

Data Sharing Statement and Code of Practice: Statistics

Statement of Principles and Procedures
and Code of Practice for Changes to
Data Systems

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Statistics: Data Sharing Statement and Code of Practice

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Statement of Principles and Procedures

Part 1: About the Statement

1. The legislation requires that the UK Statistics Authority prepare, consult on and publish a Statement of Principles and Procedures governing the way we will use the framework for access to data. We are required to consult publicly before issuing or reissuing this statement, and to lay the statement before the UK Parliament and the devolved legislatures.
2. In preparing this statement we have had regard to, inter alia, the:
 - Information Commissioner's Anonymisation Code of Practice (2012)
 - Information Commissioner's Data sharing code of practice (2011)
 - Information Commissioner's Conducting Privacy Assessments Code of Practice (2014)
 - Information Commissioner's Privacy Notices Code of Practice (2016)
 - Statistics and Registration Service Act (2007)
 - Code of Practice for Official Statistics (2009)
 - Data Protection Act (1998)
 - ONS Respondent Charter for Surveys of Households and Individuals
 - ONS Respondent Charter for Business Surveys
 - Government Security Policy Framework
 - The Ethical Principles of the National Statistician's Data Ethics Advisory Committee
 - Responses to the Cabinet Office consultation, Better Use of Data in Government (2016)
3. This statement complements and is consistent with the principles and expectations set out in these documents. The principles and procedures outlined in this document apply to all the ways we access and share data, including onward disclosure to the statistical departments of the devolved administrations.

Part 2: Understanding the power

4. Statistics are a vital public good for the information age – the quality and range of official statistics provide key decision-makers in Government, business and beyond with crucial insights into the UK’s society and economy. Official statistics also play a vital role in supporting a healthy democracy by enabling individuals to hold their elected representatives to account. Producing high quality official statistics requires sophisticated, robust methodology and an appropriately skilled statistical workforce. But it also requires a legal framework that empowers statistical producers to collect and process the data on which National and official statistics and statistical research are based. Such a framework needs to recognise:
 - that the way data are produced will continue to change in the future;
 - that data useful for the production of statistics and for statistical research is held by an increasing number of public and private bodies in ever larger quantities, and that the proliferation of useful data sources will continue in the future;
 - the need for statistical producers to be able to understand the data they are using (metadata) so they can take advantage of the growing potential uses of these data; and
 - that the proliferation of data and data holders means greater variation in the quality of data, and that statistical producers therefore need tools that help them to understand the quality of that data and to determine the feasibility of their use in the production of official statistics.
 - that ensuring the increased availability of data to researchers does not impact negatively on citizens’ privacy means ensuring those who collect and handle data implement robust privacy-enhancing measures.

5. The Statistics and Registration Service Act 2007, as amended by the Digital Economy [Bill], creates a legal framework providing the UK Statistics Authority and its executive office, the Office for National Statistics (collectively hereafter “the Authority”), access to data held by public authorities and private undertakings to support the Authority’s statistical functions. The legislation provides for data suppliers to be required to consult the Authority before changes to data collection are made in order to protect the security of data supply, as well as the accuracy and reliability of statistics derived from these data sources. To support the production of devolved statistics, the legislation permits controlled disclosure of data to the statistical departments of the devolved administrations in Scotland, Wales and Northern Ireland, with the consent of the data supplier. The legislation obliges the Authority to observe the very highest standards of data security, confidentiality and transparency, and sets out strict penalties for those who misuse data collected for statistical purposes.

Part 3: Principles and Procedures

6. The Authority has established principles and procedures to ensure that we:
 - exercise our statutory responsibilities in a fair, proportionate and accountable way, with due regard for key principles of privacy and appropriate degrees of internal and external scrutiny;
 - work in a transparent manner with data suppliers, civil society and the general public, responding to any concerns or opportunities as they arise; and
 - reinforce our full accountability to the UK Parliament and the devolved legislatures in exercising our statutory responsibilities.

7. We will only seek access to data for the purposes of fulfilling our statutory responsibility to produce official statistics and undertake statistical research that meets identifiable user needs for the public good. In exercising our powers we will adhere to the following six principles, collectively intended to ensure that the highest ethical and legal standards apply across the full statistical life-cycle, and to provide public assurance and maintain confidence in the trustworthiness and quality of our statistics. These are outlined below.

Principle 1: Confidentiality

8. The Code of Practice for Official Statistics requires that “private information about individual persons (including bodies corporate) compiled in the production of official statistics is confidential, and should be used for statistical purposes only” (Principle 5).

