



Digital Economy Act 2017

2017 CHAPTER 30

PART 5

DIGITAL GOVERNMENT

CHAPTER 1

PUBLIC SERVICE DELIVERY

38 Disclosure of information to water and sewerage undertakers etc

- (1) If the first and second conditions are met, a specified person may disclose information held by the person in connection with any of the person's functions to—
 - (a) a water or sewerage undertaker for an area which is wholly or mainly in England, or
 - (b) a water or sewerage undertaker for an area which is wholly or mainly in Wales.
- (2) The first condition is that the disclosure is for the purpose of assisting people living in water poverty by—
 - (a) reducing their water or sewerage costs,
 - (b) improving efficiency in their use of water, or
 - (c) improving their health or financial well-being.
- (3) The second condition is that the information is disclosed with the intention that it will be used by the undertaker in connection with provision in the undertaker's charges scheme under section 143 of the Water Industry Act 1991 which is included in that scheme—
 - (a) in compliance with regulations under section 143A of that Act which impose requirements within subsection (2)(d) of that section (power for regulations to require charges schemes to make special provision for particular classes of individual), or
 - (b) by virtue of section 44 of the Flood and Water Management Act 2010 (social tariffs).

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2017, Section 38. (See end of Document for details)

- (4) In this section and section 39 “specified person” means a person specified, or of a description specified, in Schedule 6.
- (5) The appropriate national authority may by regulations—
- (a) amend Schedule 6 so as to add, remove or modify an entry relating to a person or description of person;
 - (b) amend subsection (1) so as to add or remove a person or description of person to whom information may be disclosed;
 - (c) amend subsection (3) so as to add, modify or remove a reference to a water poverty measure.
- (6) Regulations under subsection (5)(a) may add an entry relating to a person or a description of person to Schedule 6 only if—
- (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.
- (7) Regulations under subsection (5)(b) may add a person or a description of person to subsection (1) only if the person or (as the case may be) each person of that description—
- (a) provides assistance of a kind mentioned in subsection (2) to people living in water poverty,
 - (b) monitors or enforces the provision of such assistance to such people,
 - (c) administers a water poverty measure, or
 - (d) provides services to a person within paragraph (a), (b) or (c).
- (8) In determining whether to make regulations under subsection (5)(a) or (b) 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 6 or subsection (1), whether that person, or any person providing services to that person, has had regard to the code of practice under section 43 as required by that section.
- (9) 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.
- (10) For the purposes of this Chapter a person lives in water poverty if the person is a member of a household living on a lower income in a home which—
- (a) cannot be supplied with water at a reasonable cost, or
 - (b) cannot be supplied with sewerage services at a reasonable cost.
- (11) In this section “water poverty measure” means—
- (a) a scheme, arrangement or set of arrangements, or
 - (b) a function or set of functions,
- which has as its purpose (or one of its purposes) the provision of assistance of a kind mentioned in subsection (2) to people living in water poverty.

Changes to legislation: There are currently no known outstanding effects for the Digital Economy Act 2017, Section 38. (See end of Document for details)

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Modifications etc. (not altering text)

- C1** Pt. 5 Ch. 1: functions made exercisable concurrently (30.9.2020) by [The Transfer of Functions \(Digital Government\) Order 2020 \(S.I. 2020/940\)](#), arts. 1(2), **2** (with art. 5)
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Commencement Information

- I1** S. 38 in force at 9.3.2018 for specified purposes by [S.I. 2018/342](#), **reg. 2(b)**
- I2** S. 38 in force at 1.4.2018 for specified purposes by [S.I. 2018/342](#), **reg. 3(1)(b)**
- I3** S. 38 in force at 1.5.2018 in so far as not already in force by [S.I. 2018/382](#), **reg. 3(d)**

Changes to legislation:

There are currently no known outstanding effects for the Digital Economy Act 2017, Section 38.