



Digital Economy Act 2017

2017 CHAPTER 30

PART 5

DIGITAL GOVERNMENT

CHAPTER 4

FRAUD AGAINST THE PUBLIC SECTOR

56 Disclosure of information to combat fraud against 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 fraud against a public authority.
- (2) In this section and in Schedule 8 “fraud against a public authority” means a fraud offence which involves—
 - (a) loss to a public authority, or
 - (b) the exposure of a public authority to a risk of loss.
- (3) In subsection (2)—
 - (a) “fraud offence” means an offence under section 1 of the Fraud Act 2006 or, in relation to Scotland, an offence of fraud, and
 - (b) “loss”, as it applies in relation to an offence under section 1 of the Fraud Act 2006, has the meaning given by section 5 of that Act.
- (4) For the purposes of this section and Schedule 8 taking action in connection with fraud against a public authority includes any of the following—
 - (a) preventing fraud of that kind;
 - (b) detecting fraud of that kind;
 - (c) investigating fraud of that kind;
 - (d) prosecuting fraud of that kind;
 - (e) bringing civil proceedings as a result of fraud of that kind;

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- (f) taking administrative action as a result of fraud of that kind.
- (5) In this Chapter “specified person” means a person specified, or of a description specified, in Schedule 8.
- [^{F1}(5A) Where in Schedule 8 functions are mentioned in relation to a specified person, the reference in subsection (1) to the person’s functions is limited to the person’s functions as mentioned in Schedule 8.]
- (6) The appropriate national authority may by regulations amend Schedule 8 so as to add, remove or modify an entry relating to a person or description of person.
- (7) Regulations under subsection (6) may add an entry relating to a person or a description of person to Schedule 8 only if the following conditions are satisfied.
- (8) 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.
- (9) 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 or reduce the risk of fraud against P or a public authority to which P provides services,
 - (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 or reduce the risk of fraud against that authority, or
 - (c) has functions of taking action in connection with fraud against a public authority, the exercise of which may be improved by the disclosure of information by or to P.
- (10) 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.
- (11) In determining whether to make regulations under subsection (6) 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 8, whether that person, or any person providing services to that person, has had regard to the code of practice under section 60 as required by that section.
- (12) Before making regulations under subsection (6) 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 (6),

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- (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.
- (13) The fact this section was not in force when consultation of the kind mentioned in subsection (12) took place is to be disregarded in determining whether there has been compliance with that subsection.
- (14) In this Chapter “public authority” means—
- (a) a person or body exercising functions of a public nature in the United Kingdom,
 - (b) a person or body entirely or substantially funded from public money,
 - (c) an office-holder appointed by a person or body falling within paragraph (a), or
 - (d) a body more than half of whose governing body or members are appointed by a person or body falling within paragraph (a).

Textual Amendments

- F1** S. 56(5A) inserted (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), art. 1(2), **Sch. para. 18(4)** (with art. 17)

Modifications etc. (not altering text)

- C1** S. 56(1): functions transferred (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), 9(3), 11(2), 13(4)** (with art. 17)
- C2** S. 56(2): functions transferred in part (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), **11(2)** (with art. 17)

Commencement Information

- I1** S. 56 in force at 1.10.2017 for specified purposes for E.W.S. by S.I. 2017/765, **reg. 3(j)**
- I2** S. 56 in force at 1.5.2018 for E.W.S. in so far as not already in force by S.I. 2018/382, **reg. 3(t)**

Changes to legislation:

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