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## CONTENTS

- 1 Disclosure of information by HMRC to the Statistics Board
- 2 Disclosure of information by public authorities to the Statistics Board
- 3 Power of Statistics Board to compel disclosure

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TO

Make provision

**B**E 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:—

**1 Disclosure of information by HMRC to the Statistics Board**

- (1) Section 45 of the Statistics and Registration Service Act 2007 (disclosure of HMRC information to the Statistics Board) is amended as follows.
- (2) In subsection (2) omit “, other than its function under section 22 (statistical services)”.
- (3) In subsection (3) omit “, other than its function under section 22”.
- (4) After that subsection insert—

“(3A) Information disclosed under subsection (1) may not be used by the Board for the purposes of its function under section 22 (statistical services) except with the consent of the Commissioners.”
- (5) Omit subsection (5) (which prevents the disclosure of personal information not relating to imports or exports).

**2 Disclosure of information by public authorities to the Statistics Board**

- (1) - The Statistics and Registration Service Act 2007 is amended as follows.
- (2) - After section 45 insert—

**“45A Information held by other public authorities**

  - (1) - A public authority to which this section applies may, subject to this section, disclose to the Board any information held by the authority in connection with its functions.
  - (2) - This section applies to a public authority other than—
    - (a) - the Commissioners for Her Majesty’s Revenue and Customs, or

- (b) - an officer of Revenue and Customs.
- (3) - A public authority may disclose information under subsection (1) only if it is satisfied that the Board requires the information to enable it to exercise one or more of its functions.
- (4) - In determining whether the condition in subsection (3) is met the public authority must have regard to any views of the Board which have been communicated to the authority.
- (5) - Information disclosed under subsection (1) may only be used by the Board for the purposes of any one or more of its functions.
- (6) - Information disclosed under subsection (1) may not be used by the Board for the purposes of its function under section 22 (statistical services) except with the consent of the public authority which disclosed the information.
- (7) - Where personal information is disclosed by a public authority to the Board under subsection (1), the Board may not disclose the information to an approved researcher under section 39(4)(i) except with the consent of the public authority.
- (8) - A disclosure under subsection (1) does not breach—
  - (a) - any obligation of confidence owed by the public authority making the disclosure, or
  - (b) - any other restriction on the disclosure of information (however imposed).
- (9) - But subsection (1) does not authorise 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.
- (10) - This section does not limit the circumstances in which information may be disclosed apart from this section.”
- (3) - Omit—
  - (a) - section 47 (power to authorise disclosure to the Board);
  - (b) - section 48 (power to authorise disclosure to the Board: Scotland);
  - (c) - section 49 (power to authorise disclosure to the Board: Northern Ireland).
- (4) - In section 54 (Data Protection Act 1998 and Human Rights Act 1998) for “47” substitute “50”.
- (5) - In section 65 (orders and regulations)—
  - (a) - in subsection (4) omit “47(11),”;
  - (b) - in subsection (5)(b) omit “47,”;
  - (c) - in subsection (6)(b) omit “48 or”, and
  - (d) - in subsection (9)(c) omit “49 or”.

