



# Statistics and Registration Service Act 2007

## 2007 CHAPTER 18

### PART 1

#### THE STATISTICS BOARD

##### *Information sharing: supplementary powers*

#### **F1 47 Power to authorise disclosure to the Board**

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##### **Textual Amendments**

- F1** S. 47 omitted (1.5.2018) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), ss. **79(3)(a)**, 118(4); S.I. 2018/382, reg. 3(kk)

#### **F2 48 Power to authorise disclosure to the Board: Scotland**

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##### **Textual Amendments**

- F2** S. 48 omitted (1.5.2018) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), ss. **79(3)(b)**, 118(4); S.I. 2018/382, reg. 3(kk)

#### **F3 49 Power to authorise disclosure to the Board: Northern Ireland**

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**Changes to legislation:** There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Cross Heading: Information sharing: supplementary powers. (See end of Document for details)

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### Textual Amendments

- F3** S. 49 omitted (1.5.2018) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), **ss. 79(3)(c), 118(4)**; [S.I. 2018/382](#), **reg. 3(kk)**

## 50 Power to authorise use of information by the Board

- (1) Subject to this section, the Minister for the Cabinet Office may make regulations for the purpose of authorising the Board to use information received from a public authority where the use would otherwise be prohibited by a rule of law or an Act passed before this Act.
- (2) Regulations under subsection (1) may only authorise use to enable the Board to carry out one or more of its functions, other than its function under section 22 (statistical services).
- (3) Regulations under subsection (1) may—
  - (a) amend or modify any enactment;
  - (b) contain consequential and supplementary provision.
- (4) The Minister for the Cabinet Office may only make regulations under subsection (1) with the consent of—
  - (a) the Treasury, in a case where the regulations authorise the use of information received from the Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs, or
  - (b) a Minister of the Crown (other than the Minister for the Cabinet Office), in any other case.
- (5) The Minister for the Cabinet Office may only make regulations under subsection (1) authorising the use of any information if the Minister and the person consenting to the regulations are satisfied that—
  - (a) the Board needs to use the information to enable it to carry out the function or functions for which the use is authorised, and
  - (b) the use is in the public interest.
- (6) Where the Minister for the Cabinet Office is the relevant Minister in relation to a public authority, subsection (4)(b) and the reference in subsection (5) to the person consenting to the regulations do not apply.
- (7) For the purposes of subsection (6), the Minister for the Cabinet Office is the relevant Minister in relation to such public authorities, or public authorities of such description, as the Minister may by order prescribe.
- (8) The Treasury must consult the Commissioners for Her Majesty's Revenue and Customs before giving its consent under subsection (4)(a).

### Commencement Information

- II** S. 50 in force at 1.12.2007 by [S.I. 2007/3388](#), **art. 2(g)**

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**Changes to legislation:** There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Cross Heading: Information sharing: supplementary powers. (See end of Document for details)

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## **51 Power to authorise disclosure by the Board**

- (1) Subject to this section, the Minister for the Cabinet Office may by regulations make provision for the purpose of authorising the Board to disclose information to a public authority where the disclosure would otherwise be prohibited by a rule of law or an Act passed before this Act.
- (2) Regulations under subsection (1) may only authorise disclosure for the purposes of any or all of the statistical functions of the public authority.
- (3) A public authority may only use information received under regulations under subsection (1) for the purposes for which disclosure is authorised under subsection (2).
- (4) In the application of section 39 to personal information which has been disclosed to a public authority under regulations under subsection (1), paragraphs (c) and (i) of subsection (4) of that section do not apply (subject to any provision made under subsection (7)(b) below).
- (5) Regulations under subsection (1) may not authorise disclosure to—
  - (a) a Scottish public authority for the purpose of the exercise by the authority of statistical functions which relate to matters which are not reserved matters, or
  - (b) a Northern Ireland public authority.
- (6) Regulations under subsection (1) may—
  - (a) amend or modify any enactment;
  - (b) contain consequential and supplementary provision.
- (7) The consequential and supplementary provision referred to in subsection (6)(b) includes in particular—
  - (a) provision prohibiting or restricting further disclosure by a public authority of information disclosed under the regulations;
  - (b) provision authorising further disclosure by a public authority of such information in circumstances where the disclosure would otherwise be prohibited by a rule of law, this Act or an Act passed before this Act.
- (8) Regulations may only be made under subsection (1) authorising disclosure to a public authority with the consent of—
  - (a) the Treasury, in a case where the regulations authorise disclosure to the Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs, or
  - (b) a Minister of the Crown (other than the Minister for the Cabinet Office), in any other case.
- (9) Regulations may only be made under subsection (1) authorising any disclosure to a public authority if the Minister and the person consenting to the regulations are satisfied that—
  - (a) the disclosure is required by the public authority for the purposes specified in the regulations, and
  - (b) the disclosure is in the public interest.
- (10) Subsection (8)(b) and the reference in subsection (9) to the person consenting to the regulations do not apply in relation to regulations authorising disclosure to a public authority where the Minister for the Cabinet Office is the relevant Minister in relation to the public authority.

