
CONTENTS -

PART 1

PUBLIC SERVICE DELIVERY

- 1 Disclosure of information to improve public service delivery
- 2 Further provisions about the power in section 1
- 3 Confidentiality of personal information
- 4 Information disclosed by Her Majesty's Revenue and Customs
- 5 Code of practice
- 6 Power to amend the Schedule
- 7 Power to amend purposes for which information may be disclosed
- 8 Regulations under this Part
- 9 Interpretation of this Part

Schedule – Specified public authorities -

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TO

Make provision

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

PUBLIC SERVICE DELIVERY

1 Disclosure of information to improve public service delivery

- (1) - A specified public authority may disclose information held by the authority in connection with any of its functions to another specified public authority for the purposes of one or more of the objectives listed in subsection (2).
- (2) - Those objectives are—
 - (a) - identifying individuals or households who face multiple disadvantages and enabling the public services to be provided to such individuals and households to be tailored to their needs, and
 - (b) - reducing the energy costs of, or improving the health or well-being of, people living in fuel poverty.
- (3) - For the purposes of subsection (2)(b) a person lives in fuel poverty if the person is a member of a household living on a lower income in a home which cannot be kept warm at a reasonable cost.
- (4) - In this Part “specified public authority” means a public authority listed in the Schedule.

2 Further provisions about the power in section 1

- (1) - Personal information disclosed to a specified public authority under section 1 may only be used by that authority for the purposes for which it was disclosed, subject to subsection (2).

- (2) - Subsection (1) does not prevent the use of information by a specified public authority –
 - (a) - if the information has already lawfully been made available to the public,
 - (b) - if the person to whom the information relates consents to its use for another purpose,
 - (c) - for the purposes of a criminal investigation (whether or not in the United Kingdom),
 - (d) - for the purposes of legal proceedings (whether civil or criminal and whether or not in the United Kingdom), or
 - (e) - for the purposes of –
 - (i) - saving life,
 - (ii) - safeguarding vulnerable adults or children,
 - (iii) - responding to an emergency, or
 - (iv) - protecting national security.
- (3) - Subsection (2) does not apply to information disclosed to a specified public authority under section 1 by Her Majesty’s Revenue and Customs; but such information may be used by the authority for purposes other than those for which it was disclosed with the consent of the Commissioners for Her Majesty’s Revenue and Customs.
- (4) - For the purposes of this Part information is “personal information” if –
 - (a) - it relates to and identifies a particular person (including a body corporate), but
 - (b) - it is not information about the internal administrative arrangements of a specified public authority.
- (5) - For the purposes of subsection (1) information identifies a particular person if the identity of that person –
 - (a) - is specified in the information,
 - (b) - can be deduced from the information, or
 - (c) - can be deduced from the information taken together with any other information.
- (6) - A disclosure under section 1 does not breach –
 - (a) - any obligation of confidence owed by the specified public authority making the disclosure, or
 - (b) - any other restriction on the disclosure of information (however imposed).
- (7) - But nothing in section 1 authorises the making of a disclosure which –
 - (a) - contravenes the Data Protection Act 1998, or
 - (b) - is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.
- (8) - Section 1 does not limit the circumstances in which information may be disclosed apart from that section.

3 Confidentiality of personal information

- (1) - Personal information disclosed by a specified public authority under section 1 and received by a person (“P”) may not be disclosed –
 - (a) - by P, or

