



# Digital Economy Act 2017

## 2017 CHAPTER 30

### PART 5

#### DIGITAL GOVERNMENT

### CHAPTER 3

#### DEBT OWED TO THE PUBLIC SECTOR

#### **48 Disclosure of information to reduce debt owed to the public sector**

- (1) A specified person may disclose information held by the person in connection with any of the person's functions to another specified person for the purposes of the taking of action in connection with debt owed to a public authority or to the Crown.
- (2) For the purposes of this section and Schedule 7 debt is owed to a public authority or to the Crown if—
  - (a) a person is required to pay a sum of money to a public authority or to the Crown, and
  - (b) all or part of that sum remains unpaid after the date on which, or after the end of the period within which, it is required to be paid.
- (3) For the purposes of this section and Schedule 7 taking action in connection with debt owed to a public authority or to the Crown includes—
  - (a) identifying debt of that kind;
  - (b) collecting debt of that kind;
  - (c) bringing civil proceedings as a result of debt of that kind;
  - (d) taking administrative action as a result of debt of that kind.
- (4) In this Chapter "specified person" means a person specified, or of a description specified, in Schedule 7.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The appropriate national authority may by regulations amend Schedule 7 so as to add, remove or modify an entry relating to a person or description of person.
- (6) Regulations under subsection (5) may add an entry relating to a person or a description of person to Schedule 7 only if the following conditions are satisfied.
- (7) The first condition is that—
  - (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.
- (8) The second condition is that the person or (as the case may be) a person of that description (“P” in either case)—
  - (a) requires information from a public authority or a person providing services to a public authority to improve P’s ability to identify, manage or recover debt owed to a public authority or to the Crown,
  - (b) has information which, if shared with a public authority or a person providing services to a public authority, has the potential to improve that authority’s or that person’s ability to identify, manage or recover such debt, or
  - (c) has functions relating to the management or recovery of such debt the exercise of which may be improved by the disclosure of information by or to P.
- (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) In determining whether to make regulations under subsection (5) 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
  - (b) in the case of regulations which remove a person from Schedule 7, whether that person, or any person providing services to that person, has had regard to the code of practice under section 52 as required by that section.
- (11) Before making regulations under subsection (5) the appropriate national authority must consult—
  - (a) the Information Commissioner,
  - (b) the Commissioners for Her Majesty’s Revenue and Customs,
  - (c) each other person who is the appropriate national authority in relation to regulations under subsection (5),
  - (d) where the appropriate national authority is not the relevant Minister, the Minister for the Cabinet Office, and
  - (e) such other persons as the appropriate national authority thinks appropriate.
- (12) The fact that this section was not in force when consultation of the kind mentioned in subsection (11) took place is to be disregarded in determining whether there has been compliance with that subsection.