



Digital Economy Act 2017

2017 CHAPTER 30

PART 5

DIGITAL GOVERNMENT

CHAPTER 1

PUBLIC SERVICE DELIVERY

43 Code of practice

- (1) The [^{F1}relevant Minister] must issue a code of practice about—
 - (a) the disclosure of information under any of sections 35 to 39, and
 - (b) the use of information disclosed under any of those sections.
- (2) The code of practice must be consistent with the code of practice [^{F2}prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 125(4) of that Act] (as altered or replaced from time to time).
- (3) A person to whom the code applies must have regard to the code of practice—
 - (a) in disclosing information under any of sections 35 to 39, and
 - (b) in using information disclosed under any of those sections.
- (4) The [^{F1}relevant Minister] may from time to time revise and re-issue the code of practice.
- (5) Before issuing or reissuing the code of practice the [^{F1}relevant Minister] must consult—
 - (a) the Information Commissioner,
 - (b) the Commissioners for Her Majesty's Revenue and Customs,
 - (c) the Scottish Ministers,
 - (d) the Welsh Ministers,
 - (e) the Department of Finance in Northern Ireland, and

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- (f) such other persons as the [F1relevant Minister] thinks appropriate.
- (6) The fact that this section was not in force when consultation of the kind mentioned in subsection (5) took place is to be disregarded in determining whether there has been compliance with that subsection.
- (7) The [F1relevant Minister] 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.
- (8) Before reissuing the code the [F1relevant Minister] must lay a draft of the code as proposed to be reissued before Parliament.
- (9) The [F1relevant Minister] may not reissue the code if, within the 40-day period, either House of Parliament resolves not to approve it.
- (10) In subsection (9) “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.
- (11) For the purposes of subsection (10) 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.
- (12) As soon as is reasonably practicable after issuing or reissuing the code of practice the [F1relevant Minister] must lay, or arrange for the laying of, a copy of it before—
- (a) the Scottish Parliament,
 - (b) the National Assembly for Wales, and
 - (c) the Northern Ireland Assembly.
- (13) In disclosing information under any of sections 35 to 39, a person must have regard to the following codes of practice issued by the Information Commissioner under [F3section 128 of the Data Protection Act 2018], 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.
- (14) The duty in subsection (13) does not affect any other requirement for the person to have regard to a code of practice in disclosing the information.

Textual Amendments

- F1** Words in s. 43 substituted (30.9.2020) by [The Transfer of Functions \(Digital Government\) Order 2020 \(S.I. 2020/940\)](#), arts. 1(2), **6(2)** (with art. 5)
- F2** Words in s. 43(2) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 217(2)** (with ss. 117, 209, 210, Sch. 20 para. 48); S.I. 2018/625, reg. 2(1)(g)
- F3** Words in s. 43(13) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 217(3)** (with ss. 117, 209, 210, Sch. 20 para. 48); S.I. 2018/625, reg. 2(1)(g)

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Modifications etc. (not altering text)

- C1** Pt. 5 Ch. 1: functions cease to be exercisable concurrently (18.5.2018) by virtue of [The Transfer of Functions \(Digital Government\) Order 2018 \(S.I. 2018/526\)](#), arts. 1(2), **2** (with arts. 4, 5)
- C2** 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)

Commencement Information

- I1** S. 43 in force at 1.10.2017 for specified purposes for E.W.S. by [S.I. 2017/765](#), **reg. 3(e)**
- I2** S. 43 in force at 1.4.2018 for specified purposes by [S.I. 2018/342](#), **reg. 3(1)(g)**

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