

DEPARTMENT OF FINANCE (DoF)
STATEMENT OF COMPLIANCE
with the
PRE-RELEASE ACCESS TO OFFICIAL STATISTICS ORDER
(NORTHERN IRELAND) 2009

Introduction

This statement sets out the Department of Finance's operational arrangements for giving Ministers and their officials pre-release access to official statistics once they are in 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.

The purpose of these arrangements is to maintain public confidence in the integrity of official statistics while allowing Ministers to comment immediately on the implications of statistics covering policy and operational areas for which they, themselves, are responsible.

This statement is published in conformance with the Paragraph 9 (c) of 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 and came into effect on 1 April 2009.

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: Management Information and Official Statistics](#) which has been endorsed by the Office for Statistics Regulation, the regulatory arm of the UK Statistics Authority.

Authority

These arrangements have been drawn up by the Department's Senior Statistician in consultation with the Minister and the Department's Permanent Secretary. In Northern Ireland, as at UK level, decisions on pre-release access will, in practice, be led by statistical professionals. Under the Pre-Release Access to Official Statistics Order (Northern Ireland) 2009, it is ultimately the responsibility of the 'person responsible' for an official statistic to determine pre-release access to that statistic. The person responsible is the Minister in charge of a Department, for official statistics produced by that Department. However, in order to distance the decision making on pre-release from Ministers, Senior Statisticians in Departments have a central role in carrying out the responsibilities within the Order, with support from Ministers and Permanent Secretaries, and advice and guidance from the Chief Statistician (for Northern Ireland) as required. This means that in practice, the decision making process for pre-release access, including ensuring awareness of the rules, monitoring compliance, determining which statistics are eligible for pre-release and who gets pre-release access, is being led by Senior Statisticians. These activities will be assessed by the Office for Statistics Regulation for compliance.

General Principle

The Department 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 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, the Department 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. The published list of persons granted pre-release access relates to the most recent release for any given official statistics publication. Previous lists are available on request from the Northern Ireland Statistics and Research Agency, Statistical Support Branch (NISRA SSB) or by e-mail to info@nisra.gov.uk.

[DoF Statistical releases and pre-release recipients](#)

The justification for giving pre-release access to each listed recipient is available on request from NISRA SSB or by email to info@nisra.gov.uk.

Period of access

In line with the legislative rules, 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.

In exceptional circumstances only, and in accordance with Paragraph 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 significantly outweighs the detriment to public trust likely to result from such extended access. When this happens, the Senior Statistician will publish on the Department's website their reasons for granting extended access, and will also inform the Office for Statistics Regulation.

Conditions of access

Those persons who are given access to the Department'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;
- 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.

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 supra-national 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 Office for Statistics Regulation 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 Chief Statistician for Northern Ireland, who is the Senior Statistician within the Department of Finance, will be notified and will inform the National Statistician and Office for Statistics Regulation (OSR) as required under [Practice 2.7 of the Code of Practice for Statistics](#). The National Statistician and OSR will consider the reported breach and determine the appropriate course of action, which may include OSR making a public statement or writing privately or publically to the relevant parties.

Sanctions against non-compliance

The Senior Statistician 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 Office for Statistics Regulation 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 Regulator can, for instance, challenge an organisation where it considers that pre-release access 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.

In the event of any such challenge or any such withdrawal the Senior Statistician will publish the Department's response on its website along with the Department's plans for achieving conformance.

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 the producers to quality assure the statistics before their public release.

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

(b) Senior Statistician

Departments/bodies which produce National Statistics, a large number of official statistics, or employ a large number of government statisticians will normally appoint a Senior Statistician in consultation with the Chief Statistician for Northern Ireland. As well as being accountable to their own Minister and Departmental line-managers, Senior Statisticians are responsible to the Chief Statistician for Northern Ireland, who is in turn responsible to the National Statistician. Senior Statisticians have 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 Statistics as well as any professional standards set by the National Statistician.

In the Department of Finance the Senior Statistician is the Chief Executive of the Northern Ireland Statistics and Research Agency, who is the Chief Statistician for Northern Ireland.

ANNEX A: CRITERIA FOR GRANTING PRE-RELEASE ACCESS

(i) - Categories of persons within government to whom the Department of Finance 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 the Northern Ireland Assembly/ 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 the Northern Ireland Assembly/ 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); and
- 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 the Department of Finance 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 or complex publications; and
- Releases which cover matters of wide public interest.