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*See Sir Michael*

#### **PRE-RELEASE ACCESS TO OFFICIAL STATISTICS (SCOTLAND) ORDER 2008**

Thank you for your letter of 15 October in reply to my letter of 30 September, which continues our useful dialogue on the new pre-release access rules for official statistics.

It will interest you to know that the Chief Statistician and I attended a meeting of the Finance Committee, on 4 November, to give evidence on the Pre-release Access to Official Statistics (Scotland) Order 2008. Following the evidence session the Finance Committee voted to recommend that the Order be approved by the Scottish Parliament. There is a follow up action from the evidence session, which I address below, that I would be most grateful if the Authority would consider.

Your last letter rightly pointed out that there is a fundamental difference between the perspective of the Scottish Government and that of the Statistics Authority when it comes to pre-release access. You are correct that the Scottish Government view pre-release access as necessary and desirable. However, we do very much recognise that there are risks associated with pre-release access that need to be controlled. Reducing the access time is potentially one way to minimise the undesirable elements but there are other safeguards, which we have included in the Pre-release Access Order.

As your letter underlined there is a risk of leaks, and we have had very recent experience of this which we are taking action to address. The Chief Statistician is currently finalising his report to you on this specific case. However when discussing sanctions against breaches of the Order, an important consideration for the Committee was that where the source of the leak is known the Chief Statistician will report on that and the results will be made public.





This brings me to the aforementioned follow-up action that we have from the Finance Committee meeting on 4 November. The Committee sought explanation on the mechanisms and basis for the UK Statistics Authority to report to the Scottish Parliament on devolved matters – with a specific interest of how breaches of the Code and Pre-release Access Order will be brought to the attention of the Parliament.<sup>1</sup>

We explained to the Committee that, under the Statistics and Registration Service Act 2007, the UK Statistics Authority is required to report annually to the Scottish Parliament with regards to its work on Scottish devolved statistics. Whilst this was reassuring for them I think there was a keenness for a process that would ensure earlier awareness. I agreed to come back to the Committee with a clarification of the processes involved. Therefore I would very much appreciate it if the Authority would provide us with more information on its intentions with regards to the annual report, whether the report will include information on breaches of the Code and the Pre-release Access Order, and whether you could set a process for earlier publication of any known breaches of the Code/Pre-release Access Order.

It is important that the Parliament is aware of leaks and any resultant investigations to enable Parliament to carry out its own vital scrutiny function.

Further to the above I would like to welcome the Statistics Authority's desire to research and stimulate a fresh debate, and I am keen that we should work with you on this matter. However I feel there are two gaps in your suggested approach.

The first is that any further debate needs to look at the full range of relevant issues. The question the Authority proposes to answer – whether and why pre-release access to statistics should be seen as undesirable – is one sided. A better question might be – what are the desirable and undesirable elements of pre-release access, and how can we best balance these, supplemented by a proper assessment of the impact of different approaches. That could include, for example, the extent to which Ministerial statements and subsequent debate are well informed by the statistics and the extent to which professional staff are able to influence the content of Ministerial statements. Secondly, but similarly, any review of international perspectives must avoid being one sided. I would re-iterate the point that I know has been made to you on a number of occasions about the importance of a factual analysis of policy and practice in government departments in different countries as well as in National Statistics Institutes.

So whilst I welcome your intention to consider whether a wider review of the impact of the Scottish Order might be helpful, I would prefer that this is part of a proper debate on the full range of issues. I hope you agree that this would add value to the debate.

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<sup>1</sup> Link to Finance Committee report on the pre-release access order and link to the Official Report of the evidence session on 4 November:

<http://www.scottish.parliament.uk/s3/committees/finance/reports-08/fir08-05.htm>

<http://www.scottish.parliament.uk/s3/committees/finance/or-08/fi08-2502.htm#Col751>

In the meantime I would welcome a response on how the Authority intends to keep the Scottish Parliament informed about breaches and indeed up to date on the Authority's work more generally.

*Jim Mather*

**JIM MATHER**