

Draft Order laid before Parliament under section 393(11) of the Communications Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

ELECTRONIC COMMUNICATIONS

The Communications Act 2003
(Disclosure of Information) Order 2014

Made - - - - *****
Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by section 393(3)(i) and (4)(c) of the Communications Act 2003(1).

In accordance with section 393(11) of that Act, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

- 1.—(1) This Order may be cited as the Communications Act 2003 (Disclosure of Information) Order 2014.
- (2) This Order comes into force on the day after the day on which it is made.
- (3) In this Order “the Act” means the Communications Act 2003.

Specification as a relevant person

2. Each of the following is specified as a relevant person for the purposes of section 393(3) of the Act (general restrictions on disclosure of information)—
 - (a) the Information Commissioner;
 - (b) the Financial Conduct Authority; and
 - (c) the Payment Systems Regulator.

Specification of relevant functions

3. The following are specified as relevant functions for the purposes of section 393(4) of the Act—

(1) 2003 c.21. Section 393 has been amended, but those amendments are not relevant to this Order.

- (a) any functions conferred by or under the Data Protection Act 1998(2);
- (b) any functions conferred by the Privacy and Electronic Communications (EC Directive) Regulations 2003(3);
- (c) any functions conferred by or under the Financial Services and Markets Act 2000(4);
- (d) any functions conferred by or under the Financial Services (Banking Reform) Act 2013(5);
- (e) any functions conferred by the Payment Services Regulations 2009(6);
- (f) any functions conferred by or under the Company Directors Disqualification Act 1986(7).

Date

Name
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

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- (2) 1998 c.29. Relevant amendments were made by the Criminal Justice and Immigration Act 2008 (c.4), the Coroners and Justice Act 2009 (c.25), the Protection of Freedoms Act 2012 (c.9) and the Crime and Courts Act 2013 (c.22) and as modified by S.I. 2003/2426.
 - (3) S.I. 2003/2426 as amended by S.I. 2004/1039, 2011/1208.
 - (4) 2000 c.8. That Act was amended by the Financial Services Act 2012 (c.21) which renamed the Financial Services Authority as the Financial Conduct Authority.
 - (5) Part 5 of that Act requires the Financial Conduct Authority to establish the Payment Systems Regulator, and confers duties and powers on the Payment Systems Regulator.
 - (6) S.I. 2009/209 as amended by S.I. 2009/2476, 2012/1791, 2013/472.
 - (7) 1986 c.46. Relevant amendments were made by the Deregulation and Contracting Out Act 1994(c.40), the Insolvency Act 2000 (c.39), the Enterprise Act 2002 (c.40), the Courts Act 2003 (c.39), the Companies Act 2006 (c.46), the Banking Act 2009 (c.1) and by S.I. 2001/3649, 2004/1941, 2007/2194, 2008/948, 2009/805, 2009/1941, 2012/2404.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the circumstances in which information with respect to a particular business obtained by the Office of Communications in exercise of its functions under the Communications Act 2003 (“the 2003 Act”) and the Wireless Telegraphy Act 2006 may be disclosed to another public body. Section 393(2)(b) of the 2003 Act provides that restrictions on disclosing such information imposed by section 393(1) do not apply to any disclosure of information which is made for the purposes of facilitating the carrying out by any relevant person of any relevant function.

Article 2 specifies the Information Commissioner, the Financial Conduct Authority and the Payment Systems Regulator as relevant persons for the purposes of section 393.

Article 3 specifies as relevant functions the functions under the Data Protection Act 1986, the Privacy and Electronic Communications (EC Directive) Regulations 2003, the Financial Services and Markets Act 2000, the Financial Services (Banking Reform) Act 2013, the Payment Services Regulations 2009 and the Companies Directors Disqualification Act 1986.