
Chair of the UK Statistics Authority, Sir Michael Scholar KCB

Jill Leyland
Vice President
Royal Statistical Society
12 Errol Street
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5 October 2010

Dear Jill

2011 CENSUS: CONFIDENTIALITY

Jill Matheson has shared with me your recent letter to Stephen Penneck regarding the confidentiality of personal information provided by respondents to the 2011 Census, and Stephen has copied to me his reply to you.

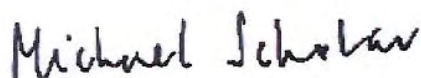
I reiterate the Authority's position on this matter - the UK Statistics Authority's policy, and ONS practice, has been and remains that:

- the UK Statistics Authority, the ONS and the National Statistician will never volunteer personal information for any non-statistical purpose;
- if disclosure is sought, the UK Statistics Authority and the National Statistician will always refuse to allow it, and will contest the case to the maximum extent possible under the law, using each stage of appeal in the Courts if necessary, in order to ensure statistical confidentiality and will do so in an open, public and transparent manner, to the extent permitted under the law;
- those seeking disclosure will be directed to non-statistical administrative sources as viable alternatives to statistical information.

Respecting confidential personal information is a fundamental tenet of the Authority.

I hope this makes it clear how seriously the UK Statistics Authority, the National Statistician and I take our responsibilities under the Act.

Yours sincerely



Sir Michael Scholar KCB

Jill Leyland
The Royal Statistical Society
12 Errol Street
London
EC1Y 8LX

5 October 2010

Dear Jill

Use of Confidential data for non-statistical purposes

Thank you for your letter dated 2 September 2010.

The Statistics and Registration Service Act 2007 makes it a criminal offence, subject to a maximum penalty of 24 months imprisonment and/or a fine, for a member or employee of the Statistics Authority to unlawfully disclose personal information held by the Board in relation to any of its functions. There are exemptions in the 2007 Act that allow, but do not require, the Authority to provide confidential personal information when required by a court order for a limited number of specific purposes. A disclosure made in the interests of national security to an intelligence service is now covered, in similar terms, by the Counter-Terrorism Act 2008.

This issue is acknowledged by the UK Statistics Authority's Code of Practice, which says (Principle 5, Practice 5) that statisticians should:

"Seek prior authorisation from the National Statistician or Chief Statistician in a Devolved Administration for any exceptions, required by law or thought to be in the public interest, to the principle of confidentiality protection. Publish details of such authorisations."

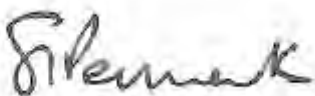
The UK Statistics Authority's policy, and ONS practice, has been and remains that:

- i. the UK Statistics Authority, the National Statistician and the ONS will never volunteer personal information for any non-statistical purpose;
- ii. if disclosure is sought, the UK Statistics Authority and the National Statistician will always refuse to allow it, and will contest the case to the maximum extent possible under the law, using each stage of appeal, in the Courts if necessary, in order to ensure statistical confidentiality; and will do so in an open, public and transparent manner, to the extent permitted under the law;
- iii. those seeking disclosure will be directed to non-statistical administrative sources as viable alternatives to statistical information.

Respecting confidential personal information is a fundamental tenet of the Authority and ONS.

I am copying this letter to Jill Matheson and Sir Michael Scholar.

Regards



Stephen Penneck
Director General for ONS



THE ROYAL STATISTICAL SOCIETY

Incorporated by Royal Charter: 1887

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2nd September 2010

Dear Stephen,

It was good news to hear some weeks ago that the new government has agreed that the 2011 census should go ahead as planned.

Some time ago we were talking about the concerns that have been raised in one or two quarters as to what the reaction of ONS would be if asked by the police or security services to hand over individual data collected for the census. It goes without saying that protecting the confidentiality of individual responses to any survey is a basic principle for any statistician; we know it is a fundamental tenet of the ONS as well as being enshrined in the Code of Practice. However one or two people have raised questions as to whether clauses in the 2007 Statistics and Registration Service Act might effectively oblige the ONS under certain circumstances to hand over individual data for non-statistical purposes to the police or security services. This concern has not been confined to the UK – it was as you know raised by Professor William Seltzer of Fordham University at last year's ISI conference.

Perhaps it would be helpful if the ONS were to clarify the situation and what its policy would be should such requests be received, particularly in respect of next year's Census.

I am copying this letter to Jil Matheson.

Kind regards

Jill Leyland
Vice President
Royal Statistical Society