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2011 Census

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Our Ref TO 09 93

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Dear Mr Heath

I apologise for not responding earlier to your further email. The Statistics and Registration Service Act 2007 makes it a criminal offence, subject to a maximum penalty of 24 months imprisonment and/or a fine, for a member or employee of the Statistics Authority to disclose personal information held by them in relation to any of its functions. It allows, but **does not require**, the National Statistician to provide confidential personal information when requested by a court for the purpose of a criminal investigation or proceedings, or in the interest of national security.

This issue is acknowledged by the UK Statistics Authority Code of Practice in Principle 5 which states that statisticians should

"Seek prior authorisation from the National Statistician or Chief Statistician in a Devolved Administration for any exceptions, required by law or thought to be in the public interest, to the principle of confidentiality protection. Publish details of such authorisations."

Regarding the examples you have given of what you describe as 'loopholes' I hope that I can reassure you that the Office for National Statistics (ONS) has never been requested to provide confidential information by the Intelligence Services, nor has it ever provided such information. We do receive a number of requests from the police each year, and we refer them to suitable alternative administrative sources.

ONS practice has been and remains that:

- The UK Statistics Authority and National Statistician will never volunteer personal information for any non-statistical purpose.
- If disclosure is sought the UK Statistics Authority and National Statistician will always refuse to allow it, and will contest the case to the maximum extent possible under the law, using each stage of appeal in the Courts if necessary, in order to ensure statistical confidentiality, and will do so in an open, public and transparent matter, to the extent permitted under the law.
- Those seeking disclosure will be directed to non-statistical administrative sources as viable alternatives to statistical information, and will be asked to demonstrate to the courts if this is not sufficient for their needs.

The authorisation of the National Statistician will be withheld until she is satisfied that all arguments for non-disclosure have been taken into proper consideration and that the rule of law is not challengeable. Any decision to make statistical information available for non-statistical purposes will be made public.

I hope this response gives you some assurance of how seriously the UK Statistics Authority, and the National Statistician take their responsibilities under the Act. We will shortly be making a statement on our web site, on the lines set out in this letter, to make our position on this important issue clear.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Helen Bray', written in a cursive style.

Helen Bray
2011 Census Stakeholder Management and Communications