- (b) - by any other person who has received it directly or indirectly from P.
- (2) - Subsection (1) does not apply to a disclosure –
 - (a) - which is required or permitted by any enactment (including section 1),
 - (b) - which is required by an EU obligation,
 - (c) - which is made in pursuance of an order of the court,
 - (d) - of information which has already lawfully been made available to the public,
 - (e) - which is made for the purposes of a criminal investigation (whether or not in the United Kingdom),
 - (f) - which is made for the purposes of legal proceedings (whether civil or criminal and whether or not in the United Kingdom),
 - (g) - which is made with the consent of the person to whom it relates, or
 - (h) - which is made for the purposes of –
 - (i) - saving life,
 - (ii) - safeguarding vulnerable adults or children,
 - (iii) - responding to an emergency, or
 - (iv) - protecting national security.
- (3) - A person who contravenes subsection (1) is guilty of an offence.
- (4) - It is a defence for a person charged with an offence under subsection (3) to prove that the person reasonably believed that the disclosure was lawful.
- (5) - A person who is guilty of an offence under subsection (3) is liable on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.
- (6) - A person who is guilty of an offence under subsection (3) is liable on summary conviction –
 - (a) - in England and Wales, to imprisonment for a term not exceeding 12 months, to a fine or to both;
 - (b) - in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;
 - (c) - in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both.
- (7) - In the application of subsection (6)(a) to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 the reference to 12 months is to be read as a reference to 6 months.
- (8) - This section does not apply to personal information disclosed under section 1 by Her Majesty's Revenue and Customs.

4 Information disclosed by Her Majesty's Revenue and Customs

- (1) - Personal information disclosed by Her Majesty's Revenue and Customs under section 1 and received by a person ("P") may not be disclosed –
 - (a) - by P, or
 - (b) - by any other person who has received it directly or indirectly from P.
- (2) - Subsection (1) does not apply to a disclosure which is made with the consent of the Commissioners for Her Majesty's Revenue and Customs (which may be general or specific).

- (3) - A person who contravenes subsection (1) is guilty of an offence.
- (4) - It is a defence for a person charged with an offence under subsection (3) to prove that the person reasonably believed –
 - (a) - that the disclosure was lawful, or
 - (b) - that the information had already and lawfully been made available to the public.
- (5) - Subsections (4) to (7) of section 19 of the Commissioners for Revenue and Customs Act 2005 apply to an offence under subsection (3) as they apply to an offence under that section.

5 Code of practice

- (1) - The relevant Minister must issue a code of practice about –
 - (a) - the disclosure of information under section 1, and
 - (b) - the use of information disclosed under that section.
- (2) - A specified public authority must have regard to the code of practice –
 - (a) - in disclosing information under section 1, and
 - (b) - in using information disclosed under that section.
- (3) - The relevant Minister may from time to time revise and re-issue the code of practice.
- (4) - Before issuing or reissuing the code of practice the relevant Minister must consult –
 - (a) - the Information Commissioner, and
 - (b) - such other persons as the relevant Minister thinks appropriate.
- (5) - As soon as is reasonably practicable after issuing or reissuing the code of practice the relevant Minister must lay a copy of it before Parliament.

6 Power to amend the Schedule

- (1) - The relevant Minister may by regulations amend the Schedule so as to add, modify or remove a reference to a public authority or description of public authority.
- (2) - Regulations under subsection (1) may, in particular, modify a reference to a description of public authority so as to exclude a particular authority of that description.
- (3) - In determining whether to make regulations under subsection (1) in relation to a public authority or description of public authority the relevant Minister must have regard, in particular, to –
 - (a) - the systems and procedures for the secure handling of information by that authority or authorities of that description, and
 - (b) - in the case of regulations which remove a public authority from the Schedule, whether that authority, or any person providing services to that authority, has had regard to the code of practice under section 5 as required by that section.
- (4) - Before making regulations under subsection (1) the relevant Minister must consult –
 - (a) - the Information Commissioner, and

