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PROCEDURES FOR SECURING THE CONTINUED CONFIDENTIALITY OF THE PISA DATA: CONSEQUENCES OF A BREAK IN THE EMBARGO

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Introduction

1. At its March 2007 meeting in Oslo, the PISA Governing Board (PGB) asked the Executive Group to establish procedures for securing data embargos and dealing with consequences that might arise from breaking such embargos.

2. In its meeting in June 2007, the PISA Governing Board Executive Group:
   - CONSIDERED that a break of the embargo would pose a serious threat to the credibility of PISA.
   - RECOMMENDED to the PISA Governing Board to adopt the proposed “Plan B” at its meeting in October.
   - CONSIDERED that the PISA Governing Board and the OECD Secretariat would not have the means to identify the source of embargo breaks and RECOMMENDED to the PISA Governing Board to exclude countries from future advance access to embargoed materials, irrespective of the source of the embargo.

3. The following paper proposes actions and consequences (“Plan B”) that would be invoked if the embargo of the PISA 2006 results is broken. The application of this procedure would involve: the immediate communication of any apparent breach of the embargo, an assessment by the Secretariat and the PISA Governing Board Executive Group of whether this breach requires the lifting of the embargo; and the establishment of consequences of an embargo break for future PISA assessments.

4. The PISA Governing Board is asked to:
   - CONSIDER the recommendations of the Executive Group; and to
   - FINALSE and ADOPT the procedures.

Consequences of an embargo breach

5. In the following, a “Plan B” is outlined that would be invoked if the embargo of the PISA 2006 results is broken. This plan is in agreement with current OECD procedure in case of embargo breaks. It contains procedures to communicate any apparent breach of the embargo to the signatories of the PISA confidentiality agreement, together with an assessment by the Secretariat and the PISA Governing Board Executive Group of whether this breach necessitates the lifting of the embargo. It also establishes options for consequences with regards to future PISA assessments, excluding countries in which embargoes are broken from future advance access to PISA embargoed materials.
Communication of an apparent breach in the embargo

6. Representatives of a country are obliged to inform the Secretariat if they become aware of an apparent breach in the embargo that may have implications for other countries. Once the Secretariat becomes aware of an embargo breach, it will contact the Executive Group of the PISA Governing Board immediately through country representatives or other sources. The Secretariat and the members of the PISA Executive Group who can be reached on short notice will decide on the necessity to inform all signatories of the confidentiality statement within three hours. Such a communication will include the source of the information, the extent to which results have been disclosed and an assessment of whether the breach necessitates the lifting of the embargo.

Assessment of a breach in the embargo

7. In arriving at a decision on whether the breach necessitates the lifting of the embargo, the nature of the results disclosed will be considered, that is, whether the breach involves the release of results or data from at least one other participating economy.

Action taken in lifting the embargo

8. If a major breach in the embargo is acknowledged by the OECD Secretariat and the PISA Executive Group while the initial report is in the process of being printed, i.e. after 22 October 2007, the PDF file of the manuscript will immediately be publicly released on the OECD PISA website. The OECD Secretariat will also immediately dispatch printed copies to OECD ambassadors and signatories of the confidentiality agreement.

Options for consequences for future PISA assessments

9. It is suggested that those countries, in which the embargo has been broken in ways which may have implications for other countries, will automatically be excluded from future advance access to embargoed materials, irrespective of the source of the embargo. The PISA Governing Board will review the application of this procedure on an annual basis. This procedure will be applied first for the PISA 2006 Initial Report, and from then on for all PISA publications.