

# Transport Focus statement of compliance with the Pre-Release Access to Official Statistics Order 2008

September 2016





## Introduction

1. This statement sets out Transport Focus's operational arrangements for giving the Chief Executive and his close 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. Their purpose is to maintain public confidence in the integrity of official statistics while allowing the Chief Executive to account immediately for the implications of statistics covering policy areas for which he is responsible.

## Authority

2. These arrangements have been drawn up by Transport Focus's Head of Insight (as equivalent lead official to a Head of Profession for Statistics) in consultation with the Chief Executive of Transport Focus and other relevant Office for National Statistics (ONS) and Department for Transport (DfT) officials. The Head of Insight is also responsible for ensuring the day-to-day implementation of these arrangements.

## General principle

3. Transport Focus 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 Chief Executive to either:
    - Provide responses to questions, or make statements about those statistics at, or shortly after, their time of publication.
    - Take action just before, at, or shortly after the time of publication.
  - Allowed only in those circumstances where the public benefit likely to result from such access outweighs the detriment to public trust in official statistics likely to result from doing so.

## Grant of advance access

4. The arrangements set out in this statement are confined to those persons who meet the eligibility criteria set out in **Annex A (i)** which can be found on page five of this document. 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)** (which is available to view on pages five and six of this document), and which are in their final form prior to being published for the first time.

## **Documentation and publication**

5. In the interest of openness and transparency, Transport Focus maintains a public record on its website listing the titles of all 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.
6. To view the complete list of official statistics to which this Statement applies, please see the NRPS section on the NRPS website. Clicking on the title of each release will show a list of which persons have been given access to each release. (The justification for giving advance access to each listed recipient is available on request).

## **Period of access**

7. In line with the legislation, pre-release access to Transport Focus's official statistics is restricted to a maximum of 24 hours before their public release on the following day – usually at 9.30am.
8. In exceptional circumstances only, and in accordance with Principle 5 of the Pre-release Access to Official Statistics Order 2008, the Head of Insight may grant pre-release access in excess of 24 hours. She will only do this if, in her opinion, the public benefit outweighs the detriment to public trust, which is likely to result from such extended access. When this happens, the Head of Insight will publish on the Transport Focus website her reasons for granting extended access, and will also inform the UK Statistics Authority's Chief Executive (the National Statistician) or the Chair of the ONS.
9. Transport Focus is currently agreeing a revised list of individuals who may have pre-release access in excess of 24 hours with the ONS. This list, and reasons for granting such access, will be published on the website as soon as agreement is reached and when the next survey is due for publication.

## **Conditions of access**

10. Those persons who are given access to Transport Focus's official statistics ahead of their release must keep the statistics secure and under embargo, and they must abide by the following 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**

11. Aside from the circumstances described above, the Head of Insight 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:

- The Monetary Policy Committee of the Bank of England may be given access to statistics relating to interest rates so that Committee members can exercise their remit effectively. Such access may be longer than 24 hours.
- 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.
- Journalists may be given access to complex or compendia releases in order to give them time to absorb and understand the significance of a given release. Such access, however, will never exceed 24 hours.
- In exceptional circumstances, pre-release access may be extended to someone who is not an 'eligible person' as defined in the Order. In which case the UK Statistics Authority will be informed and the reason for such exceptional access published.

### **Breach of conditions of release**

12. In the event where an organisation becomes aware that a lapse in release practices for any of their designated National Statistics has led to a substantive breach of the principles and rules set out in the legislation and described in this statement, the Head of Insight will notify the UK Statistics Authority's Chief Executive (the National Statistician); take action to prevent a recurrence; and provide the Authority with a written explanation using the Authority's standard reporting form. The National Statistician may decide to conduct an inquiry on behalf of the Authority, the results of which will be posted on the Authority's website. In the case of minor breaches, or genuinely accidental breaches, which have no major repercussions, the Head of Insight may deal with the matter informally.

### **Sanctions against non-compliance**

13. Transport Focus's Head of Insight may, for a period, withdraw pre-release access from any person judged to have breached the conditions of their access.
14. 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 National Statistics comply with the Pre-release Access to Official Statistics Order 2008 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 to a National Statistic is not justified or where an organisation is failing to conform to these arrangements. It can also withdraw, or consider withdrawing, National Statistics designation from the statistics in question.
15. In the event of any such challenge or withdrawal, the Head of Insight will publish Transport Focus's response or reaction on its website along with its plans for achieving conformance.

## Annex A

### Criteria for granting pre-release access

#### **(i) - Categories of persons within government to whom Transport Focus would normally grant pre-release access to its statistical releases:**

- Those Ministers who have policy or operational responsibility for a particular subject-matter covered by a statistical release; who are accountable to Parliament 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.
- Those Chief Executives who have operational responsibility for a particular activity covered by a release, and who are accountable for their stewardship of that activity to Ministers, and through them to Parliament; and who are in a similar position to those Ministers described above.
- The top Departmental or Agency officials with ultimate responsibility for formulating, developing, maintaining, monitoring or implementing that policy.
- Other Departmental or Agency officials who have been assigned the specific responsibility to brief Ministers or Chief Executives about the statistics in question (for example, Special Advisers, Policy Advisers, Analysts).
- Departmental press officers responsible for managing Ministers' interface with the media with respect to the policy or statistics in question.

(plus any immediate ancillary staff who support the above).

Categories of persons outside of government to whom Transport Focus would normally grant pre-release access to its statistical releases (this list will be available once agreement with the Office for National Statistics (ONS) has been reached) but could include:

- Train Operating Companies – Senior Executive teams.
- Association of Train Operating Companies – Commercial Director.
- Network Rail – Senior Management.
- Office of Rail Regulator – Senior Management Team.
- Transport for Scotland.
- Welsh Assembly Government.
- Public Transport Executives.
- British Transport Police.

#### **(ii) - Categories of statistical release to which Transport Focus would normally grant pre-release access:**

- Releases categorised as 'market-sensitive' (in other words, releases which embody statistics which, when disclosed, would be reasonably likely to have a significant effect on the value or traded volume of any investment).
- 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 (in other words, regularly generate column inches in the print media or regularly attract the attention of the broadcast media) and on which Ministers or Chief Executives with responsibility for the subject- matter might reasonably be expected to comment at the time of release.
- Releases which incorporate statistics derived from other Departments' or Agencies' administrative or management systems, and for which Ministers or Chief Executives in those other Departments have ownership and operational responsibility.
- Compendia publications (for example, Social Trends, Regional Trends which often include data which has already been released) or complex publications which have been made available to the media in advance of their public release, and under embargo, in order to give journalists time to absorb and understand their contents.
- Releases which cover matters of wide public interest.

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