Draft Order laid before Parliament under section 65(5)(a) of the Statistics and Registration Service Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

OFFICIAL STATISTICS

The Pre-release Access to Official Statistics Order 2008

Made - - - -	***
Coming into force - -	*1st December 2008*

The Minister for the Cabinet Office makes this Order in exercise of the powers conferred by section 11(2), (4), (5) and (6) of the Statistics and Registration Service Act 2007(**1**).

In accordance with section 11(7) of that Act the Minister for the Cabinet Office has consulted the Statistics Board, Scottish Ministers, the Welsh Ministers and the Department of Finance and Personnel for Northern Ireland.

In accordance with section 65(5)(a) of that Act a draft of this Order has been approved by resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Pre-release Access to Official Statistics Order 2008 and comes into force on 1st December 2008.

Pre-release access

2. The Schedule sets out the rules and principles relating to the granting of pre-release access to official statistics that are not wholly Scottish devolved statistics, Welsh devolved statistics, or Northern Ireland devolved statistics.

Name
Minister for the Cabinet Office

Date

(**1**) 2007 c.18.

SCHEDULE Article 2

PART 1

Generally applicable rules and principles

1. Pre-release access may only be granted in accordance with the rules and principles set out in this Schedule.

2. Only the person responsible may grant pre-release access.

3.—(1) The person responsible—

(a) may only grant pre-release access where to deny such access would, in the opinion of the person responsible, significantly impede—

(i) the provision of responses to questions or the making of statements about an official statistic at or shortly after the time of publication of that statistic; or

(ii) the taking of action before, at the time of or shortly after publication of that statistic;

(b) may only grant pre-release access to an eligible person;

(c) may only grant pre-release access if in the opinion of the person responsible the public benefit likely to result from such access outweighs the detriment to public trust in official statistics likely to result from such access;

(d) is required to restrict pre-release access to the minimum number of persons consistent with the need for pre-release identified within paragraph (a);

(e) may, when deciding whether to grant pre-release access to an eligible person, take into account any failure by that person, in relation to a previous grant of pre-release access, to comply with paragraph 6, paragraph 7 or any conditions imposed by the person responsible;

(f) may grant pre-release access subject to conditions.

(2) For the purposes of this paragraph "eligible person" means—

(a) a Minister of the Crown;

(b) the head of a government department;

(c) a member of the Scottish Executive;

(d) a junior Scottish Minister;

(e) a member of the Welsh Assembly Government;

(f) a Northern Ireland Minister, including the First Minister and Deputy First Minister in Northern Ireland;

(g) a member of the Northern Ireland Assembly appointed as a junior Minister under section 19 of the Northern Ireland Act 1998(**2**);

(h) 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; or

(i) a person who needs pre-release access in order to advise a person referred to in any of paragraphs (a) to (h).

(**2**) 1998 c.47

(3) For the purposes of this paragraph, "government policy" includes the policy of the Scottish Administration, the policy of the Executive Committee of the Northern Ireland Assembly and the policy of the Welsh Assembly Government.

4. Subject to paragraph 5, the person responsible may not grant pre-release access for a period in excess of 24 hours prior to the time set for the publication of an official statistic.

5.—(1) In exceptional circumstances only, the person responsible may grant pre-release access to—

(a) an eligible person for a period in excess of 24 hours prior to the time set for the publication of an official statistic if in the opinion of the person responsible the public benefit likely to result from such access significantly outweighs the detriment to public trust in official statistics likely to result from such access;

(b) a person who is not an eligible person (either within the period of 24 hours prior to the time set for the publication of an official statistic or before this period) if an eligible person who has been granted pre-release access to an official statistic makes representations to the person responsible that pre-release access is needed for the purposes of paragraph 3(1)(a)(ii) in relation to that statistic.

(2) Where pre-release access is granted under sub-paragraph (1)(b), the person responsible must be satisfied that—

(a) the public benefit likely to result from such access (including the timing of such access) significantly outweighs the detriment to public trust in official statistics likely to result from such access; and

(b) the person to whom pre-release access is granted is the appropriate person to take the action referred to in paragraph 3(1)(a)(ii).

(3) A person who receives pre-release access under sub-paragraph (1)(b) is an eligible person only for the purposes of paragraphs 6, 7 and 8.

(4) Where pre-release access is granted under this paragraph the person responsible must—

(a) publish the reasons for granting such access; and

(b) inform the Statistics Board.

(5) For the purposes of this paragraph—

(a) paragraph 3(1)(b) does not apply to sub-paragraph (1)(b),

(b) paragraph 3(1)(c) does not apply.

6.—(1) An eligible person who receives pre-release access must not disclose—

(a) the statistic,

(b) any part of a publication where that part includes that statistic, or

(c) any suggestion of the size or direction of any trend indicated by that statistic,

until after the official statistic has been published.

(2) An eligible person who receives pre-release access must not use that access—

(a) for personal gain;

(b) to take any action (other than the preparation of responses or statements as referred to in paragraph 3(1)(a)(i)) for political advantage.

7.—(1) An eligible person who receives pre-release access must not use such access to change or compromise—

(a) the content or presentation of the official statistic;

(b) the timing of publication of the official statistic.

(2) This paragraph does not prevent an eligible person from communicating to the person responsible any numerical or typographical error in the composition or presentation of the official statistic.

8. The person responsible may only grant pre-release access to market sensitive official statistics to an eligible person ("P") who has signed a declaration that P undertakes, in relation to any such statistics to which P is granted pre-release access, to comply with paragraphs 6 and 7 together with any specific conditions subject to which such access is granted.

9. The person responsible must publish—

(a) a list of all official statistics at least annually to which that person has granted pre-release access;

(b) at the same time as or prior to the publication of an official statistic a list of the job title and organisation of persons to whom the person responsible has granted pre-release access to that statistic; and

(c) arrangements made by the person responsible to ensure compliance with this Schedule including, where appropriate, the role of the departmental Head of Profession for Statistics.

10.—(1) Nothing in this Schedule prevents access to official statistics in their final form prior to publication by a person directly involved in the production of the publication, whether electronic or in hard copy, by which such statistics are to be published providing such access is used only for those purposes.

(2) A person mentioned in sub-paragraph (1) is an eligible person only for the purposes of paragraphs 6 and 7.

11.—(1) Nothing in paragraphs 6, 7 and 8 prevents an eligible person who receives pre-release access sharing such access to the official statistic with a person providing administrative support (of a type not within paragraph 3(2)(i) or 15(3)(k)) to that eligible person.

(2) A person providing administrative support under sub-paragraph (1) is an eligible person only for the purposes of paragraphs 6 and 7.

PART 2

Special provisions

Bank of England

12.—(1) The person responsible may grant pre-release access to a Bank eligible person if, in the opinion of the person responsible, such access is needed for the effective discharge by the Bank of England ("the Bank") of its functions.

(2) For the purposes of this paragraph "Bank eligible person" means—

(a) the Governor of the Bank;

(b) a Deputy Governor of the Bank;

(c) a member of the Monetary Policy Committee; or

(d) an officer, servant or agent of the Bank.