

Digital Economy Act 2017: Update and next steps

Welsh Statistical Liaison Committee June 2017

Purpose

1. This paper summarises the implications of the [Digital Economy Act 2017](#) in respect of data sharing.
2. WSLC are asked to note the provisions and consider what could be priority areas for using the new powers in particular those for improving public services or for supporting research and national statistics.

Background

3. The Digital Economy Bill was introduced to the House of Commons in July 2016. The Bill legislates in the following policy areas:
 - a. Electronic communications infrastructure, particularly a universal broadband service obligation covering 95% of UK households by 2020;
 - b. Age-verification to restrict access to online pornography;
 - c. Protection of intellectual property rights in electronic communications;
 - d. The functions of Ofcom, and the relationship between Ofcom and the BBC;
 - e. Age-related TV licence fee concessions;
 - f. Regulation of internet ticket sales; and,
 - g. Digital Government.
4. The Bill received Royal Assent and became the Digital Economy Act 2017 ahead of the dissolution of Parliament in Spring 2017. As some areas of devolved competence are in scope, earlier in the year the National Assembly for Wales voted to provide the UK Government with legislative consent. The full text of the Act can be found at <http://www.legislation.gov.uk/ukpga/2017/30/contents/enacted/data.htm>.
5. The Act's provisions on data sharing (including for the purposes of statistics and research) are included in the wider package of data-sharing measures called Digital Government. These permit Government Departments and other public authorities to share information for operational purposes for specified objectives as described in the next section.
6. Ahead of the Bill's introduction in July 2016, the suite of Digital Government measures was developed over a three-year period, including an iterative phase of 'open policy-making', coordinated by the Cabinet Office concluding with a public consultation on the Better Use of Data in February-April 2016.

Digital Government strands

7. *Public service delivery* ([part 5, Chapter 1](#))

This is a permissive gateway to enable public authorities to share personal data for specified objectives agreed by Parliament (or devolved legislatures) to improve the welfare of individuals be that through improving a public service provided to individuals or households or the facilitation of the provision of a benefit to individuals or households. This strand also includes specific measures to permit public authorities to share information with energy providers to apply the Warm Homes Discount to eligible recipients in order to help reduce fuel poverty.

The strand includes delegated powers to Welsh Ministers to set secondary legislation defining the specified objectives for which personal data can be shared and the organisations in scope.

8. *Civil registration* ([part 5, chapter 2](#))

Improving public sector access to civil registration information for better citizen access to government services, to remove the current reliance on paper certificates, and to reduce the risk of fraud opportunities using paper-based certification. This includes data sharing from civil registration officials in Wales.

These powers are permissive powers but the Civil Registration officials will continue to have the authority whether to agree to the data sharing for the proposed purposes.

9. *Fraud and debt* ([part 5, chapter 3](#) and [chapter 4](#))

(i) to enable better sharing of information to combat fraud against government by giving named public authorities faster access to data to pilot and test ways of preventing and combating fraud against the public sector; and (ii) to enable named public authorities to share data on individuals/businesses with multiple debts to government to provide greater support to those with multiple debts or debt repayment difficulties and to ensure more efficient public sector debt recovery and management.

Draft Codes of Practice for these clauses specified the need for appropriate pilots and safeguards to be in place to ensure the data sharing is necessary and achieving public benefit. This Chapter also includes the requirement for the powers to be reviewed after 3 years

10. *Statistics* ([part 5, chapter 7](#))

To amend the Statistics and Registration Service Act 2007 (SRSA 2007) by repealing the existing time-consuming framework for statistical information sharing, replacing it with a new framework for the UK Statistics Authority (i.e the ONS for the rest of this text) to have a statutory right of access to information held by Government Departments, other public bodies, charities and large/medium-sized businesses, for statistics and research purposes. This will, for example, support the production of better statistics on the population including through any future Censuses and economic statistics by providing better access to business data.

For public authorities (section 80, amending section 45C of the SRSA 2007), the chapter provides permissive powers to supply data to the ONS but also gives ONS the right to request this information by notice in writing. As well as requesting data, the notice may also require the authorities to consult the ONS before making changes to their data

processes). The ONS must consult with Welsh Ministers before serving a notice on public bodies in Wales.

For medium or large businesses or charities (“undertakings”, section 80, amending section 45D of the SRSA 2007), the chapter the ONS the right to request data by notice in writing. As well as requesting data, the notice may also require the undertakings to consult the ONS before making changes to their data processes).

This chapter also includes the power (section 81) for the UK Statistics Authority to pass on data it holds and has received from other parties to Devolved Administrations for the purposes of research and statistics, with the consent of the source data suppliers.

11. *Research* ([part 5, chapter 5](#))

To establish a new, permissive, legal gateway for public authorities to share de-identified information with accredited researchers for the purposes of public good research, via a trusted third-party that processes, links/matches datasets where required, and provides secure access environments for analysis.

The UK Statistics Authority is the accrediting body, and will be responsible for the accreditation of processors, researchers and research projects, building on the frameworks already established that support the Approved Researcher scheme. This framework supports the work of the Administrative Data Research Centre for Wales and similar operations across the UK.

Implementation: Codes of practice and transitional matters

12. The main areas of pre-implementation activity during the remainder of 2017 are around the codes of practice underpinning the various strands. Each strand in the Digital Government package is supported by codes of practice which will set out the high-level principles by which the relevant frameworks will be operated.
13. Illustrative drafts of the codes were published in October during the House of Commons Committee stage. The Act requires formal consultation on the codes ahead of their finalisation, including with Welsh Ministers. Following a public consultation, the draft codes will be put to Parliament for consideration in early Autumn, and are expected to be operable by the end of 2017.
14. Once the codes of practice have been agreed by Parliament, and all the provisions of the strands in the legislation commenced, the new frameworks will be legally operable.

Welsh Government

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