

Draft Regulations laid before Parliament under section 44(7) of the Digital Economy Act 2017, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No. XXXX

DISCLOSURE OF INFORMATION

**The Digital Government (Disclosure of Information)
(Identity Verification Services) Regulations 2023**

Made - - - - *******
Coming into force - - *******

In exercise of the powers conferred on the appropriate national authority (meaning the relevant Minister) by section 35(3) and (7) of the Digital Economy Act 2017(1) (“the Act”), the Minister for the Cabinet Office, with the consent of the Treasury(2), makes the following Regulations.

The Minister for the Cabinet Office is satisfied that the objective specified complies with the conditions in section 35(9), (10) and (12) of the Act, and that the entries added to Schedule 4 to the Act comply with the condition in section 35(4) of the Act.

The Minister for the Cabinet Office has consulted the Information Commissioner, the Commissioners for His Majesty’s Revenue and Customs, the Scottish Ministers, the Welsh Ministers, the Department of Finance in Northern Ireland, and such other persons as the Minister for the Cabinet Office considers appropriate, as required by section 44(4) of the Act(3).

In accordance with section 44(7) of the Act(4), a draft of these Regulations was laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Digital Government (Disclosure of Information) (Identity Verification Services) Regulations 2023 and come into force 21 days after the day on which they are made.

(2) These Regulations extend to England and Wales and Scotland.

(1) 2017 c. 30. Under section 45(1), the Minister for the Cabinet Office is the relevant Minister, and therefore the appropriate national authority to make these Regulations. Section 45(1) was amended by article 6(4) of S.I. 2018/526, under which the functions of the Secretary of State under Chapter 1 of Part 5 of the Act ceased to be exercisable concurrently with the Minister for the Cabinet Office, and subsequently by article 6(4) of S.I. 2020/940, under which those functions became exercisable concurrently with the Minister for the Cabinet Office.
(2) Consent of the Treasury is required by section 44(6) of the Act.
(3) Section 44(4) of the 2017 Act was amended by article 6(2) and (3) of S.I. 2018/526 and by article 6(3)(b) of S.I. 2020/940.
(4) Section 44(7) of the 2017 Act was amended by article 6(3)(c) of S.I. 2020/940.

(3) In these Regulations—

- (a) “the Act” means the Digital Economy Act 2017;
- (b) “digital identity verification service” means an electronic process for confirming the identity of an individual by checking information provided by that individual against information held by another person.

Amendment of Schedule 4 to the Act

2. In Schedule 4 to the Act, in Part 1, after paragraph 27, insert—

“27A. The Minister for the Cabinet Office.

27B. The Secretary of State for Transport.

27C. The Secretary of State for Environment, Food and Rural Affairs.

27D. The Disclosure and Barring Service.”.

Digital identity verification services objective

3.—(1) Paragraph (2) specifies an objective for the purposes of section 35(7) of the Act.

(2) The digital identity verification services objective is to provide assistance to individuals who are seeking to access public services digitally by—

- (a) enabling those individuals to create a reusable digital identity in a convenient, secure and efficient way,
- (b) improving their physical, mental, emotional, social or economic well-being, and
- (c) supporting the administration or delivery of the functions of a person who is a specified person in relation to this specified objective.

Specified persons in relation to the digital identity verification services objective

4.—(1) Paragraph (2) sets out the specified persons from Schedule 4 to the Act who are specified persons in relation to the digital identity verification services objective (“the specified objective”).

(2) The specified persons are—

- (a) the persons listed in the Schedule to these Regulations, and
- (b) a person providing services in connection with the specified objective to a person within sub-paragraph (a).

Date

Name
Minister for the Cabinet Office
Cabinet Office

We consent to these Regulations

Date

Name
Name
Two of the Lords Commissioners of His
Majesty's Treasury

SCHEDULE

Regulation 4

List of persons within regulation 4(2)(a)

PART 1

UK and English Bodies

1. The Secretary of State for the Home Department.
2. The Secretary of State for Defence.
3. The Lord Chancellor.
4. The Secretary of State for Justice.
5. The Secretary of State for Education.
6. The Secretary of State for Business and Trade, in relation to the Secretary of State's relevant business functions.
7. The Secretary of State for Energy Security and Net Zero.
8. The Secretary of State for Science, Innovation and Technology.
9. The Secretary of State for Work and Pensions.
10. The Secretary of State for Levelling Up, Housing and Communities.
11. The Secretary of State for Culture, Media and Sport.
12. His Majesty's Revenue and Customs.
13. A county council in England.
14. A district council in England.
15. A London borough council.
16. A combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009⁽⁵⁾.
17. The Common Council of the City of London in its capacity as a local authority.
18. The Council of the Isles of Scilly.
19. The Greater London Authority.
20. The Chief Land Registrar.
21. The Minister for the Cabinet Office.
22. The Secretary of State for Transport.
23. The Secretary of State for Environment, Food and Rural Affairs.
24. The Disclosure and Barring Service.

(5) 2009 c. 20.

PART 2

Welsh Bodies

25. The Welsh Ministers.
26. The Welsh Revenue Authority.
27. A county council in Wales.
28. A community council in Wales.

PART 3

Scottish Bodies

29. The Scottish Ministers.
30. A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994⁽⁶⁾.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations relate to the disclosure of information in relation to public service delivery, pursuant to Chapter 1 of Part 5 of the Digital Economy Act 2017 (c. 30) (“the Act”), and in particular to the creation of the digital identity verification services objective.

Regulation 2 amends Part 1 of Schedule 4 to the Act (UK and English Bodies), so as to add four further persons to the list of specified persons already contained in that Part. This is done because these four persons are to be amongst those specified persons from Schedule 4 who are specified in relation to the digital identity verification services objective.

Regulation 3 specifies the digital identity verification services objective as an objective for the purposes of section 35 of the Act (disclosure of information to improve public service delivery).

Regulation 4 specifies the persons from Schedule 4 to the Act that are specified persons in relation to the digital identity verification services objective. Regulation 4(2)(a) introduces the Schedule, Parts 1 to 3 of which list UK and English bodies, Welsh bodies and Scottish bodies respectively. By virtue of section 35(1) of the Act, a specified person in relation to a specified objective may disclose information held by the person in connection with any of the person’s functions to another person who is a specified person for the purposes of the same objective.

The effect of these Regulations is to expressly permit the disclosure of information between a number of Government Departments and other public bodies, with a view to making it easier and safer for people to prove their identity when seeking to access public services digitally.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

(6) 1994 c. 39.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.