament and the electorate for their stewardship of that policy; and who may need to respond to questions about the statistics, or take appropriate action, at the time of release of those statistics;
- Departmental officials with ultimate responsibility for formulating, developing, maintaining, monitoring or implementing that policy;
- Other Departmental officials who have been assigned the specific responsibility to brief Ministers about the statistics in question (e.g. Special Advisers, Policy Advisers, Analysts);
- Departmental Press Officers responsible for managing Ministers' interface with the media with respect to policy or statistics in question.

(plus any immediate ancillary staff who support the above)

### **(ii) - Categories of statistical release to which the Ministry of Defence 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:

- Releases categorised as 'Market-sensitive' (i.e. releases which embody statistics which, when disclosed, would be reasonably likely to have a significant effect on the value or traded volume of any investment).
- Releases which incorporate statistics which are used to monitor or measure the government's performance (either generally, or against formal targets);
- Releases which have the potential to impinge substantially on the formulation, implementation, or monitoring of government policy;
- Releases which have the potential to inform, or impact on, decisions about the allocation of public funds;
- Releases which have, demonstrably and historically, had a high public profile (i.e. regularly generate column inches in the print media or regularly attract the attention of the broadcast media) and on which Ministers with responsibility for the subject-matter might reasonably be expected to comment at the time of release;
- Releases which incorporate statistics derived from other departments' or agencies' administrative or management systems, and for which Ministers or Chief Executives in those other departments have ownership and operational responsibility.
- Compendia publications (e.g. Social Trends, Regional Trends, etc which often include data which has already been released) or complex publications which have been made available to the media in advance of their public release, and under embargo, in order to give journalists time to absorb and understand their contents.
- Releases which cover matters of wide public interest.