



Digital Economy Act 2017

2017 CHAPTER 30

PART 5

DIGITAL GOVERNMENT

CHAPTER 2

CIVIL REGISTRATION

46 Disclosure of information by civil registration officials

- (1) The Registration Service Act 1953 is amended as follows.
- (2) After section 19A insert—

“19AA Disclosure of information

- (1) A civil registration official may, subject to this section, disclose any information held in connection with any of the official’s functions to—
 - (a) a specified public authority (see section 19AB), or
 - (b) any other civil registration official.
- (2) A civil registration official may disclose information under this section only if the official is satisfied that the authority or civil registration official to whom it is disclosed (the “recipient”) requires the information to enable the recipient to exercise one or more of the recipient’s functions.
- (3) A disclosure under this section does not breach any obligation of confidence owed by the civil registration official making the disclosure.
- (4) The power to disclose information under this section is subject to any express restriction on disclosure imposed by another enactment (ignoring any restriction which allows disclosure if authorised by an enactment).

Status: This is the original version (as it was originally enacted).

- (5) This section does not limit the circumstances in which information may be disclosed apart from this section.
- (6) “Civil registration official” means—
- (a) the Registrar General;
 - (b) a superintendent registrar of births, deaths and marriages;
 - (c) a registrar of births and deaths;
 - (d) a registrar of marriages;
 - (e) each of the following in its capacity as a registration authority within the meaning of Chapter 1 of Part 2 of the Civil Partnership Act 2004 (see section 28 of that Act)—
 - (i) a county council in England;
 - (ii) the council of any district in England comprised in an area for which there is no county council;
 - (iii) a London borough council;
 - (iv) the Common Council of the City of London;
 - (v) the Council of the Isles of Scilly;
 - (vi) a county council in Wales;
 - (vii) a county borough council in Wales.

19AB Specified public authorities

- (1) Each of the following public authorities is a “specified public authority” for the purposes of section 19AA—
- (a) a Minister of the Crown;
 - (b) the Welsh Government;
 - (c) a department of the government of the United Kingdom;
 - (d) the Greater London Authority;
 - (e) a county council in England;
 - (f) a district council in England;
 - (g) a London borough council;
 - (h) the Common Council of the City of London in its capacity as a local authority;
 - (i) the Council of the Isles of Scilly;
 - (j) a county council in Wales;
 - (k) a county borough council in Wales;
 - (l) an NHS body within the meaning of the National Health Service Act 2006 (see section 275 of that Act).
- (2) The Minister may by regulations amend subsection (1) so as to add, modify or remove a reference to a public authority or description of public authority.
- (3) Regulations under this section must be made by statutory instrument.
- (4) Regulations under this section may—
- (a) make different provision for different purposes;
 - (b) contain consequential, incidental, supplemental, transitional or transitory provision or savings.

Status: This is the original version (as it was originally enacted).

- (5) The provision that may be made by virtue of subsection (4)(b) includes provision amending, repealing or revoking any provision of any enactment.
- (6) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (7) In this section—
 - “enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
 - “public authority” means a person who exercises functions of a public nature.

19AC Code of practice

- (1) The Registrar General must issue a code of practice about the disclosure of information under section 19AA.
- (2) The code of practice must be consistent with the code of practice issued under section 52B (data-sharing code) of the Data Protection Act 1998 (as altered or replaced from time to time).
- (3) A civil registration official must have regard to the code of practice in disclosing information under section 19AA.
- (4) The Registrar General may from time to time revise and re-issue the code of practice.
- (5) Before issuing or revising the code of practice the Registrar General must consult—
 - (a) the Minister,
 - (b) the Information Commissioner, and
 - (c) such other persons as the Registrar General thinks fit.
- (6) The Registrar General may not issue the code of practice unless a draft of the code has been laid before, and approved by a resolution of, each House of Parliament.
- (7) Before reissuing the code the Registrar General must lay a draft of the code as proposed to be reissued before Parliament.
- (8) The Registrar General may not reissue the code if, within the 40-day period, either House of Parliament resolves not to approve it.
- (9) In subsection (8) “the 40 day period” means—
 - (a) the period of 40 days beginning with the day on which the draft is laid before Parliament, or
 - (b) if the draft is not laid before each House on the same day, the period of 40 days beginning with the later of the days on which it is laid before Parliament.
- (10) For the purposes of subsection (9) no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Status: This is the original version (as it was originally enacted).

- (11) In disclosing information under section 19AA, a civil registration official must have regard to the following codes of practice issued by the Information Commissioner under section 51(3) of the Data Protection Act 1998, so far as they apply to the information in question—
 - (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
 - (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.
- (12) The duty in subsection (11) does not affect any other requirement for the civil registration official to have regard to a code of practice in disclosing the information.”
- (3) In section 19B (fees in respect of provision of copies of records etc)—
 - (a) after subsection (1) insert—
 - “(1A) The Minister may by regulations provide for fees to be payable to a civil registration official in respect of the disclosure by the official of information under section 19AA.”,
 - (b) in subsections (2) and (3), for “The regulations” substitute “Regulations under this section”, and
 - (c) in the heading, omit “in respect of provision of copies of records etc”.
- (4) In section 21(1) (interpretation), after “respectively—” insert—
 - ““civil registration official” has the meaning given by section 19AA;”.

47 Consequential provision

- (1) The Secretary of State may by regulations make the provision in subsection (2) in consequence of any provision made by section 46.
- (2) The provision mentioned in subsection (1) is provision amending, repealing or revoking any provision of any enactment passed or made before or in the same Session as this Act.
- (3) Regulations under this section must be made by statutory instrument.
- (4) Regulations under this section may—
 - (a) make different provision for different purposes;
 - (b) contain transitional or transitory provision or savings.
- (5) A statutory instrument containing regulations under this section which amend or repeal an Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (6) A statutory instrument containing any other regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section “enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978.