

Statement

11 May 2009

Code of Practice breach – confidentiality

Scottish Care Home Census **(Scottish Government)**

The Scottish Government has reported to the UK Statistics Authority a breach of the Code of Practice for Official Statistics. In conducting the 2009 Scottish Care Home Census, the intention had been to provide individual care homes with personal information (but not names) about their existing long stay residents, in order to reduce the response burden. However, in some cases, this information was inadvertently sent to the wrong homes.

The Authority notes that the error was discovered quickly, and immediate steps were taken by the Scottish Government to identify the extent of the problem, ensure the information was not used inappropriately and to recall other incorrectly mailed questionnaires. We also note that there appears to have been no negative public impact as a result of the breach.

The Authority notes that the Scottish Government has quickly published a breach report on its website. We endorse this approach.

The breach report is attached overleaf.

BREACH OF THE CODE OF PRACTICE FOR OFFICIAL STATISTICS

A breach of the Code of Practice for Official Statistics occurs where one or more provisions of the Code were not followed in situations where an exemption or exception had not been approved by the UK Statistics Authority's Head of Assessment, as required in paragraph (xii) of the Code's preamble. Rules on pre-release access to statistics are covered in the relevant Pre-Release Access to Official Statistics Orders; the Code applies as if it includes these orders.

1 Background Information

Name of Statistical Output (including web link if relevant)

Scottish Care Home Census
<http://www.scotland.gov.uk/Publications/2009/02/20094539/0>
<http://www.scotland.gov.uk/Topics/Statistics/Browse/Health/schc12009W>
<http://www.scotland.gov.uk/Topics/Statistics/Browse/Health/schc22009W>
<http://www.scotland.gov.uk/Topics/Statistics/Browse/Health/schcnotes2009>

Name of Producer Organisation

The Scottish Government

Name and contact details of person submitting this report, and date of report

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2 Circumstances of Breach

Relevant Principle/Protocol and Practice

Principle 5: Confidentiality

Date of occurrence

31st March 2009

Nature of breach (including links with previous breaches, if any)

Each year the Scottish Government carry out a census of care homes where data on residents is requested. Although names of residents are not requested, data on date of birth, age, sex, ethnicity, medical conditions and funding arrangements are sought for each individual resident. To reduce the burden on the care homes, the existing long stay residents information is pre-printed on the forms.

The company ADS (Advanced Data Services) is contracted to handle the data collection for the Scottish Care Homes Census. On 31 March, ADS sent out around 330 pre-printed forms containing personal data to the wrong care home.

Reasons for breach

There was an error in the pre printing of the census forms by ADS, the forms went out of sequence in the print run which meant that when they were collated, the census forms were sent to the incorrect care homes. There was also duplication in the packs of forms which were sent out by ADS – some went directly to the care home when they should have been sent only to the Governing Body. There were inadequate checks carried out by ADS on the pre printed census forms prior to issue. ADS have accepted responsibility for this breach.

3 Reactions and Impact

After a small number of care homes had called the Scottish Government to report that they had received incorrect census forms, the care homes were asked to return the forms immediately to the Scottish Government. On Friday 3rd April, the first returned census form arrived. The form was checked to see what the problem was and ADS was asked to investigate and identify the scale of the problem. Once the cause and scale of the problem was identified, ADS were asked to telephone all affected care homes and asked them to send all the care home census forms back to the Scottish Government as soon as possible. The care homes were alerted to the fact that the forms contain sensitive personal information (although no resident names are included) and this information should not be misused in any way. The apology and request to return the census forms is being confirmed in writing to each affected care home and is due to be sent by first class post on 6th April 2009 (at the time of writing).

4 Corrective Actions Taken (include short-term actions, and long-term changes made to procedures)

As soon as the problem was identified, ADS were asked to telephone all affected care homes and asked them to send all the care home census forms back to the Scottish Government as soon as possible. The care homes were alerted to the fact that the forms contain sensitive personal information (although no resident names are included) and this information should not be misused in any way. The apology and request to return the census forms is being confirmed in writing to each affected care home.

ADS will confirm in writing to the Scottish Government the explanation of what went wrong. Statisticians from the Scottish Government will then meet with ADS to identify how to reduce the risk of this happening again. More checks will be put in place at the collation process before any census forms are sent out in future.

The Scottish Government will also consider whether any additional guidance for statistics

branches throughout the Scottish Government is needed.

5 Any other relevant supporting material (including link to published statements about this breach)

None