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- (11) For the purposes of subsection (10), the Minister for the Cabinet Office is the relevant Minister in relation to such public authorities, or public authorities of such description, as the Minister may by order prescribe.
- (12) The Treasury must consult the Commissioners for Her Majesty's Revenue and Customs before giving its consent under subsection (8)(a).

#### Commencement Information

**I2** S. 51 in force at 1.12.2007 by [S.I. 2007/3388](#), [art. 2\(g\)](#)

## 52 Power to authorise disclosure by the Board: Scotland

- (1) Subject to this section, the Scottish Ministers may by regulations make provision for the purpose of authorising the Board to disclose information to a Scottish public authority where the disclosure would otherwise be prohibited by a rule of law or an Act passed before this Act.
- (2) Regulations under subsection (1) may only authorise disclosure for the purposes of any or all of the statistical functions of the Scottish public authority, so far as relating to matters which are not reserved matters.
- (3) A Scottish public authority may only use information received under regulations under subsection (1) for the purposes for which disclosure is authorised under subsection (2).
- (4) In the application of section 39 to personal information which has been disclosed to a Scottish public authority under regulations under subsection (1), paragraphs (c) and (i) of subsection (4) of that section do not apply (subject to any provision made under subsection (6)(b) below).
- (5) Regulations under subsection (1) may—
  - (a) amend or modify any enactment;
  - (b) contain consequential and supplementary provision.
- (6) The consequential and supplementary provision referred to in subsection (5)(b) includes in particular—
  - (a) provision prohibiting or restricting further disclosure by a Scottish public authority of information disclosed under the regulations;
  - (b) provision authorising further disclosure by a Scottish public authority of such information in circumstances where the disclosure would otherwise be prohibited by a rule of law, this Act, an Act passed before this Act or an Act of the Scottish Parliament passed before this Act.
- (7) The Scottish Ministers may only make regulations under subsection (1) with the consent of the Minister for the Cabinet Office.
- (8) The Scottish Ministers may only make regulations under subsection (1) authorising any disclosure if they and the Minister for the Cabinet Office are satisfied that—
  - (a) the disclosure is required by the Scottish public authority for the purposes specified in the regulations, and
  - (b) the disclosure is in the public interest.

**Changes to legislation:** There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Cross Heading: Information sharing: supplementary powers. (See end of Document for details)

#### Commencement Information

**I3** S. 52 in force at 1.12.2007 by [S.I. 2007/3388](#), [art. 2\(g\)](#)

### 53 Power to authorise disclosure by the Board: Northern Ireland

- (1) Subject to this section, a Northern Ireland department may by regulations make provision for the purpose of authorising the Board to disclose information to a Northern Ireland public authority where the disclosure would otherwise be prohibited by a rule of law or an Act passed before this Act.
- (2) Regulations under subsection (1) may only authorise disclosure for the purposes of any or all of the statistical functions of the Northern Ireland public authority.
- (3) A Northern Ireland public authority may only use information received under regulations under subsection (1) for the purposes for which disclosure is authorised under subsection (2).
- (4) In the application of section 39 to personal information which has been disclosed to a Northern Ireland public authority under regulations under subsection (1), paragraphs (c) and (i) of subsection (4) of that section do not apply (subject to any provision made under subsection (6)(b) below).
- (5) Regulations under subsection (1) may—
  - (a) amend or modify any enactment;
  - (b) contain consequential and supplementary provision.
- (6) The consequential and supplementary provision referred to in subsection (5)(b) includes in particular—
  - (a) provision prohibiting or restricting further disclosure by a Northern Ireland public authority of information disclosed under the regulations;
  - (b) provision authorising further disclosure by a Northern Ireland public authority of such information in circumstances where the disclosure would otherwise be prohibited by a rule of law, this Act, an Act passed before this Act or any Northern Ireland legislation passed or made before this Act.
- (7) A Northern Ireland department may only make regulations under subsection (1) with the consent of the Minister for the Cabinet Office.
- (8) A Northern Ireland department may only make regulations under subsection (1) authorising any disclosure if the department and the Minister for the Cabinet Office are satisfied that—
  - (a) the disclosure is required by the Northern Ireland public authority for the purposes specified in the regulations, and
  - (b) the disclosure is in the public interest.

