

TEMPLATE FOR REPORTING BREACHES OF THE PRINCIPLES IN THE CODE OF PRACTICE OR PROTOCOLS:

Definition: A Breach of one or more provisions within the Code or Protocols occurs in situations where a non-observance of the Code was not approved by the Head of Profession or Chief Statisticians in advance of its happening. An example would be either a deliberate or an inadvertent ‘leak’ to the press.

Report submitted by.....David Signorini.....

Date of initial Report: 29th Sep 2008 – updated 25 November 2008.....

Reporting Organisation:.....Justice Analytical Services, Scottish Government.....

Producer Organisation:.....Justice Analytical Services, Scottish Government

RELEVANT DOCUMENT.....(Code , Protocol)...**Protocol on Release Practices**....

Relevant Principle / Paragraph	5.11 Accidental and wrongful release
Circumstances of Breach e.g. Date of occurrence, nature of breach, reasons (where known) for breach	<ul style="list-style-type: none"> • Key figures from the National Statistics bulletin “Recorded Crime in Scotland, 2007/08” appeared in the Scotland on Sunday newspaper on 28 September 2008. This was in advance of the official release of these figures at 9.30am on Tuesday 30 September 2008. • The accuracy of the figures and the particular language used in the media reporting make it highly likely that the journalist had access to both the Statistical News Release and the National Statistics Bulletin itself. • A security investigation, commissioned by the Permanent Secretary of the Scottish Government, concluded that too many people had access to the statistics within the relevant time period for there to be a realistic prospect that further investigation would identify the source of the leak. This conclusion was made in the context of the absence of any evidence of e-mail contact on this subject with a journalist. • The reason that so many people had access was a result of the statistics being copied to generic mail boxes.
Public/Commission reaction / Impact on reputation (if any)	<ul style="list-style-type: none"> • Although the early release of the material did not result in erroneous reporting or other serious consequences in this case, it is the second such breach in recent months. National Statistics on Scotland’s population were also leaked in advance of their publication by the Registrar General in July 2008. • On Tues 30 September, Times Online ran an article entitled “Ministers accused of leaking crime statistics”. The

	<p>only query received in relation to this matter was from the Evening Times asking if the procedures around publication of National Statistics had been changed.</p> <ul style="list-style-type: none"> • An MSP wrote to the Permanent Secretary of the Scottish Government seeking confirmation that there are protocols and procedures in place to ensure that information is not released in advance of publication.
<p>Corrective action taken</p>	<ul style="list-style-type: none"> • The Senior Statistician informed the Chief Statistician of the breach on Monday 29 September 2008. • The Chief Statistician informed both the National Statistician and the UK Statistics Authority of the breach. • Separate Ministerial briefing was prepared relating to the breach. • Recipients of the email containing the statistical bulletin, statistical news release and ministerial briefing were asked if they had forwarded the email or disclosed the figures to anyone else, and if so, to whom. • A timeline was prepared to document the sequence of events. • The Senior and Chief Statistician had some informal discussion with the Head of Assessment on the matter. • The Chief Statistician issued a note to the Scottish Government Statistician Group to remind them of the guidance and procedures around pre-release access.
<p>Immediate Outcome</p>	<ul style="list-style-type: none"> • Increased awareness of guidance on pre-release amongst the Scottish Government Statistician Group.
<p>Final Outcome (e.g. any resulting change in procedure)</p> <p>N.B. This section may need to be completed later in the cycle</p>	<ul style="list-style-type: none"> • The Pre-release Access to Official Statistics (Scotland) Order 2008 was approved by the Scottish Parliament on 19 November. New guidance on pre-release access to official statistics (to accompany the Order) has been drafted and will be circulated to all members of the Statistician Group. • Procedures are being tightened up and responsible statisticians will be ensuring implementation. One specific aspect of the guidance is that pre-release access material will be circulated to named individuals only, with the exception of a small number of approved generic mailboxes. • Separate summary guidance will be prepared for Ministers and officials. • All guidance material will be made available in advance of the Pre-release Access to Official Statistics (Scotland) Order coming into force on 1 December 2008. • An article announcing the new arrangements relating to pre-release access to official statistics will be placed on 'Saltire' (the intranet of the Scottish Government) in advance of the Order coming into force on 1 December 2008. • Guidance material will be prepared for inclusion in

induction packs for new staff.

- Other activities to raise awareness of the new rules will be aimed at policy colleagues, communications staff and Special Advisers.

- Jim Mather, Minister for Enterprise, Energy and Tourism, has asked the UK Statistics Authority to clarify what procedures they will put in place to ensure that the Parliament and public are made aware of breaches of the Code (including the new pre-release access rules) and resultant outcomes.

It is noted that the UK Statistics Authority intends to assess recorded crime statistics in Scotland for compliance with the Code of Practice as part of its initial programme of assessments.

