Digital Economy Act 2017

2017 CHAPTER 30

PART 5

DIGITAL GOVERNMENT

CHAPTER 5

SHARING FOR RESEARCH PURPOSES

65 Provisions supplementary to section 64

(1) A disclosure under section 64 does not breach—

(a) any obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information (however imposed).

(2) But nothing in section 64 authorises information to be disclosed if to do so would—

(a) contravene **[**[F1]the data protection legislation**]**, or

(b) be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

(3) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (2)(b) has effect as if it included a reference to that Part.

(4) In its application to a public authority with functions relating to the provision of health services or adult social care, section 64 does not authorise the disclosure of information held by the authority in connection with such functions.

(5) Section 64 does not limit the circumstances in which information may be disclosed apart from that section.

(6) A person within subsection (7) may charge a person who requests information to be disclosed under section 64(1) a fee for work done in response to the request.

(7) The persons mentioned in subsection (6) are—

(a) the public authority to whom the request is made, and

(b) a person who is involved in processing the information for disclosure.

(8) A fee charged under subsection (6) by a public authority (including a person within subsection (7)(b) who is a public authority) must not exceed the cost to the person of doing the work for which the fee is charged.

[[F2](9) In this section, "the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).**]**

Textual Amendments

F1 Words in s. 65(2)(a) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 222(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

F2 S. 65(9) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 222(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

Commencement Information

I1 S. 65 in force at 1.4.2018 for specified purposes by S.I. 2018/342, **reg. 3(2)**

I2 S. 65 in force at 1.5.2018 in so far as not already in force by S.I. 2018/382, **reg. 3(bb)**

Changes to legislation:
There are currently no known outstanding effects for the Digital Economy Act 2017, Section 65.