#### Commencement Information

**I4** S. 53 in force at 1.12.2007 by [S.I. 2007/3388](#), [art. 2\(g\)](#)

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*Changes to legislation:* There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Cross Heading: Information sharing: supplementary powers. (See end of Document for details)

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### **[<sup>F4</sup>53A Disclosure by the Board to devolved administrations**

- (1) Subject to this section, the Board may disclose information held by the Board in connection with the exercise of any of its functions to a devolved authority.
- (2) In this section “devolved authority” means—
  - (a) a person who is a part of the Scottish Administration,
  - (b) the Welsh Ministers,
  - (c) the Department of Finance in Northern Ireland, or
  - (d) the Registrar General for Northern Ireland.
- (3) Information may only be disclosed under this section for the purposes of any or all of the statistical functions of a devolved authority.
- (4) Information may only be disclosed under this section in response to a request in writing by a devolved authority which specifies—
  - (a) the information which is sought, and
  - (b) the purposes for which it is sought.
- (5) A request under subsection (4) may request information to be disclosed on more than one date specified in the notice within a period specified in the notice.
- (6) Information may be disclosed under this section only if—
  - (a) the Board is satisfied that the information is required for the purposes of the statistical functions of the devolved authority which are specified in the request,
  - (b) the Board is satisfied that the information will not be used for any other purpose, and
  - (c) if the information was obtained by the Board from a public authority, the authority consents to the disclosure.
- (7) The Board may—
  - (a) disclose information under this section subject to conditions to be met by the devolved authority;
  - (b) from time to time modify conditions subject to which information has been disclosed;
  - (c) in the case of information which it is disclosing in response to a request to which subsection (5) applies, cease to disclose information in response to the request if any of the conditions are breached.
- (8) A devolved authority may only use information disclosed under this section for the purposes for which it was disclosed.
- (9) In disclosing information under subsection (1), the Board must have regard to the following codes of practice issued by the Information Commissioner under [<sup>F5</sup>section 128 of the Data Protection Act 2018], so far as they apply to the information in question—
  - (a) any code which makes provision about the identification and reduction of the risks to privacy of a proposal to disclose information;
  - (b) any code which makes provision about the information to be provided to data subjects (within the meaning of that Act) about the use to be made of information collected from them.

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- (10) The duty in subsection (9) to have regard to a code of practice does not affect any other requirement for the Board to have regard to a code of practice under [<sup>F6</sup>the data protection legislation] in disclosing the information.
- (11) In the application of section 39 to personal information which has been disclosed to a devolved authority under this section, paragraphs (c) and (i) of subsection (4) of that section do not apply.
- (12) This section does not authorise the making of a disclosure which would—
- (a) breach any obligation of confidence owed by the Board,
  - (b) contravene [<sup>F7</sup>the data protection legislation],
  - (c) be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016, or
  - (d) breach any other restriction on the disclosure of information (however imposed).
- (13) 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 (12)(c) has effect as if it included a reference to that Part.
- (14) Nothing in this section affects the scope of the powers in sections 51 to 53.]

#### Textual Amendments

- F4** S. 53A inserted (31.7.2017 for E.W.S., 1.5.2018 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 81**, 118(4); [S.I. 2017/765](#), reg. 2(v); [S.I. 2018/382](#), reg. 3(mm)
- F5** Words in s. 53A(9) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 140(2)** (with [ss. 117](#), 209, 210); [S.I. 2018/625](#), reg. 2(1)(g)
- F6** Words in s. 53A(10) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 140(3)** (with [ss. 117](#), 209, 210); [S.I. 2018/625](#), reg. 2(1)(g)
- F7** Words in s. 53A(12)(b) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 140(4)** (with [ss. 117](#), 209, 210); [S.I. 2018/625](#), reg. 2(1)(g)

#### 54 <sup>F8</sup>... Human Rights Act 1998

In sections [<sup>F9</sup>50] to 53, references to an Act passed before this Act do not include—

- <sup>F10</sup>(a) . . . . .
- (b) the Human Rights Act 1998 (c. 42).

#### Textual Amendments

- F8** Words in s. 54 heading omitted (25.5.2018) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 141(2)** (with [ss. 117](#), 209, 210); [S.I. 2018/625](#), reg. 2(1)(g)
- F9** Word in s. 54 substituted by virtue of (31.7.2017 for E.W.S., 1.5.2018 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 79(4)**, 118(4); [S.I. 2017/765](#), **reg. 2(u)**; [S.I. 2018/382](#), **reg. 3(kk)**
- F10** S. 54(a) omitted (25.5.2018) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 141(3)** (with [ss. 117](#), 209, 210); [S.I. 2018/625](#), **reg. 2(1)(g)**

**Changes to legislation:**

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