



Digital Economy Act 2017

2017 CHAPTER 30

PART 5

DIGITAL GOVERNMENT

CHAPTER 5

SHARING FOR RESEARCH PURPOSES

68 Information disclosed by the Welsh Revenue Authority

- (1) Subsection (2) applies to personal information—
- (a) in which the identity of a particular person is specified or from which the identity of a particular person can be deduced, whether from the information itself or from that information taken together with any other published information, and
 - (b) which—
 - (i) is disclosed under section 64(1) (disclosure for research purposes) by the Welsh Revenue Authority, or
 - (ii) is disclosed under section 64(1) by a person other than the Welsh Revenue Authority and is derived from information disclosed under section 64(5) by the Welsh Revenue Authority,and is received by a person (“P”) under section 64(1).
- (2) Personal information to which this subsection applies may not be disclosed—
- (a) by P, or
 - (b) by a person to whom the information is disclosed by virtue of subsection (3).
- (3) Subsection (2) does not apply to a disclosure—
- (a) to a person by whom the research referred to in section 64(1) is being or is to be carried out, or

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2017, Section 68. (See end of Document for details)

- (b) for the purposes of enabling anything that is to be published as a result of the research to be reviewed before publication, where the disclosure is made to a person who is accredited under section 71 as a person to whom such information may be disclosed for that purpose.
- (4) Subsection (5) applies to personal information which—
 - (a) identifies a particular person, and
 - (b) is disclosed by the Welsh Revenue Authority under section 64(5) (disclosure for processing) and received by a person (“P”).
- (5) Personal information to which this subsection applies may not be disclosed—
 - (a) by P, or
 - (b) by any other person who has received it under section 64(5).
- (6) Subsection (5) does not apply to a disclosure under section 64(1).
- (7) Subsection (2) or (5) does not apply to a disclosure which is made with the consent of the Welsh Revenue Authority (which may be general or specific).
- (8) A person who contravenes subsection (2) or (5) is guilty of an offence.
- (9) It is a defence for a person charged with an offence under subsection (8) to prove that the person reasonably believed—
 - (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (10) A person who is guilty of an offence under subsection (8) is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates’ court], to a fine, or to both;
 - (b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.
- (11) In the application of subsection (10)(a) to an offence committed before [^{F2}2 May 2022] the reference to [^{F3}the general limit in a magistrates’ court] is to be read as a reference to 6 months.

Textual Amendments

- F1** Words in s. 68(10)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**
- F2** Words in s. 68(11) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), **Sch. Pt. 1**
- F3** Words in s. 68(11) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), **Sch. Pt. 1**

Commencement Information

- I1** S. 68 in force at 1.4.2018 for specified purposes by [S.I. 2018/342](#), **reg. 3(2)**
- I2** S. 68 in force at 1.5.2018 in so far as not already in force by [S.I. 2018/382](#), **reg. 3(ee)**

Changes to legislation:

There are currently no known outstanding effects for the Digital Economy Act 2017, Section 68.