

Mr Ed Humpherson  
Director General for Regulation  
Office for Statistics Regulation  
1 Drummond Gate  
London  
SW1V 2QQ

Sent by email

09 October 2020

Dear Ed,

**Pre-release Access to Official Statistics (Scotland) Bill**

I am writing to bring to your attention a recent exchange of letters between the RSS and the Scottish Government.

As you will be aware, the Scottish Parliament's Economy, Energy and Fair Work Committee have recently introduced a Bill to reform current practice in Scotland on pre-release access. The RSS President wrote to the Scottish Government to support this Bill.

We recently received a response from the Scottish Cabinet Secretary for Finance, defending the practice. In her response, the Cabinet Secretary claims that their practice is "in full compliance with UK Statistics Authority's Code of Practice for Statistics". We find it hard to see how this could be the case, given that the section in the Code on accessibility is very clear that "statistics and data should be equally available to all, not given to some people before others".

Would this be a matter that you are able to look into?

For information, please find attached the letters to the Scottish Government and their response.

Yours sincerely,



Stephen Penneck  
Chair, RSS National Statistics Advisory Group

Kate Forbes MSP  
Cabinet Secretary for Finance  
St. Andrew's House  
Regent Road  
Edinburgh EH1 3DG

Sent by email to [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

CC-ed to [economyenergyandfairwork@parliament.scot](mailto:economyenergyandfairwork@parliament.scot)

09 October 2020

Dear Cabinet Secretary,

**Pre-release Access to Official Statistics (Scotland) Bill**

Thank you for your letter of 24 September to Professor Ashby, setting out the Scottish Government's position on pre-release access to official statistics. She has asked me to reply.

In our view, it is not correct to claim that pre-release access in Scotland is being managed in line with the UKSA Code of Practice. While it is true that the Pre-Release Access Order gives Scottish Government the responsibility to decide on this matter, the Code is also quite clear – in its section on [accessibility](#) – that statistics and data should be made available to everyone at the same time.

We would also note that UK government departments, which also have statisticians embedded in them, have successfully been operating since 2008 with 24-hour pre-release access.

We continue to remain concerned with the practice of the Scottish Government, and the impact that it has on trust in official statistics. As this concerns the recent Bill introduced by the Economy, Energy and Fair Work Committee, we have sent them a copy of this letter together with the previous correspondence.

Yours sincerely



Stephen Penneck  
Chair, RSS National Statistics Advisory Group



Cabinet Secretary for Finance  
Kate Forbes MSP

T : 0300 244 4000  
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Deborah Ashby  
policy@rss.org.uk

Our Reference: 202000088824

Your Reference: Pre-release access to Official Statistics (Scotland) Bill

24 September 2020

Dear Professor Ashby,

Thank you for your letter to the First Minister on 15 September regarding the Pre-release Access to Official Statistics (Scotland) Bill. The Government will lay out its official position on this Bill to parliament in due course and I am replying as I have portfolio responsibility for Official Statistics.

While legislation has allowed for Scottish Ministers to decide on Pre-release Access (PRA) for Scotland, we have always been clear that arrangements should be a matter for the Chief Statistician, Roger Halliday. The independence of his role is crucial for maintaining the trust, quality and value of Scottish Government Official Statistics.

The Chief Statistician continues to support limited and tightly controlled PRA to Official Statistics and opposes the removal or further restriction to this practice for the following reasons;

- The approach to PRA in Scotland has been working well since the implementation of the 2008 Order. The Scottish Government Statisticians are managing access successfully, in line with the requirements set out in the Order and in full compliance with UK Statistics Authority's Code of Practice for Statistics.
- The aim of PRA is to allow informed comment to take place and sufficient time is required for PRA to work effectively. This applies for Scottish Ministers as well as others who receive early access, which in the case of GDP statistics includes the Scotland Office.



- Unlike ONS we are not a Non-Ministerial Department but one in which statisticians are embedded within policy Directorates and have a key role in the development and evaluation of policy. PRA helps ensure the policy response to the issues illuminated by the statistics is in hand at the point of publication.
- A key part of producing official statistics is ensuring they are properly understood by stakeholders and the public. PRA best supports this aim.
- These are fast moving and unpredictable times. This makes Ministers more accountable as there is an expectation that the Minister will be on top of the issues and able to provide informed comment and clear messaging at the point of the data being published. Indeed, evidence and statistics have been at the heart of the Scottish Government's response to Covid. The First Minister speaking about the numbers each day has built significant trust in the numbers and this has been possible due to pre-release access.

In your letter you mention the removal of PRA by ONS and how this was in the context of concerns over leaks in genuinely market sensitive outputs. The Chief Statistician has been clear that if there is evidence of Scottish economic statistics being market sensitive then PRA would be removed for those statistics. Whitehall Departments still operate with 24 hours as per the English PRA Order.

I hope this is helpful.

Yours sincerely,



**KATE FORBES**



Rt Hon Nicola Sturgeon MSP  
First Minister  
St. Andrew's House  
Regent Road  
Edinburgh EH1 3DG

Sent by email to [firstminister@gov.scot](mailto:firstminister@gov.scot)

15 September 2020

Dear First Minister,

### **Pre-release Access to Official Statistics (Scotland) Bill**

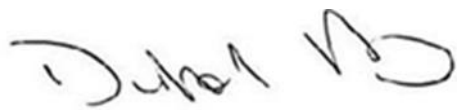
I am writing in support of the objectives set out in the Pre-release Access to Official Statistics (Scotland) Bill, which was recently introduced to the Scottish Parliament by its Economy, Energy and Fair Work Committee.

The Royal Statistical Society has long been campaigning for an end to the practice of pre-release access which, we believe, can corrode public confidence in official statistics. Indeed, we have previously given both oral and written evidence to the EEFW Committee, calling for reform.

We were very pleased when, three years ago, the UK Statistics Authority (UKSA) ended the practice of pre-release access to official statistics produced by the Office for National Statistics (ONS). As the UK's National Statistician at the time, John Pullinger, [argued](#): "the public benefit likely to result from pre-release access to ONS statistics is outweighed by the detriment to public trust in those statistics likely to result from such access." Quite simply, allowing a government privileged access to official statistics risks undermining public trust in those statistics as, for example, it creates opportunities for figures to be 'spun' to the media or 'buried' beneath other announcements. There is also persuasive evidence that, before the implementation of 2017's reforms, some market-sensitive statistics were affecting financial markets before they were published.

For these reasons, the RSS believes there is a compelling case for reform in the case of statistics produced by the Scottish Government – especially as they can currently involve a full five days of pre-release access. Accordingly, we would strongly encourage the Scottish Government to either support the Bill put forward by the Committee or, alternatively, develop its own proposals to achieve the fundamental objectives on which the Committee and the RSS are agreed.

Yours sincerely,



Professor Deborah Ashby OBE FMedSci  
President, Royal Statistical Society