



Digital Economy Act 2017

2017 CHAPTER 30

PART 5

DIGITAL GOVERNMENT

CHAPTER 1

PUBLIC SERVICE DELIVERY

36 Disclosure of information to gas and electricity suppliers etc

- (1) If the first and second conditions are met, a specified person may disclose information held by the person in connection with any of the person's functions to—
 - (a) a licensed gas supplier, or
 - (b) a licensed electricity supplier.
- (2) The first condition is that the disclosure is for the purpose of assisting people living in fuel poverty by—
 - (a) reducing their energy costs,
 - (b) improving efficiency in their use of energy, or
 - (c) improving their health or financial well-being.
- (3) The second condition is that the information is disclosed with the intention that it will be used by the recipient of the information in connection with—
 - (a) a support scheme under Part 2 of the Energy Act 2010 (schemes for reducing fuel poverty),
 - (b) in the case of a disclosure to a licensed gas supplier, an obligation imposed by an order under section 33BC or 33BD of the Gas Act 1986 (powers to impose obligations on gas suppliers etc),
 - (c) in the case of a disclosure to a licensed electricity supplier, an obligation imposed by an order under section 41A or 41B of the Electricity Act 1989 (powers to impose obligations on electricity suppliers etc),^{F1}...

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- (d) the making of grants (by any person) under section 15 of the Social Security Act 1990 in accordance with regulations under that section made by the Scottish Ministers or the Welsh Ministers.
 - [^{F2}(e) in the case of a disclosure to a licensed gas supplier, a restriction on charges levied on domestic customers by the supplier which is imposed by the Gas and Electricity Markets Authority—
 - (i) in the exercise of its powers under section 23(1)(b) of the Gas Act 1986 (modification of conditions of licences), and
 - (ii) for purposes that include assisting people living in fuel poverty by reducing their energy costs, or
 - (f) in the case of a disclosure to a licensed electricity supplier, a restriction on charges levied on domestic customers by the supplier which is imposed by the Gas and Electricity Markets Authority—
 - (i) in the exercise of its powers under section 11A(1)(b) of the Electricity Act 1989 (modification of conditions of licences), and
 - (ii) for purposes that include assisting people living in fuel poverty by reducing their energy costs.]
- (4) In this section and section 37 “specified person” means a person specified, or of a description specified, in Schedule 5.
- (5) The appropriate national authority may by regulations—
- (a) amend Schedule 5 so as to add, remove or modify an entry relating to a person or description of person;
 - (b) amend subsection (1) so as to add or remove a person or description of person to whom information may be disclosed;
 - (c) amend subsection (3) so as to add, modify or remove a reference to a fuel poverty measure.
- (6) Regulations under subsection (5)(a) may add an entry relating to a person or a description of person to Schedule 5 only if—
- (a) the person is a public authority or (as the case may be) each person of that description is a public authority, or
 - (b) the person provides services to a public authority or (as the case may be) each person of that description provides services to a public authority.
- (7) Regulations under subsection (5)(b) may add a person or a description of person to subsection (1) only if the person or (as the case may be) each person of that description—
- (a) provides assistance of a kind mentioned in subsection (2) to people living in fuel poverty,
 - (b) monitors or enforces the provision of such assistance to such people,
 - (c) administers a fuel poverty measure, or
 - (d) provides services to a person within paragraph (a), (b) or (c).
- (8) In determining whether to make regulations under subsection (5)(a) or (b) in relation to a person or description of person the appropriate national authority must have regard, in particular, to—
- (a) the systems and procedures for the secure handling of information by that person or persons of that description, and

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- (b) in the case of regulations which remove a person from Schedule 5 or subsection (1), whether that person, or any person providing services to that person, has had regard to the code of practice under section 43 as required by that section.
- (9) In the case of a person (“P”) who is a specified person merely because of providing services to a public authority, the reference in subsection (1) to the functions of a specified person is limited to the functions P exercises for that purpose.
- (10) For the purposes of this Chapter 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.
- (11) In this section—
- [^{F3}“domestic customer” means a customer supplied with gas or electricity wholly or mainly for domestic purposes;]
- “fuel poverty measure” means—
- (a) a scheme, arrangement or set of arrangements, or
- (b) a function or set of functions,
- which has as its purpose (or one of its purposes) the provision of assistance of a kind mentioned in subsection (2) to people living in fuel poverty;
- “licensed gas supplier” means the holder of a licence under section 7A(1) of the Gas Act 1986;
- “licensed electricity supplier” means the holder of a licence under section 6(1)(d) of the Electricity Act 1989.

Textual Amendments

- F1** Word in s. 36(3)(c) omitted (19.7.2018) by virtue of [The Digital Government \(Disclosure of Information\) Regulations 2018 \(S.I. 2018/912\)](#), regs. 1(1), **3(2)(a)**
- F2** S. 36(3)(e)(f) inserted (19.7.2018) by [The Digital Government \(Disclosure of Information\) Regulations 2018 \(S.I. 2018/912\)](#), regs. 1(1), **3(2)(b)**
- F3** Words in s. 36(11) inserted (19.7.2018) by [The Digital Government \(Disclosure of Information\) Regulations 2018 \(S.I. 2018/912\)](#), regs. 1(1), **3(3)**

Modifications etc. (not altering text)

- C1** Pt. 5 Ch. 1: functions made exercisable concurrently (30.9.2020) by [The Transfer of Functions \(Digital Government\) Order 2020 \(S.I. 2020/940\)](#), arts. 1(2), **2** (with art. 5)
- C2** S. 36(1): transfer of functions (3.5.2023) by [The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions \(National Security and Investment Act 2021 etc\) Order 2023 \(S.I. 2023/424\)](#), arts. 1(2), **7(3)(4)** (with art. 17)

Commencement Information

- I1** S. 36 in force at 1.10.2017 for specified purposes by [S.I. 2017/765](#), **reg. 3(d)**
- I2** S. 36 in force at 1.5.2018 in so far as not already in force by [S.I. 2018/382](#), **reg. 3(b)**

Changes to legislation:

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