



Higher Education and Research Act 2017

2017 CHAPTER 29

PART 1

THE OFFICE FOR STUDENTS

Information powers

62 Power to require information from unregistered providers

- (1) The OfS may by notice require the governing body of an unregistered provider to provide the OfS with such information for the purposes of the performance of the OfS's functions as the OfS requests in the notice.
- (2) A notice under subsection (1) may require the information to be provided—
 - (a) by a time specified in the notice, and
 - (b) in a form and manner specified in the notice.
- (3) If a governing body fails to comply with a notice under subsection (1) and does not satisfy the OfS that it is unable to provide the information, the OfS may enforce the duty to comply with the notice in civil proceedings for an injunction.
- (4) “An unregistered provider” is an English higher education provider which is not a registered higher education provider.
- (5) See section 8(1)(b) for the ongoing registration condition of a registered higher education provider to provide information to the OfS.

Commencement Information

- I1** S. 62(1)-(4) in force at 1.1.2018 by S.I. 2017/1146, reg. 2(g)
- I2** S. 62(5) in force at 1.1.2019 by S.I. 2018/1226, reg. 2(b)

Changes to legislation: Higher Education and Research Act 2017, Cross Heading: Information powers is up to date with all changes known to be in force on or before 19 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

63 Cooperation and information sharing by the OfS

(1) The OfS—

- (a) may cooperate with any person where it considers it appropriate to do so for the efficient performance of a function of the OfS, and
- (b) must cooperate with a person in the performance of such a function if required to do so by the Secretary of State.

(2) The OfS—

- (a) may cooperate with a relevant person where it considers it appropriate to do so for the efficient performance of a relevant function of the relevant person, and
- (b) must cooperate with a relevant person in the performance of such a function if required to do so by the Secretary of State.

(3) The OfS may provide information to any person if the disclosure is made for the purposes of the performance of a function of the OfS.

(4) The OfS may provide information to a relevant person if the disclosure is made for the purposes of the performance of a relevant function of the relevant person.

(5) Provision of information by the OfS which is authorised by this section does not breach—

- (a) an obligation of confidence owed by the OfS, or
- (b) any other restriction on the provision of information (however imposed).

(6) But nothing in this section authorises the OfS to provide information where doing so contravenes [^{F1}the data protection legislation] .

(7) In this section—

[^{F2}“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);]

“relevant person” means—

- (a) the Privy Council, or
- (b) a person prescribed by regulations made by the Secretary of State;

“relevant function” means—

- (a) in relation to the Privy Council, any of its functions;
- (b) in relation to any other relevant person, a function prescribed by regulations made by the Secretary of State.

(8) Regulations under this section prescribing functions of a relevant person may prescribe all of the person's functions.

Textual Amendments

- F1** Words in s. 63(6) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 213\(2\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)
- F2** Words in s. 63(7) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 213\(3\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)

Commencement Information

- I3** S. 63 in force at 1.1.2018 by [S.I. 2017/1146](#), [reg. 2\(h\)](#)

Changes to legislation:

Higher Education and Research Act 2017, Cross Heading: Information powers is up to date with all changes known to be in force on or before 19 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. A1 inserted by [2023 c. 16 s. 1](#)
- s. A4 and cross-heading inserted by [2023 c. 16 s. 2](#)
- s. A5A6 and cross-heading inserted by [2023 c. 16 s. 3](#)
- s. A7 and cross-heading inserted by [2023 c. 16 s. 4](#)
- s. 2(1)(aa)(ab) inserted by [2023 c. 16 s. 5\(1\)](#)
- s. 2(7A) inserted by [2023 c. 16 Sch. para. 2\(3\)](#)
- s. 8A inserted by [2023 c. 16 s. 6](#)
- s. 9(3A) inserted by [2022 c. 21 s. 16\(2\)](#)
- s. 10(3A) inserted by [2023 c. 40 s. 2\(2\)\(a\)](#)
- s. 10(6A) inserted by [2023 c. 40 s. 2\(2\)\(b\)](#)
- s. 10(7A) inserted by [2023 c. 40 s. 2\(2\)\(c\)](#)
- s. 10(7B)(7C) inserted by [2023 c. 40 s. 1\(2\)\(b\)](#)
- s. 11(1A)(1B) inserted by [2023 c. 40 s. 2\(3\)\(b\)](#)
- s. 11(2)(2A) substituted for s. 11(2) by [2023 c. 40 s. 2\(3\)\(c\)](#)
- s. 31(1)(1A) substituted for s. 31(1) by [2023 c. 40 s. 2\(4\)\(a\)](#)
- s. 31(2A)(2B) inserted by [2023 c. 40 s. 2\(4\)\(c\)](#)
- s. 31(4) inserted by [2023 c. 40 s. 4\(4\)\(e\)](#)
- s. 67B(3A) inserted by [2023 c. 16 Sch. para. 5\(3\)](#)
- s. 67C(3) inserted by [2023 c. 16 Sch. para. 6](#)
- s. 69A and cross-heading inserted by [2023 c. 16 s. 5\(2\)](#)
- s. 69C inserted by [2023 c. 16 s. 8\(1\)](#)
- s. 73(1A) inserted by [2023 c. 16 Sch. para. 7\(3\)](#)
- s. 73(4A) inserted by [2023 c. 16 Sch. para. 7\(6\)](#)
- s. 85(1A) inserted by [2022 c. 21 s. 16\(4\)\(b\)](#)
- s. 119(2)(ha)(hb) inserted by [2023 c. 40 s. 2\(6\)](#)
- Sch. 2 para. 5(4) inserted by [2023 c. 40 s. 2\(7\)](#)
- Sch. 2 para. 1-1I substituted for Sch. 2 para. 1 by [2023 c. 40 s. 1\(4\)](#)
- Sch. 6A inserted by [2023 c. 16 s. 8\(2\)](#)
- Sch. 7 para. 4(5) inserted by [2023 c. 16 Sch. para. 13\(6\)](#)