

Police Ombudsman's Office STATEMENT OF COMPLIANCE with the PRE-RELEASE ACCESS TO OFFICIAL STATISTICS ORDER (Northern Ireland) 2009

Introduction

This statement sets out the Office of the Police Ombudsman's (OPONI) operational arrangements for giving the Police Ombudsman, Chief Executive, the Minister for Justice and their briefing officials pre-release access to official statistics once they are in their final form prior to publication. These arrangements are designed to ensure that such access is justified, limited, controlled and publicised and complies with statutory requirements.

The purpose of these arrangements is to maintain public confidence in the integrity of official statistics while allowing the Police Ombudsman, Chief Executive and Minister for Justice to comment immediately on the implications of statistics covering policy areas for which they, themselves, are responsible.

This statement is published in conformance with Part 1 Paragraph 9 (c) of the Pre-release Access to Official Statistics Order (Northern Ireland) 2009 which was approved by the Assembly under Section 11 of the Statistics and Registration Act 2007 and which came into effect on 1 April 2009.

Exclusion

Different arrangements apply to officials' access to the organisation's own administrative or management data where those data subsequently form the basis for published official statistics. Details of these arrangements can be found in the National Statistician's guidance at the link below:

[National Statistician's Guidance: Management Information and Official Statistics \(opens in a new window\)](#)

Authority

These arrangements have been drawn up by OPONI's Lead Official for Statistics in consultation with the Northern Ireland Statistics and Research Agency (NISRA) and the Senior Management Team in OPONI. In Northern Ireland, as at UK level, decisions on pre-release access will, in practice, be led by statistical professionals. Under the Statistics and Registration Service Act 2007, it is ultimately the responsibility of the 'person responsible' for an official statistic to determine pre-release access to that statistic. The person responsible is the Chief Executive in charge of an Arm's Length Body (ALB), for official statistics produced by that ALB. However, in order to distance the decision making on pre-release from Chief

Executives, senior statisticians in ALBs have a central role in carrying out the responsibilities within the Order, with support from Chief Executives and Directors of ALBs, and advice and guidance from the Chief Statistician (for Northern Ireland) as required. This means that in practice, the decision making process for pre-release access, including ensuring awareness of the rules, monitoring compliance, determining which statistics are eligible for pre-release and who gets pre-release access, is being led by senior statisticians. These activities will be assessed by the UK Statistics Authority for compliance

General Principle

OPONI operates under the general principle that pre-release access to official statistics must be:

- limited to the minimum number of persons deemed necessary to allow the Police Ombudsman, Chief Executive or Minister of Justice to either:
 - provide responses to questions, or make statements about those statistics at, or shortly after, their time of publication; or
 - take action just before, at, or shortly after the time of publication.
- allowed in circumstances where the public benefit likely to result from such access outweighs the detriment to public trust in official statistics likely to result from so doing.

Grant of advance access

The arrangements set out in this statement are confined to those persons who meet the eligibility criteria set out in **Annex A (i)** attached. Recipients can, in addition, share their access with their immediate administrative support staff even though those staff may not directly engage with the statistics in question. Their advance access is limited to statistics which meet the eligibility criteria set out in **Annex A (ii)** attached, and which are in their final form prior to being published for the first time.

Documentation and Publication

In the interests of openness and transparency, OPONI maintains a public record of the titles of the statistical releases to which these arrangements apply, as well as the job titles of all those persons to whom pre-release access has been granted, and the organisations to which they belong, when appropriate. The Office does not currently grant pre-release access to any of its official statistics releases.

Period of access

In line with the legislative rules, pre-release access to the office's official statistics is restricted to a maximum of 24 hours before their public release on the following day – usually at 09.30.

In exceptional circumstances only, and in accordance with Paragraph 5 of the Pre-release Access to Official Statistics Order (Northern Ireland) 2009, the Lead Official

for Statistics may grant pre-release access in excess of 24 hours. They will only do this if, in their opinion, the public benefit outweighs the detriment to public trust which is likely to result from such extended access. When this happens, the Lead Official for Statistics will publish on OPONI's website the reason for granting extended access, and will also inform the UK Statistics Authority.

