
Chair of the UK Statistics Authority, Sir Michael Scholar KCB

15 October 2008

Mr Jim Mather, MSP
Minister for Enterprise, Energy and Tourism
Meridian Court
5 Cadogan Street
Glasgow
G2 6AT

Dear Mr Mather

PRE-RELEASE ACCESS TO STATISTICS (SCOTLAND) ORDER 2008

Thank you for your letter of 30 September in reply to mine of 29 August; and for explaining to us the specific amendments to the Order that have been incorporated. I am most grateful.

It might be most helpful now to pin down the nature of the difference between the perspective of the Scottish Government and that of the Statistics Authority. It seems unlikely that there is anything we can do in the short term to reconcile these views but clearly that must be our aim for the longer term, and I hope that our officials can continue to pursue this.

In our exchange of letters, you have made clear why you regard pre-release access to statistics as both necessary and desirable, and I have indicated why the Statistics Authority regards such access as undesirable and potentially damaging – and why we therefore want to see it minimised.

I will not re-iterate the arguments in detail but the Statistics Authority view is both one of principle – that pre-release is inconsistent with the principles of equal access and earliest possible release – and also one of practical management, in that pre-release access increases the risk of leaks and undue influence over the statistical product ahead of publication.

The recent leak of Scottish Crime Statistics, and the reporting of political comment on those statistics ahead of their publication, seems to me to illustrate the hazards. While we make no judgement about what lay behind that leak, I believe that it would be timely to remind officials within the Scottish Government of their statutory duty, under the *Statistics and Registration Service Act 2007*, to observe the Code of Practice in relation to National Statistics, once the Code is formally introduced in January 2009.

In both Westminster and Scotland there seems to be a widely held view that there are circumstances under which limited pre-release access is appropriate. This is reflected in *Statistics and Registration Service Act* itself, in the Westminster *Pre-release Access to Official Statistics Order* and in various Government statements. The point on which there seems to be less agreement is why pre-release access

should be seen undesirable in general and thus minimised. The Scottish Government has, in effect, rejected such arguments, and the Westminster Order and its Explanatory Note make only the briefest reference to them. The Explanatory Note merely says "pre-release access is sometimes cited as a contributing factor to problems around trust and confidence in official statistics".

The Statistics Authority will now seek to research and stimulate a fresh debate, including internationally, on the question of whether and why pre-release access to statistics should be seen as undesirable. In the meantime, I agree with you that there is little merit in us seeking to assess the impact of the Scottish Order in terms of reducing pre-release access, as that is not your stated intention. We shall however consider whether a wider review of the impact of the Scottish Order might in due course be helpful to the Scottish Parliament and Government.

Yours sincerely

A handwritten signature in cursive script that reads "Michael Scholar".

Sir Michael Scholar