9. We are committed to maintaining the confidentiality of data at all times, in accordance with Principle 5 of the Code of Practice for Official Statistics. In addition to the strong protection provided by the law, we will ensure that appropriate security controls are applied, and we will observe the highest standards in disclosure control to ensure personal data remains protected and secure at all times. We will regularly assess our security infrastructure and procedures to maintain the integrity of, and confidence in, these safeguards.

Principle 2: Transparency

10. As part of our statutory reporting obligations we are committed to publishing information on how we exercise our statutory responsibilities and obligations in respect of access to sources of data for statistical and research purposes. To help data suppliers and data subjects to understand the ways in which their data are used, and the privacy and security safeguards around the use of these data, we commit to make details of data access requests, requirements, and agreed arrangements publicly available by default. In some exceptional cases this degree of transparency may be

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inappropriate;¹ in such instances we undertake to obtain and take into account the data supplier's advice where we are aware, or have been made aware, that such reasons may exist, before deciding whether to (or the extent to which we will) publish details of data access requests, requirements or arrangements. This commitment applies equally to any details we publish in documents we are required or choose to lay before Parliament.

Principle 3: Data sharing, ethics and the law

11. The Code of Practice for Official Statistics requires that “statistical methods should be consistent with scientific principles and internationally recognised best practices, and be fully documented. Quality should be monitored and assured taking account of internationally agreed practices.” (Principle 4).
12. Data access arrangements will meet all legal obligations arising from the Data Protection Act (and other legislation, as appropriate). We will further ensure that data access arrangements observe the highest ethical standards, ensuring at all times that these arrangements support the delivery of National and official statistics, and statistical research, that serve a clear public interest. We will ensure that data access arrangements adhere to recognised standards of methodological integrity and quality; address issues of privacy and transparency; suitably consider the risks and limitations of new technologies and data collection methods; and be subject to appropriate scrutiny, oversight and monitoring.
13. As part of this process, we will have regard to best practice on privacy impact assessments and privacy notices in the establishment of data access arrangements, as covered by the ICO's Conducting Privacy Impact Assessments Code of Practice and Privacy Notices Code of Practice.

Principle 4: Integrity

14. The Code of Practice for Official Statistics requires that “at all stages in the production, management, and dissemination of official statistics, the public interest should prevail over organisation, political or personal interests” (Principle 3).
15. We will use our statutory functions and responsibilities in ways that are free of the influence of organisational, political or personal interests, ensuring that we take decisions on the data sources we seek to access only on the basis of a sound statistical rationale, identifiable user needs, and a clear public interest. We will only seek access to data where we are satisfied that the data may be of sufficient quality and coverage to support the

¹ For example, where the publication of such details may be prejudicial to wider public or commercial interests, such as national security, the prevention or detection of crime or where publishing the information would significantly damage the market position of a data supplier.

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production of high quality statistical and research outputs. Before securing access to data held exclusively by public authorities or private undertakings under the statutory powers conferred upon us, we will also ensure that we have assessed known viable alternatives, particularly where publicly-available equivalent sources would serve as suitable substitutes.

Principle 5: Proportionality, fairness and minimised burdens

16. The Code of Practice for Official Statistics requires that “the cost burden on data suppliers should not be excessive and should be assessed relative to the benefits arising from the use of the statistics” (Principle 6).
17. We are committed to minimising the burdens associated with the production of statistics, and we will ensure that the costs of providing us with access to data are proportionate to the benefits accruing from the use of the statistics produced from these data. We will also ensure that any decisions concerning the volume or type of data we seek are informed by this commitment. We will work with data suppliers to establish data access arrangements that minimise the cost burden and potential for disproportionate impacts on taxpayers and data suppliers alike. We undertake to seek data from national or consolidated sources before placing burdens on local service providers and, where the same data can be obtained from multiple sources, to ensure that our decisions on which source(s) to access are informed by considerations of associated costs and burdens to the data suppliers.

Principle 6: Collaboration

18. We will consult with, and consider the advice of, data suppliers before issuing a notice or requesting access to data. We commit to exploring collaborative solutions and negotiated data arrangements in preference to issuing requests or notices to enable this access. This will ensure that data access arrangements are appropriately tailored to the specific needs, resources, interests and cultures of data suppliers, as well as the particular sensitivities and risks associated with different types and sources of data. A collaborative approach will also enable us to understand the way the data are constructed and therefore any caveats concerning their quality, interpretation and use. We will invoke our statutory powers of compliance and compulsion as a last resort only once all other reasonable means of accessing the data have been exhausted (including senior level discussions between the Authority and the data supplier).

