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Dear Lashé

Digital Economy Act 2017 Part 5 draft regulations and codes of practice

During the debate on the Digital Economy Act 2017 Part 5 Digital Government (Disclosure of Information) Regulations and codes of practice on 25 June, I committed to write to you on a few points of detail.

Definition of 'information sharing' in the Information Sharing code of practice - Public Service Delivery, Debt and Fraud

You asked about paragraph 9 in the draft information sharing code - Public Service Delivery, Debt and Fraud. I committed to provide some further clarification as to the difference between "personal information" and "personal data" which is what that paragraph is aimed at.

Officers in public authorities will already be familiar with working with "personal data" and applying the protections such data receives under the Data Protection Act 1998, the Data Protection Act 2018 and the GDPR. They will need to apply the Data Protection Act 2018 to sharing under these codes.

"Personal information" is a term used in the Digital Economy Act 2017 which is slightly wider than "personal data". Specifically, it includes information which relates to and identifies a body corporate as well as information relating to a living person. The reason for the wider term is to provide a similar level of enhanced protection to sensitive information about corporations where it is held by government departments.

That enhanced protection, quite rightly, does not extend to information about the administrative affairs of those corporations (specified public bodies, their contractors and energy and water businesses) which are allowed to share information under the Digital Economy Act itself.

Those who use the new Digital Economy Act 2017 powers need to comply with both the Act itself and the data protection legislation when using those powers. While the inclusion of corporate information does mean that "personal information" is slightly wider than "personal data", we think that information professionals will already be familiar with most of these concepts and will be able to comply with the new requirements with the assistance of the Code of Practice.

Statistics Code of Practice on changes to data systems

You queried the requirement on all public authorities to consult the UK Statistics Authority before making changes to data systems. You were concerned that authorities might change their data systems first and only then consult UKSA. As a result of the Digital Economy Act 2017, public authorities must have regard to UKSA's code of practice when making changes to their data systems. The Code of Practice requires public authorities to consult or discuss with, or advise, UKSA when those authorities are considering making a change to the dataset being supplied to UKSA for statistical purposes. This requirement will prevent authorities changing their systems before they consult UKSA. The other key point is that the code imposes an obligation to consult or discuss the planned change with UKSA, not a requirement to *obtain the permission* of the UKSA to change a data system. The obligation to consult UKSA before making any change is important. UKSA relies on maintaining the integrity, accuracy and reliability of statistics and statistical research derived from these data. This is an essential safeguard if the UK statistical system is to remain robust whilst reducing its reliance on traditional survey-based sources in favour of directly accessing other sources of data that will support better and more relevant analysis.

A copy of this letter will be deposited in the House library.

Yours ever

Henry

Lord Ashton of Hyde
Parliamentary Under Secretary of State