Conditions of access

Those persons who are given access to OPONI's official statistics ahead of their release must keep the statistics secure and under embargo, and they must abide by certain conditions of access. They must avoid:

- disclosing the statistics or any part of a publication containing those statistics to any person not listed as a pre-release recipient;
- providing any indication of the size or direction of any trend revealed by the statistics;
- using such access for personal gain, or taking any action for political advantage;
- exploiting such access to change or compromise the content, presentation, or timing of publication of official statistics.

Special circumstances

Aside from the circumstances described above, the Lead Official for Statistics may also allow access to statistics ahead of their release to a limited number of persons in a limited number of special circumstances, sometimes for more than 24 hours. In each case, such access will be documented in the relevant release. For example:

- access may be given to the compilers of complementary reports due to be published at the same time as, or shortly after the statistics so that they can incorporate the latest available figures. Such access may also be longer than 24 hours;
- international organisations may gain access in order to compile supra-national statistics;
- in exceptional circumstances pre-release access may be extended to someone who is not an 'eligible person' as defined in the Order. In this case the UK Statistics Authority will be informed and the reason for such exceptional access published.

Breach of conditions of release

In the event of OPONI becoming aware of a breach of the principles and rules set out in the legislation and described in this statement, the Lead Official for Statistics will notify the Chief Statistician for Northern Ireland, who will notify the UK Statistics Authority.

Sanctions against non-compliance

OPONI's Lead Official for Statistics may, for a period, withdraw pre-release access from any person judged to have breached the conditions of their access.

In addition, a heavier sanction can be imposed by the UK Statistics Authority which has a statutory duty to assess the extent to which any organisation's official statistics comply with the Pre-release Access to Official Statistics Order (Northern Ireland) 2009 and with the associated obligations set out in this statement. The Authority can, for instance, challenge an organisation where it considers that pre-release access is not justified or where an organisation is failing to conform to these arrangements.

In the event of any such challenge or any such withdrawal the Lead Official for Statistics will publish OPONI's response on their website along with plans for achieving conformance.

General NOTES:

(a) Pre-release access

In the context described above, the phrase 'pre-release access' covers privileged access to statistical releases in their final form prior to being placed in the public domain. It does not cover pre-release access available to:

- those staff intimately engaged in the process of producing and disseminating the statistics in question (including those responsible for overseeing this process);
- those persons requested by the producers of statistics to quality assure the statistics before their public release.

(b) Lead Official for Statistics

The Lead Official for Statistics is the senior statistician or analyst in an arm's length body that has been given the responsibility to lead on professional matters by the organisation. They are responsible for implementing the provisions set out in statistical legislation and the Code of Practice within their own organisation. In the Office of the Police Ombudsman the Lead Official for Statistics is the Deputy Principal Statistician, who is employed on secondment from the Northern Ireland Statistics and Research Agency.

ANNEX A

CRITERIA FOR GRANTING PRE-RELEASE ACCESS

(i) - Categories of persons within government to whom the Office of the Police Ombudsman would normally grant pre-release access to its statistical releases:

- the Police Ombudsman, Chief Executive and Minister of Justice who have policy or operational responsibility for a particular subject-matter covered by a statistical release; who are accountable to Parliament/the Northern Ireland Assembly and the electorate for their stewardship of that policy; and who may need to respond to questions about the statistics, or take appropriate action, at the time of release of those statistics;
- other OPONI or Department of Justice officials who have been assigned the specific responsibility to brief the Police Ombudsman, Chief Executives or Ministers about the statistics in question (e.g. Special Advisers, Policy Advisers, Analysts);
- ALB or Departmental Communication or Press Officers responsible for managing the Police Ombudsman, Chief Executive or Minister's interface with the media with respect to the policy or statistics in question.

(plus any immediate ancillary staff who support the above)

(ii) - Categories of statistical release to which OPONI would normally grant pre-release access:

- releases which incorporate statistics which are used to monitor or measure the government's performance (either generally, or against formal targets);
- releases which have the potential to impinge substantially on the formulation, implementation, or monitoring of government policy;
- releases which have the potential to inform, or impact on, decisions about the allocation of public funds;
- releases which have, demonstrably and historically, had a high public profile (i.e. regularly generate column inches in the print media or regularly attract the attention of the broadcast media) and on which the Police Ombudsman, Chief Executive or Minister with responsibility for the subject-matter might reasonably be expected to comment at the time of release;
- releases which cover matters of wide public interest.