

Pre-release Access to Official Statistics: Statement of Compliance

Introduction

Defra (the Department for Environment Food and Rural Affairs), with its Arms' Length Bodies (ALB's), follows the requirements set out in the [Code of Practice for Statistics](#)¹ (the 'Code') when publishing our statistics.

This statement sets out our operational arrangements for also implementing the separate requirements of the [Pre-Release Access to Official Statistics Order 2008](#)² (the 'Order'). These statutory rules primarily allow for giving relevant ministers, and a limited number of designated officials, access to official statistics once they have attained their final form prior to publication.

The arrangements are designed to ensure that such [Pre-release access](#) (PRA) is justified, limited, controlled and publicised and it complies with statutory requirements. Their purpose is to maintain public confidence in the integrity of official statistics while also allowing ministers to comment immediately on the implications of statistics covering policy or operational areas for which they are responsible.

This compliance statement applies directly to statistics teams in the core Department. The arrangements may also be adopted by our sponsored ALB's if they wish to do so in preference to publishing their own statement of compliance. It will be clearly stated on each ALB's website which compliance statement they follow.

Scope

- The 'Order' is statutory and applies to all regular or ad hoc [Official statistics](#) which are [First release statistics](#) (or compendia releases that include first releases) and in their [Final form](#).

The 'Order' does not apply to Management information, administrative data or other statistics not in their final form. These are covered by the 'Code'. The criteria for identification of official statistics is set out in National Statistician's Guidance³.

- Except for those granted pre-release access under the 'Order', access prior to publication is limited to those involved in production of statistics, preparation of the release, quality assurance and for operational purposes such as publication [Code practice T3.3].

¹ Code of Practice for Statistics <https://www.statisticsauthority.gov.uk/code-of-practice/>

² Pre-Release Access to Official Statistics Order 2008
<http://www.legislation.gov.uk/ukdsi/2008/9780110832203>

³ National Statistician's Guidance: Management Information and Official Statistics
<https://gss.civilservice.gov.uk/wp-content/uploads/2018/03/National-Statisticians-Guidance-Management-Information-and-Official-Statistics-Version-1.1-5.pdf>

- There apart, pre-release access is only to be granted to a small number of [Eligible recipients](#) where it is deemed necessary to enable individuals (e.g. Ministers or Chief Executives) to be able to respond or take action at the time of publication.

General principles

We aim to keep levels of pre-release access to the minimum allowed under the legislation in order to maintain public trust in the independence of the statistics we produce. The majority of Defra releases do not have any pre-access.

The principles we operate to are:

- Access to official statistics prior to publication is restricted to:
 - Named individuals within statistics and publishing teams; Quality Assurance providers [T3.3].
 - Documented individual granted pre-release under the 'Order' [T3.4].
- All individuals with access to statistics prior to publication are clear about the point at which they will be released publically and when they are in 'final form'; their own role; how to prevent disclosure during the access period [T3.1, T3.5].
- The number of statistics to which pre-release access is granted prior to publication, is limited to either:
 - Releases where there is an expectation of high levels of media interest and hence the likelihood of requests for rapid responses to queries.
 - Releases that are the subject of a ministerial submission.
 - Releases that include statistics from or with high profile interest to other Departments, bodies or Devolved Administrations.
- Strict limits are placed on the minimum number of persons necessary to allow Ministers 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.
- Pre-release access is only granted:
 - Where denying it would significantly impede the response.
 - Only in circumstances where the public benefit would outweigh the detriment to public trust in official statistics likely to result from granting access.
- Access can be granted to all or part of a release as considered necessary.
- We are open about breaches of the pre-release access rules.
- Sanctions may be applied where conditions of access are breached.

Period of Access

The maximum period for pre-release access to the organisation's official statistics is a maximum of 24 hours before their public release on the following day – usually at 09.30.

Conditions of access

- Pre-release access is confined to:

- Those who meet criteria which defines an ‘eligible recipient’.
- Statistics releases that meet the criteria set out in the above section.
- Pre-release access recipients must keep the statistics secure and under embargo prior to public release and must not:
 - Disclose the statistics or any part of a publication containing those statistics to any person not listed as a pre-release recipient.
 - Provide any indication of the size or direction of any trend revealed by the statistics.
 - Use the access for personal gain, or taking any action for political advantage.
 - Exploit the access to change or compromise the content, presentation, or timing of publication of official statistics.
- Recipients may share statistics prior to public release with someone who provides them with administrative support that does not include providing the recipient with advice.
- Where a Head of Profession or the [Lead official](#) in an ALB of the producer department decides to grant pre-release access to another department or body, the same conditions of access apply.

Special circumstances

Pre-release access may also be granted under special provisions in the ‘Order’. The number of people granted access is strictly limited. However, access may be granted for more than 24 hours in certain circumstances but must be kept to the minimum necessary. 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 be longer than 24 hours.
- Access can be granted to permit the UK to comply with obligations to provide data to international organisations, for longer than 24 hours if necessary.
- In exceptional circumstances, journalists may be given access to particular complex compendia or other releases in order to give them time to absorb and understand the significance of a given release. Such access will never exceed 24 hours.
- In exceptional circumstances, pre-release access may be extended to someone who is not an ‘eligible person’ as defined in the ‘Order’. In which case the UK Statistics Authority will be informed and the reason for such exceptional access published.

