

Statement

25 March 2009

Code of Practice breach – pre-release access

***Hospital Outpatient Activity, 2007 - 2008* (NHS Information Centre for health and social care)**

The NHS Information Centre for health and social care (NHS IC) has reported to the UK Statistics Authority a breach of the Code of Practice for Official Statistics. Provisional data (not in their final form) from the statistical release *Hospital Outpatient Activity, 2007 - 2008* were inadvertently made available to a private company ahead of pre-announced release time for the statistical release. The *Health Service Journal* subsequently included an article that appeared to convey key messages from the release, although not based on final figures.

The Authority notes that there does not appear to have been any adverse public comment following this breach, and also notes the steps that NHS IC has taken to prevent a recurrence.

The Authority reiterates its stance that it considers it appropriate for any official body responsible for a breach of the Code of Practice to issue an initial public statement explaining the breach on both its own website and the National Statistics Publication Hub, as soon as it is aware of the facts, and ideally no later than the time of the publication of the relevant statistics.

The Authority's breach report is provided 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)

Hospital Outpatient Activity 2007/08 :
<http://www.ic.nhs.uk/statistics-and-data-collections/hospital-care/outpatients/hospital-outpatient-activity-2007-08>

Name of Producer Organisation

The NHS Information Centre for health and social care (NHS IC)

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

Andy Sutherland, Statistical Head of Profession at NHS IC, 10 March 2009

2 Circumstances of Breach

Relevant Principle/Protocol and Practice

Protocol 2 (8) Ensure that no indication of the substance of a statistical report is made public, or given to the media or any other party not recorded as eligible for access before publication. Report to the National Statistician immediately any accidental or wrongful release, and investigate the circumstances.

Date of occurrence

12 February 2009

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

1. The Hospital Outpatient Activity 2007/08 report was pre-announced for release on 27 February 2009.
2. Provisional 'Quarter 4' outpatient data was shared with a private company prior to publication,
3. It was expected that this was for NHS Management Purposes but the information was supplied without any restriction as to its use.
4. The Health Service Journal included an article which appears to refer to key findings from these statistics (although not based on final figures), on Thursday 12 February 2009 which was written by an employee of the company.

Reasons for breach

When the Hospital Episode Statistics (HES) extract relating to 'quarter 4' outpatient data was supplied to the private company by the HES subcontractor for The NHS IC (who act to our instructions), we had not stipulated any restriction be applied as to its use.

3 Reactions and Impact

We are not aware of any adverse public comment.

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

We wrote to the National Statistician on 17 February 2009.
The source of the leak was identified on 12 February 2009.

1. We made a change to the extract services so that future production of HES extracts for management purposes which include data ahead of release is clearly identified as to be used for Management Information purposes only and not for release.
2. The HES protocol, signed by recipients of such data, will be reviewed and further tightened. Meanwhile we will continue to remind recipients of the arrangements under which NHS management information is provided.

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