### **3 Power of Statistics Board to compel disclosure**

After section 45A of the Statistics and Registration Service Act 2007 (inserted

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by section 2) insert – -

**“45B -Power to compel disclosure by public authorities**

- (1) - Subject to this section and section 45D, the Board may, by notice in writing to a public authority, require the authority to disclose to the Board information which –
  - (a) - is held by the authority in connection with its functions, and
  - (b) - is specified, or is of a kind specified, in the notice.
- (2) - A notice under subsection (1) may require information to be disclosed on more than one date specified in the notice within a period specified in the notice.
- (3) - A notice under subsection (1) other than one within subsection (2) must specify the date by which or the period within which the information must be disclosed.
- (4) - A notice under subsection (1) may specify the form or manner in which the information to which it relates must be disclosed.
- (5) - A notice under subsection (1) may require the public authority to consult the Board before making changes to –
  - (a) - its processes for collecting, organising, storing or retrieving the information to which the notice relates, or
  - (b) - its processes for supplying such information to the Board.
- (6) - The reference in subsection (5) to making changes to a process includes introducing or removing a process.
- (7) - The Board may give a notice under subsection (1) only if the Board requires the information to which the notice relates to enable it to exercise one or more of its functions.
- (8) - The Board must –
  - (a) - obtain the consent of the Scottish Ministers before giving a notice under subsection (1) to a public authority which exercises functions only as regards Scotland;
  - (b) - obtain the consent of the Welsh Ministers before giving a notice under subsection (1) to a public authority which exercises functions only as regards Wales;
  - (c) - obtain the consent of the First Minister and deputy First Minister acting jointly before giving a notice under subsection (1) to a public authority which exercises functions only as regards Northern Ireland.
- (9) - A public authority to which a notice under subsection (1) is given must comply with it.
- (10) - But the public authority need not comply with the notice if compliance –
  - (a) - might prejudice national security,
  - (b) - would contravene the Data Protection Act 1998, or
  - (c) - would be prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.

**45C - Power to compel disclosures by undertakings**

- (1) - Subject to this section and section 45D, the Board may, by notice in writing to an undertaking, require the undertaking to disclose to the Board information which—
  - (a) - is held by the undertaking, and
  - (b) - is specified, or is of a kind specified, in the notice.
- (2) - A notice under subsection (1) may require information to be disclosed on more than one date specified in the notice within a period specified in the notice.
- (3) - A notice under subsection (1) other than one within subsection (2) must specify the date by which or the period within which the information must be disclosed.
- (4) - A notice under subsection (1) may specify the form or manner in which the information to which it relates must be disclosed.
- (5) - A notice under subsection (1) may require the undertaking to consult the Board before making changes to—
  - (a) - its processes for collecting, organising, storing or retrieving the information to which the notice relates, or
  - (b) - its processes for supplying such information to the Board.
- (6) - The reference in subsection (5) to making changes to a process includes introducing or removing a process.
- (7) - The Board may give a notice under subsection (1) only if the Board requires the information to which the notice relates to enable it to exercise one or more of its functions.
- (8) - An undertaking to which a notice under subsection (1) is given must comply with it.
- (9) - But the undertaking need not comply with the notice if compliance—
  - (a) - might prejudice national security,
  - (b) - would contravene the Data Protection Act 1998, or
  - (c) - would be prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.
- (10) - Subject to subsection (12), in this section “undertaking” means—
  - (a) - any person carrying on a trade or business, whether or not with a view to profit, or
  - (b) - any charity.
- (11) - In subsection (10) “charity” means a body, or the trustees of a trust, established for charitable purposes only.
- (12) - The following are not undertakings for the purposes of this section—
  - (a) - a public authority;
  - (b) - a micro business;
  - (c) - a small business.
- (13) - Section 33 of the Small Business, Enterprise and Employment Act 2015 (definitions of small and micro business) and regulations made under

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that section apply in relation to subsection (12) as they apply in relation to subordinate legislation within subsection (1) of that section.

