

SL(5)204 – The Digital Government (Welsh Bodies) (Wales) Regulations 2018

Background and Purpose

Part 5 of the Digital Economy Act 2017 (“the Act”) allows specified persons, listed in the Schedules to the Act, to share information for specific purposes.

These Regulations amend Schedules 4, 5 and 6 (specified persons for the purposes of public service delivery), Schedule 7 (specified persons for the purposes of the debt provisions) and Schedule 8 (specified persons for the purposes of the fraud provisions) to the Act. These Regulations add persons who are Welsh bodies (as defined in the Act) to those Schedules to enable them to make use of the powers in Chapter 1 (public service delivery), Chapter 3 (debt owed to the public sector) and Chapter 4 (fraud against the public sector) of Part 5 (Digital Government) of the Act. There are already a number of English and non-devolved bodies listed in the Schedules to the Act.

Procedure

Affirmative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

Standing Order 21.3(ii) – the instrument is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly.

These Regulations will in future enable the Welsh public bodies listed in the Schedules to the Act to share personal information in certain circumstances (e.g. fraud prevention and to identify and help people who owe debt to multiple public agencies). The powers to share data in these circumstances is permissive (the bodies named in the Schedules to the Act are under no obligation to share data for any purpose). Codes of practice are being introduced by the UK Government which will set out how any data is to be shared and the procedures which will need to be followed. However, organisations that are involved in sharing data will still need to meet the requirements of current and future data protection legislation.

Implications arising from exiting the European Union

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

No government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

April 2018

