

ANALYTICAL SERVICES GROUP STATEMENT OF COMPLIANCE WITH THE PRE-RELEASE ACCESS TO OFFICIAL STATISTICS ORDER (NORTHERN IRELAND) 2009



Department of
Justice

An Roinn Dlí agus Cirt
Máinnstríe O tha Laa

**Updated
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Statement of Compliance with the Pre-release Access to Official Statistics Order (Northern Ireland) 2009

Introduction

This statement sets out the Department of Justice's (DoJ) 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 Ministers to account immediately for the implications of statistics covering policy and operational areas for which they are democratically responsible.

This statement is published in conformance with the Pre-release Access to Official Statistics Order (Northern Ireland) 2009 which was approved by the Assembly under Section 11 of the Statistics and Registration Service Act 2007.

Exclusion

Different arrangements apply to Ministers' and officials' access to administrative or management data where those data subsequently form the basis for published official statistics. Details of these arrangements can be found in the National Statistician's guidance on the [Government Statistical Service website](#).

Authority

These arrangements have been drawn up by DoJ's senior statistician. The senior statistician is also responsible for ensuring the day-to-day implementation of these arrangements.

General Principle

DoJ 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; or
 - 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.

Grant 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

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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.

Documentation and Publication

In the interests of openness and transparency, DoJ 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. This document may be accessed on the [DoJ Publications website](#)

Period of Access

In line with the legislative rules, pre-release access to the Department's official statistics is restricted to a maximum of 24 hours before their public release on the following day – usually at 09.30.

In exceptional circumstances only, and in accordance with Article 3 (5) of the Pre-release Access to Official Statistics Order (Northern Ireland) 2009, the senior statistician 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 senior statistician will publish on their organisations website their reasons for granting extended access, and will also inform the NISRA Chief Executive, who will advise as appropriate, the UK Statistics Authority's Chief Executive – the National Statistician.

Conditions of Access

Those persons who are given access to the DoJ'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 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; and
- exploiting such access to change or compromise the content, presentation, or timing of publication of official statistics.

Where the statistics in question are market-sensitive, each recipient must sign a declaration to the above effect. DoJ doesn't currently produce any statistical outputs that are regarded as market sensitive.

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Special Circumstances

Aside from the circumstances described above, the senior statistician 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 supranational statistics; and
- in exceptional circumstances, pre-release access may be extended to someone who is not an 'eligible person' as defined in the Order. In this case the UK Statistics Authority will be informed and the reason for such exceptional access published.

Breach of Conditions of Release

In the event of the Department becoming aware of a breach of the principles and rules set out in the legislation and described in this statement, the Head of Analytical Services Group, as the senior statistician within DoJ, will assess whether the breach is significant, or minor, in nature.

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

Where the breach is considered significant, the senior statistician will notify the NISRA Chief Executive, who will in turn consider the need to notify the UK Statistics Authority's Chief Executive (the National Statistician), as well as notify the Authority's Head of Assessment; take action to prevent a recurrence; and provide the Authority with a written explanation. 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.

Whether a breach is considered significant or minor, the senior statistician will record details of the breach and any actions taken.

Sanctions against non-compliance

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

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 (Northern Ireland) 2009* and with the associated obligations set out in this Statement. The Authority can, for instance, challenge an

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organisation where it considers that pre-release access is not justified or where an organisation is failing to conform with these arrangements. It can also withdraw, or consider withdrawing, 'National Statistics' designation from the statistics in question.

In the event of any such challenge or any such withdrawal the senior statistician will publish DoJ's response on DoJ's website, along with the Department's plans for achieving conformance.

General Notes

(a) Pre-release Access

In the context described above, the phrase 'pre-release access' covers privileged access to official 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); or
- those persons requested by the producers to quality assure the statistics before their public release.

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

(b) Heads of Profession for Statistics

Department's/bodies which employ a large number of government statisticians, or produce a large number of official statistics, will normally appoint a senior statistician. In DoJ, the senior statistician is the Head of Analytical Services Group. As well as being accountable to the DoJ Minister and departmental line managers, senior statisticians are responsible to the NISRA Chief Executive, who is in turn responsible to the National Statistician. The DoJ senior statistician has a duty to oversee 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 Official Statistics, as well as any professional standards set by the National Statistician.

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Annex A: Criteria for Granting Pre-release Access

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

- The Minister who has policy or operational responsibility for a particular subject-matter covered by a statistical release; who is accountable to the Assembly 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 the Assembly; and who are in a similar position to those Ministers described above;
- The top 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 DoJ would normally grant pre-release access.....

- 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;
- Statement of Compliance with Pre-release Access to Official Statistics Order (Northern Ireland) 2009; and
- Compendia or complex publications; and releases which cover matters of wide public interest.