

STATISTICS AND REGISTRATION SERVICE ACT 2007

STATEMENT OF COMPLIANCE

with the

PRE-RELEASE ACCESS TO OFFICIAL STATISTICS ORDER 2008

and the

OFFICIAL STATISTICS ORDER 2009

Introduction

1. This statement is published in conformance with:
 - (a) the *Pre-release Access to Official Statistics Order 2008* which came into effect on December 1st 2008 (for Official Statistics produced by Defra and its Executive Agencies) and
 - (b) the *Official Statistics Order 2009*, which came into effect on 1st April 2009 (for Official Statistics produced by those Non-Departmental Public Bodies (NDPBs) specified in the Order who provide services to Defra).
2. The statement sets out the operational arrangements for giving Defra Ministers/Executive Agency and NDPB Chief Executive Officers (CEOs) and their close officials pre-release access to these organisations' own official statistics once they are in their final form prior to publication.
3. 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 also allowing Defra Ministers/CEOs to comment immediately on the implications of statistics covering policy or operational areas for which they, themselves, are responsible.

National and non-National Statistics

4. Whilst these arrangements are already operating in respect of all National Statistics (NS) produced by Defra (none are currently produced by its Executive Agencies or its NDPBs), a phased approach is being operated in respect of Defra's Official Statistics which are not currently classified as NS products.

Exclusion

5. Different arrangements apply to Ministers'/CEOs' and officials' access to administrative or management data where those data subsequently form the basis for published official statistics. Defra's **Statement of Administrative Sources (SAS)**, which sets out its approach to the use of such sources, is attached at Annex C. This permits the publication of Official Statistics in accordance with the Pre-Release Access rules, while not preventing their use for operational purposes. The access arrangements which apply to administrative or management data (where those data subsequently form the basis for published official statistics) will be described in a more detailed

version of this statement, which will be published on the Defra website by 31 March 2010 (earlier if possible).

Authority

6. These arrangements were drawn up by the Department's Head of Profession for Statistics (Peter Helm) in consultation with senior policy leads and the Chief Executives of Defra Executive Agencies and NDPBs. They are consistent with the National Statistician's Guidance on the Use of Administrative or Management Information and have been approved by Defra Ministers.
7. The Head of Profession for Statistics (with Defra, Executive Agency and NDPB statistics leads) is also responsible for ensuring the day-to-day implementation of these arrangements. Any questions relating to the application to particular releases should be addressed to the statistician responsible for the issue of the release (as shown on the release itself) in the first instance.

General Principle

8. We operate under the general principle that pre-release access to official statistics must be:
 - limited to the minimum number of persons deemed 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 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 likely to result from so doing.

Grant of advance access

9. 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-access.**

Documentation and Publication

10. In the interests of openness and transparency, Defra 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 work areas/organisations to which they belong. Our normal practice is to update these lists four weeks ahead of the release date.
11. The complete list of official statistics to which this Statement applies is available at: <http://www.defra.gov.uk/evidence/statistics/natstats/documents/Pre-Release-Accesslist.pdf>

Period of access

12. In line with the legislation, pre-release access to the organisation's official statistics is restricted to a maximum of 24 hours before their public release on the following day – usually at 09.30
13. 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 the Defra website their reasons for granting extended access, and will also inform the UK Statistics Authority's Chief Executive – the National Statistician.

Conditions of access

14. Those persons who are given access to official statistics ahead of their release must keep the statistics secure and under embargo, and they must abide by the following conditions of access. They must avoid:
 - disclosing the statistics or any part of a publication containing those statistics to any person not listed as a pre-release recipient;
 - 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.
15. Where the statistics in question are market-sensitive, each recipient must sign a declaration to the above effect. None of Defra's official statistics are market-sensitive.

Special circumstances

16. 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;
 - 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, however, 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.

Breach of conditions of release

17. In the event where an organisation becomes aware that a lapse in release practices for any of their designated 'National Statistics' has led to a **substantive** breach of the principles and rules set out in the legislation and described in this Statement, the Head of Profession will notify the UK Statistics Authority's Chief Executive (the National Statistician); take action to prevent a recurrence; 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. In the case of minor breaches, or genuinely accidental breaches which have no major repercussions, the Head of Profession may deal with the matter informally.