#### **45D Further provisions about powers in sections 45B and 45C**

- (1) - Information disclosed pursuant to a notice under section 45B or 45C may only be used by the Board for the purposes of any one or more of its functions.
- (2) - Information disclosed pursuant to a notice under section 45B or 45C may not be used by the Board for the purposes of its function under section 22 (statistical services) except with the consent of the person who disclosed the information.
- (3) - Where personal information is disclosed pursuant to a notice under section 45B or 45C, the Board may not disclose the information to an approved researcher under section 39(4)(i) except with the consent of the person who disclosed the information.
- (4) - A disclosure pursuant to a notice under section 45B or 45C does not breach—
  - (a) - any obligation of confidence owed by the person making the disclosure, or
  - (b) - any other restriction on the disclosure of information (however imposed).
- (5) - The Board must prepare and publish a statement of—
  - (a) - the principles to which it will have regard in exercising its functions under section 45B or 45C, and
  - (b) - the procedures which it will adopt in exercising those functions.
- (6) - The Board may at any time revise the statement and, if it decides to do so, must publish the statement as revised.
- (7) - In preparing or revising the statement the Board must consult—
  - (a) - the Minister for the Cabinet Office,
  - (b) - the Information Commissioner,
  - (c) - the Scottish Ministers,
  - (d) - the Welsh Ministers,
  - (e) - the Department of Finance and Personnel in Northern Ireland, and
  - (f) - such other persons as the Board thinks fit.
- (8) - After preparing or revising a statement the Board must arrange for the statement or the statement as revised to be laid before—
  - (a) - Parliament,
  - (b) - the Scottish Parliament,
  - (c) - the National Assembly for Wales, and
  - (d) - the Northern Ireland Assembly.

#### **45E Offences relating to notices under section 45B or 45C**

- (1) - A person is guilty of an offence if—
  - (a) - the person is given a notice under section 45B or 45C,
  - (b) - the person is required to comply with the notice,
  - (c) - the person fails to do so, and

- (d) - the person does not have a reasonable excuse for that failure.
- (2) - A person who is guilty of an offence under subsection (1) is liable on summary conviction—
  - (a) - to a fine not exceeding level 1 on the standard scale, or
  - (b) - on a second or subsequent conviction under that subsection—
    - (i) - in England and Wales, to a fine;
    - (ii) - in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (3) - A person is guilty of an offence if—
  - (a) - the person has been convicted of an offence under subsection (1) or this subsection, and
  - (b) - the person continues after the conviction to fail without reasonable excuse to comply with the notice under section 45B or 45C.
- (4) - A person is guilty of an offence if, in purporting to comply with a notice under section 45B or 45C, the person—
  - (a) - provides information which is false in a material respect, and
  - (b) - knows that the information is false in that respect or is reckless as to whether it is false in that respect.
- (5) - A person who is guilty of an offence under subsection (3) or (4) is liable on summary conviction—
  - (a) - in England and Wales, to a fine, and
  - (b) - in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (6) - If an offence under this section is committed by a body corporate with the consent or connivance of an officer of the body, the officer, as well as the body, is to be treated as having committed the offence.
- (7) - In subsection (6) a reference to an officer of a body includes a reference to—
  - (a) - a director, manager or secretary,
  - (b) - a person purporting to act as a director, manager or secretary, and
  - (c) - if the affairs of the body are managed by its members, a member.
- (8) - Where an offence under this section is committed by a partnership (whether or not a limited partnership) subsection (6) has effect, but as if a reference to an officer of the body were a reference to—
  - (a) - a partner, and
  - (b) - a person purporting to act as a partner.

#### **45F Code of practice on changes to data systems**

- (1) - The Board must prepare, adopt and publish a code of practice containing guidance on the matters to be taken into account by a public authority in making changes to—
  - (a) - its processes for collecting, organising, storing or retrieving information, or
  - (b) - its processes (if any) for supplying information to the Board.

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- (2) - A public authority must have regard to any code of practice under this section in making such changes.
  - (3) - The Board may at any time revise a code of practice under this section and, if it decides to do so, must publish the code as revised.
  - (4) - In preparing or revising a code of practice under this section, the Board must consult—
    - (a) - the Minister for the Cabinet Office,
    - (b) - the Scottish Ministers,
    - (c) - the Welsh Ministers,
    - (d) - the Department of Finance and Personnel in Northern Ireland, and
    - (e) - such other persons as the Board thinks fit.
  - (5) - After preparing or revising a code of practice under this section the Board must arrange for the code, or the code as revised, to be laid before—
    - (a) - Parliament,
    - (b) - the Scottish Parliament,
    - (c) - the National Assembly for Wales, and
    - (d) - the Northern Ireland Assembly.
  - (6) - The reference in subsection (1) to making changes to a process includes introducing or removing a process.
  - (7) - This section binds the Crown.”