In each case, such access will be documented in the published [Defra pre-release access list](#) and in relevant release.

Breaches of conditions

In the event that we are aware that a lapse in release practices has occurred that has led to a breach of the conditions of access described in this statement the Head of Profession or

the Lead official in the producer body will notify the National Statistician; take action to prevent a recurrence; and provide the Authority with a written explanation using the Authority's published procedures⁴.

Sanctions

Access conditions are strictly applied. When considering requests for pre-release access, account is taken of any failure by that person, in relation to a previous grant of pre-release access. In some instances being granted pre-release access will be dependent on recipients signing a declaration to confirm they understand and will uphold the rules. In the most serious cases of a breach of pre-release access conditions, future access will be denied.

Statutory responsibilities

In line with requirements in the 'Order' (paragraph 9), we will ensure that we maintain (on GOV.UK):

- A list of all official statistics to which pre-release access has been granted.
- At the same time as or prior to the publication of each statistic subject to pre-release access, a list of the job title and organisation of persons granted access to that statistic on that occasion. See the Defra pre-release access list⁵.
- This compliance statement, which sets out our operational arrangements.

We also maintain accurate records of all those who have access to official statistics before releases are finalised [Code T3.3].

Authority

This statement has been drawn up by Defra Group's Head of Profession for Statistics who is responsible for ensuring the day-to-day implementation of these arrangements in the core Department. The Head of Profession is also responsible for providing professional oversight and guidance to the designated Lead Officials in our ALB's, who themselves are responsible for implementing compliance in their individual organisations.

Any questions relating to the application of these arrangements to specific releases should be addressed to the statistician responsible for the issue of the release (as shown on the release itself) in the first instance.

Any enquiries about the contents of this statement should be directed to StatisticsHoPDefra@defra.gov.uk

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⁴ Reporting breaches of the Code of Practice for Statistics <https://gss.civilservice.gov.uk/policy-store/reporting-breaches-of-the-code-of-practice-for-official-statistics/>

⁵ Defra List of statistics with pre-release access <https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/about/statistics>

Annex A: Definitions

Eligible recipients

The [Pre-Release Access to Official Statistics Order 2008](#) (the Order) describes an eligible recipient as:

- a. A Minister (para 3(2) (a)-(g))
- b. a person who, in the opinion of the [Person responsible](#), 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 arm's length body, or a senior official with direct policy responsibility) such as the Chief Medical Officer (para 3(2)(h)); or
- c. An adviser to a Minister or accountable person (para 3(2)(i)).

Therefore an "eligible person" under c. above 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 (for example, on medical matters)
- Designated press officers for each area covered
- Private secretaries in the relevant private office for each area covered
- Designated special advisers or equivalent, if needed.

Final form

Point when official statistics and commentary have been subjected to quality assurance and have been signed off by the responsible statistician as being ready for publication.

First release statistics

Statistics being published for the first time

Head of Profession for Statistics

Heads of Profession for Statistics are responsible for overseeing their own organisation's statistical functions, and meeting their organisation's statistical needs. They are also responsible for implementing the provisions set out in statistical legislation, both within their own organisation and more generally across the UK statistical system. Heads of Profession play a key role in building trust in official statistics.

Lead official

The senior statistician or analyst in an arm's length body who has been given the responsibility to lead on professional matters by the organisation and liaises with the Head of Profession for Statistics in a sponsoring department.

Official statistics

Official statistics are statistics published by a Crown body, or a body listed within an Official Statistics Order.

The current [Official Statistics Order \(2018\)](#)⁶ lists the following Defra group bodies:

- Consumer Council for Water.
- Environment Agency.
- Joint Nature Conservation Committee
- Marine Management Organisation
- Natural England

National Statistics are a subset of Official Statistics certified as compliant with the Code by the UK Statistics Authority.

Experimental statistics are a subset of newly developed or innovative official statistics that are undergoing evaluation.

Person responsible

The Order states that the 'Person Responsible', in relation to any official statistics is as defined in Section 67 of the Statistics and Registration Service Act 2007:

- a. in the case of official statistics produced by the Board, the National Statistician,
- b. in the case of official statistics produced by a government department, the Minister in charge of the department, and
- c. in any other case, the person producing the statistics.

In practice, the Head of Profession undertakes the central role for determining pre-release access.

Pre-release access

Pre-release access is a privilege not a right and is determined by the Head of Profession or the designated Lead Official in and Arms' length Body. It is defined as the practice of granting access to official statistics 'in their final form' in advance of publication to specific individuals (eligible recipients) not involved in production processes, i.e.:

- those having access to the statistics throughout the processes of production and publication and for operational purposes;
- those granted access to the statistics before they are in their final form for quality assurance purposes only.

⁶ The Official Statistics Order 2018 <https://www.legislation.gov.uk/uksi/2018/888/made>