Part 4: Governance

19. We will monitor the ways in which we are using the legal framework to access data by establishing an advisory data access oversight function as part of the governance structure of the Authority and drawing on the experience and independent expertise of individuals from a wide range of sectors and organisations. This function will assess data access proposals against the principles above and will provide impartial and independent advice to the National Statistician to support him/her on the exercise of his/her functions. We will publish reports and other papers detailing this advice in accordance with the Authority's general commitment to transparency.
20. We will in addition publish, consult on and maintain up-to-date supplementary guidance and best practice documents concerning the way we exercise our statutory responsibilities under this legal framework. These documents, which we may re-issue from time to time to reflect changing practices and the development of professional expertise, will provide additional clarity to help data suppliers understand their obligations and, in particular, the operational means by which we will exercise data access powers. They (will) also provide information for statistical users and the general public seeking to understand the procedural arrangements governing the way third-party data is collected, processed and safeguarded in the production of official statistics and for statistical research. These documents (will) include guidance concerning:
- **Data requests and notices:** guidance concerning the format in which we will request data or issue notices under this legislation;
 - **Minimising burden:** the means by which we will assess the burden on data suppliers and the ways we will minimise these burdens.
 - **Data supply and transmission:** technical guidance about the format(s) for the transmission of data and safeguards to ensure data is transmitted securely;
 - **Security and confidentiality:** summary information about the ways in which we ensure the highest levels of data security and the confidential storage, processing, use and dissemination of data held in our systems; and
 - **Representation and dispute resolution:** arrangements where data suppliers can query or challenge requests for data made by us, including representations to our data access oversight function.

Code of Practice on Changes to Data Systems

Part 1: About the Code

21. This document has been prepared in accordance with the provision set out in section 45G of the Statistics and Registration Service Act 2007 that the UK Statistics Authority and its executive office, the Office for National Statistics (collectively referred to hereafter as the “Authority”), prepare, consult on and publish a code of practice on changes to data systems that may be made by public authorities who are supplying data to the Authority to support the production of official statistics and statistical research.
22. This requires public authorities to have regard to this code when considering or making changes to their data systems. The code is therefore principally intended to provide guidance for public authorities who are supplying data to the Authority for the purpose of producing statistics or conducting statistical research. However, the guidance will have practical relevance for all organisations who supply data for official statistics (or those who may be required to provide data in the future), regardless of the status of the organisation, or the frequency and means by which data is supplied.

Part 2: Understanding the power

23. The Digital Economy Bill makes a number of changes to the law governing the way data is collected for the production of statistics in the UK. The Bill amends the Statistics and Registration Service Act 2007 by, amongst other things, granting the Authority access to data held by public authorities and private undertakings in support of the Authority’s statistical functions. The changes made to the Statistics and Registration Service Act 2007 by the Digital Economy Bill expand the range of data sources the Authority will be able to draw on in the production of official statistics. The data provided for this purpose may range from specific records or variables within a larger dataset – but they might be one or more entire datasets, or even metadata.
24. The precise nature of, means by which and the frequency with which data should be made available to the Authority will be set out as part of a data access agreement. In some cases the legislation also permits the Authority to

set out obligations as part of a formal agreement to provide access to data requiring data suppliers to consult with the Authority before making changes to the data they collect, the way they collect or process these data, as well as any arrangements providing the Authority with access to these data. In such cases, the access agreement will set out details of this obligation including the changes that are sufficient to trigger this obligation and the period of notice the data supplier must provide.

25. This provision is intended to support the continuity of data supply, thereby maintaining the integrity, accuracy and reliability of statistics and statistical research derived from these data – an essential safeguard if the UK statistical system is to reduce its reliance on traditional survey-based sources in favour of directly accessing administrative and other sources.
26. Where such an obligation is not set out in the agreement, the Authority nonetheless recommends that data suppliers consider whether any changes they are considering making to data systems will impact on any aspect of the data they are supplying (or may supply) to the Authority. The guidance below will help data suppliers identify the possible impacts changes to data systems may have, and to minimise the potential such changes have to disrupt the supply, or otherwise undermine the integrity of data that is critical for the production of official and National Statistics.