Sanctions against non-compliance

18. The Defra Head of Profession may, for a period, withdraw pre-release access from any person judged to have breached the conditions of their access.

19. 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 'National Statistics' comply with the *Pre-release Access to Official Statistics Order 2008* 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 National 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.

20. 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.

Application of the above arrangements to Defra Executive Agencies

21. The arrangements described above will also apply to all **Defra Executive Agencies** (as Crown Bodies) i.e. Animal Health, the Centre for Environment, Fisheries and Aquaculture Science, the Food and Environment Agency, the Marine & Fisheries Agency, the Rural Payments Agency, the Veterinary Laboratories Agency and the Veterinary Medicines Directorate.

22. The Defra Head of Profession (Peter Helm) is responsible for the application of the *Pre-release Access to Official Statistics Order 2008* to these organisations. **A separate compliance statement is not being issued by these organisations.**

Application of the above arrangements to Defra Non-Departmental Public Bodies (NDPBs)

23. The *Official Statistics Order 2009*, which came into effect on 1st April 2009, extends the pre-release access requirements to the following Defra NDPBs: Commission for Rural Communities, Consumers Council for Water, Environment Agency, Joint Nature Conservation Committee, Natural England, and the Sustainable Development Commission.

24. The Defra Head of Profession is responsible for the application of the pre-release access requirements to these bodies unless they decide to seek appointment of their own Head of Profession. **A separate compliance statement is not being issued by these organisations.**

Further information

25. Any enquiries about the contents of this statement should be made in the first instance to Jane Simcock jane.simcock@defra.gsi.gov.uk Tel 01904-455323.
26. Further information about the implementation of the Pre-Release Access rules is available at:
<http://www.defra.gov.uk/evidence/statistics/natstats/prerelease.htm>

Defra Statistical Policy Team
26 January 2011

CRITERIA FOR GRANTING PRE-RELEASE ACCESS

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

- 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;
- Those Chief Executives who have operational responsibility for a particular activity covered by a release, and who are accountable for their stewardship of that activity to Ministers, and through them to Parliament; and who are in a similar position to those Ministers described above;
- The Departmental or Agency officials with ultimate responsibility for formulating, developing, maintaining, monitoring or implementing that policy;
- Other Departmental or Agency officials who have been assigned the specific responsibility to brief Ministers or Chief Executives 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 the policy or statistics in question.

(plus any immediate ancillary staff who support the above)

(ii) - Categories of statistical release to which Defra would normally grant pre-release access:

- 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 or Chief Executives 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 (which often include data which has already been published) or complex publications which require time to absorb and understand their contents.
- Releases which cover matters of wide public interest

DEFINITIONAL 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 producers of statistics to quality assure their statistics before their public release.

However the restrictions listed under 'Conditions of access' above do apply to the above

(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/CEO] 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.

STATEMENT OF ADMINISTRATIVE SOURCES

This statement sets out Defra's approach to the use of administrative Sources for statistical purposes, as required by Protocol 3 of the Code of Practice for Official Statistics.

A number of administrative sources are currently used by Defra's statistical teams to compile Defra's National and non-National Statistics. In all cases where such sources are used, professional statisticians are involved in quality assuring the data.

We are extremely keen to exploit administrative systems to meet data requirements when possible. For example, we routinely use data from the Rural Payments Agency to update our statistical register of agricultural holdings. We now also use information from the Cattle Tracing System to replace survey responses. Statistical information from some farmers is now collected through the Whole Farm Approach - a central electronic portal for the collection and provision of information. The information collected by Fisheries Administrations as part of the monitoring and control of fishing activity under the Common Fisheries policy is used to produce statistical releases of summary information that are placed in the public domain on a regular basis.

Administrative data is used directly to compile aggregate statistics and contribute to wider analysis. For example data on farm payments and grants is used in the evaluation of the policies supporting farmers and the environment. Figures on animal disease cases are used for monitoring and understanding the position on particular diseases. Administrative finance and other figures are used in the estimation of regional expenditure figures.

Defra is building in the requirements to consider the statistical potential and the importance of involving statisticians in the development of new administrative IT systems. We are also pressing the EU to consider how we can develop closer links between the EU statistical and administrative requirements.

A more detailed statement describing the access arrangements which apply to administrative or management data (where those data subsequently form the basis for published official statistics) will be published on the Defra website by 31 March 2010 (earlier if possible).