- (b) such other persons as the relevant Minister thinks appropriate. -

7 Power to amend purposes for which information may be disclosed

- (1) The relevant Minister may by regulations amend subsection (2) of section 1 so as to –
 - (a) add an objective for the purposes of which information may be disclosed under that section, or
 - (b) modify an objective listed in that subsection.
- (2) An objective may be added by regulations under subsection (1) only if it complies with the condition in subsection (4) and the condition in subsection (5).
- (3) An objective as modified by regulations under subsection (1) must comply with the condition in subsection (4) and the condition in subsection (5).
- (4) The condition in this subsection is that the objective has as its purpose –
 - (a) the improvement or targeting of a public service provided to individuals of a particular description, or
 - (b) the facilitation of the provision of a benefit (whether or not financial) to individuals of a particular description.
- (5) The condition in this subsection is that the objective has as its purpose the improvement of the well-being of individuals of a particular description.
- (6) The reference in subsection (5) to the well-being of individuals includes –
 - (a) their physical and mental health and emotional well-being,
 - (b) the contribution made by them to society, and
 - (c) their social and economic well-being.
- (7) Before making regulations under subsection (1) the relevant Minister must consult –
 - (a) the Information Commissioner, and
 - (b) such other persons as the relevant Minister thinks appropriate.
- (8) The relevant Minister may only make regulations under subsection (1) with the consent of the Treasury in a case where the regulations could affect the disclosure of information by Her Majesty’s Revenue and Customs.

8 Regulations under this Part

- (1) Regulations under this Part are to be made by statutory instrument.
- (2) Regulations under this Part –
 - (a) may make different provision for different purposes;
 - (b) may contain consequential, supplementary, transitional or transitory provision or savings.
- (3) The provision that may be made by virtue of subsection (2)(b) includes provision amending, repealing or revoking any provision of this Act or an enactment passed or made before or in the same session as this Act.
- (4) A statutory instrument containing regulations under this Part may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

- (5) - If a draft of a statutory instrument containing regulations under section 6 would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.

9 Interpretation of this Part

- (1) - In this Part— -
“enactment” includes— -
 (a) - an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
 (b) - an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales;
 (c) - an enactment contained in, or in an instrument made under, Northern Ireland legislation;
 (d) - an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
“function” means function of a public nature;
“relevant Minister” means the Secretary of State or the Chancellor of the Duchy of Lancaster;
“personal information” has the meaning given by section 2(3);
“specified public authority” has the meaning given by section 1(4).
- (2) - Subject to subsection (3), in this Part “public authority” means a person who exercises functions of a public nature.
- (3) - A person is not a public authority for the purposes of this Part if, apart from this subsection, the person would be a public authority for those purposes merely because the person exercises functions on behalf of another public authority.

SCHEDULE

Section 1

SPECIFIED PUBLIC AUTHORITIES

- 1 The Treasury
- 2 The Secretary of State for the Home Department.
- 3 The Secretary of State for Foreign and Commonwealth Affairs.
- 4 The Lord Chancellor.
- 5 The Secretary of State for Justice.
- 6 The Secretary of State for Defence.
- 7 The Secretary of State for Business, Innovation and Skills.
- 8 The Secretary of State for Work and Pensions.
- 9 The Secretary of State for Communities and Local Government.
- 10 The Secretary of State for Education.
- 11 The Secretary of State for International Development.
- 12 The Secretary of State for Energy and Climate Change.
- 13 The Secretary of State for Transport.
- 14 The Secretary of State for Scotland.
- 15 The Secretary of State for Northern Ireland.
- 16 The Secretary of State for Wales.
- 17 The Secretary of State for Culture, Media and Sport.
- 18 The Secretary of State for the Environment, Food and Rural Affairs.
- 19 The Chancellor of the Duchy of Lancaster.
- 20 Her Majesty's Revenue and Customs.
- 21 A county council in England.
- 22 A district council in England.
- 23 A London borough council.
- 24 The Common Council of the City of London in its capacity as a local authority.
- 25 The Council of the Isles of Scilly.
- 26 The Greater London Authority.
- 27 A county council in Wales.

- 28 A county borough council.
- 29 A council constituted under section 2 of the Local Government etc (Scotland) Act 1994.
- 30 A district council in Northern Ireland.
- 31 A chief officer of police for a police area in England and Wales.
- 32 The chief constable of the Police Service of Scotland.
- 33 The Chief Constable of the Police Service of Northern Ireland.