Part 3: The importance of consultation

27. There are a number of reasons why a data supplier may seek to change the way it collects and processes data – including to meet strategic, operational or financial challenges, as a consequence of organisational transformations or changes in staffing structures, or in response to emerging security challenges. Any guidance provided here or statutory obligation set out in a notice therefore **does not change** the right of a data supplier to make such changes in response to its own business or organisational needs. It is instead a means of ensuring that the Statistics Authority is made aware of these changes to the extent to which they impact on the nature of the data, or of the provision of that data, that it receives and relies upon for the production of statistics and statistical research.
28. There are a number of changes that may impact on the supply of data, which includes for illustrative purposes:
 - **The type of data collected, or the way the data are collected:** Changes to the nature of the data collected which are or may be passed to the Statistics Authority could have impacts on statistics that rely on these

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data. Where a data supplying organisation decides to stop collecting data it provides for the production of statistics, for instance, the Statistics Authority will need to be informed in sufficient time to secure other sources to avoid disruptions to important statistical outputs that rely on these data. Similarly, changes to the way data are collected may have possible implications for the quality, reliability or usability of the data.

- **The way data are organised, stored and retrieved:** in most cases, this will have no impact on the provision of data for the production of statistics. There are some instances, however, where changes to data infrastructures may impact on some aspect of this provision, for example in how the data are transmitted to the Statistics Authority which could have the potential to interrupt the supply of data and therefore a corresponding impact on integrity of the statistics or statistical research the Authority produces. Being aware of these changes will give the Statistics Authority the opportunity to engage with the data supplier to ensure the data continue to be supplied in a safe, reliable and cost-effective way.
 - **The way data are supplied:** the Authority publishes technical guidance concerning the formats it requires for transmitted data and will work with data suppliers to establish data access arrangements that minimise the costs and burdens data suppliers might accrue.
29. Being made aware of any changes a data supplier intends to make to the way it transmits data will enable the Statistics Authority to adjust its practice to ensure it continues to access the data held by data suppliers in as efficient and least burdensome way as possible.
30. Not every change to the way data is collected and processed will affect data that is being provided for statistical purposes. However, in order to identify whether this is the case or not data suppliers will need be aware of all data that is being supplied or shared, of the duration of the agreement, and the way in which that data is being shared or transmitted. As discussed above, the Statistics Authority will ensure that all these details are set out within the framework of a data access arrangement, and that any changes to the obligations of a data supplier or provision arrangements are recorded in an amendment. Data suppliers should ensure that staff responsible for considering and implementing changes to data systems are appropriately familiarised with these agreements.
31. Similarly, not every change will have a direct impact on the quality and continuity of data upon that is relied upon for the production of official statistics and statistical research. During initial data access negotiations the Authority will engage with data suppliers to ensure they understand the role supplied data will have in the production of statistics, and to therefore help the data supplier to anticipate the impact of changes it is considering to the way it collects or processes this or related data.

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32. Where a data supplier does believe proposed changes may have an impact on any aspect of the official statistics that make use of the data, or on the agreed arrangements for supply, it should advise the Statistics Authority in a timely fashion. There will be some occasions when changes to data systems happen much more quickly, such as where a security vulnerability has been discovered or a business opportunity has arisen. In all such cases data suppliers should ensure they contact us **as soon as possible** once they become aware of the need to effect a change. Where a data supplier is uncertain about the impact on statistics or statistical research of changes to their data systems the Statistics Authority recommends the data supplier contact the Statistics Authority to discuss. The Statistics Authority will work with the data supplier to understand the nature of the changes and any impacts, to identify steps to maintain continuity of supply, and to ensure that supply is maintained in a way that keeps burdens to a minimum.
33. In the vast majority of cases, the data processor will itself initiate changes to the way data is collected or processed. There are, however, occasions, where a data supplier may become aware of a change that was unintended but might impact on the Authority's capacity to deploy these data in the production of official statistics or statistical research. Such changes include a change in the nature of the data being supplied, in the way it is processed, or to the infrastructures within which it is processed. Evidence of data **breaches, security vulnerabilities** or the **misuse of data**, for instance, will have implications for the security procedures related to the transmission, storage and use of data that have been set out in the data access arrangements. Similarly, **evidence of errors, inaccuracies or omissions in data**, or **fallibilities in the way the data is collected**, will have implications for the quality of the data and therefore the methodological commentary accompanying statistical outputs. Large inaccuracies or methodological flaws might even call into question the extent to which the data can be relied upon for the production of official statistics. Where such issues are identified the data supplier must advise the Authority **at the earliest opportunity**, and **in any case no later than XXX working days** after the failing is discovered.