

Draft Regulations laid before the National Assembly for Wales under sections 44(9), 54(6) and 62(6) of the Digital Economy Act 2017, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2018 No. (W.)

**DISCLOSURE OF
INFORMATION, WALES**

**The Digital Government (Welsh
Bodies) (Wales) Regulations 2018**

EXPLANATORY NOTE

(This note is not part of the Regulations)

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.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained at XXX.

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2018 No. (W.)

**DISCLOSURE OF
INFORMATION, WALES**

**The Digital Government (Welsh
Bodies) (Wales) Regulations 2018**

Made

Coming into force

26 April 2018

The Welsh Ministers, in exercise of the powers conferred by sections 35(3), 36(5)(a), 38(5)(a), 44(2)(b), 48(5), 54(2)(b), 56(6) and 62(2)(b) of the Digital Economy Act 2017(1) (“the Act”) make the following Regulations.

The Welsh Ministers have consulted with the Information Commissioner, the Commissioners for Her Majesty’s Revenue and Customs, the Scottish Ministers, the Department of Finance in Northern Ireland, the Minister for the Cabinet Office, and such other persons as the Welsh Ministers consider appropriate, as required by sections 44(4), 48(11) and 56(12) of the Act.

In accordance with sections 35(6), 36(8), 38(8), 48(10) and 56(11) of the Act, the Welsh Ministers have had regard to the systems and procedures for the secure handling of information by the persons referred to in the Schedule to these Regulations.

A draft of these Regulations was laid before the National Assembly for Wales under sections 44(9), 54(6) and 62(6) of the Act, and has been approved by a resolution of the National Assembly for Wales.

(1) 2017, c. 30. *See* sections 45(1), 55(1) and 63(1) for definitions of “appropriate national authority”.

Title, commencement, and interpretation

1.—(1) The title of these Regulations is the Digital Government (Welsh Bodies) (Wales) Regulations 2018.

(2) These Regulations come into force on XX.

(3) In these Regulations “the Act” means the Digital Economy Act 2017.

Amendment of Schedules 4, 5, 6, 7 and 8

2. Schedule 4 (public service delivery: specified persons for the purposes of section 35) to the Act is amended in accordance with paragraph 1 of the Schedule.

3. Schedule 5 (public service delivery: specified persons for the purposes of sections 36 and 37) to the Act is amended in accordance with paragraph 2 of the Schedule.

4. Schedule 6 (public service delivery: specified persons for the purposes of sections 38 and 39) to the Act is amended in accordance with paragraph 3 of the Schedule.

5. Schedule 7 (specified persons for the purposes of the debt provisions) to the Act is amended in accordance with paragraph 4 of the Schedule.

6. Schedule 8 (specified persons for the purposes of the fraud provisions) to the Act is amended in accordance with paragraph 5 of the Schedule.

Name

Leader of the House and Chief Whip, one of the Welsh Ministers

Date

SCHEDULE Regulations 2,
3, 4, 5 and 6

**Amendments to Schedules 4, 5, 6, 7 and
8**

1.—(1) Schedule 4 to the Act is amended in accordance with sub-paragraphs (2) to (4).

(2) After the heading of the Schedule insert—

“PART 1

UK AND ENGLISH BODIES”.

(3) In paragraph 28, after the word “who” insert—

“—

(a) falls within this Part of this Schedule;
and

(b)”.

(4) After paragraph 28 insert—

“PART 2

WELSH BODIES

29. The Welsh Ministers.

30. The Counsel General to the Welsh Government.

31. The Welsh Revenue Authority.

32. A county council in Wales.

33. A county borough council in Wales.

34. A community council in Wales.

35. A Community Health Council in Wales.

36. A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

37. An NHS Trust established under section 18 of the National Health Service (Wales) Act 2006.

38. The Board of Community Health Councils in Wales.

39. A Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006.

40. A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales.

41. Career Choices Dewis Gyrfa Ltd (company number 07442837, operating as Careers Wales).

42. The governing body of an educational establishment maintained by a Welsh local authority (within the meaning of section 162 of the Education and Inspections Act 2006).

43. The governing body of an institution in Wales within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992) whose activities are carried on, or principally carried on, in Wales.

44. The governing body of an institution in Wales within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992) whose activities are carried on, or principally carried on, in Wales.

45. A regulated institution within the meaning of the Higher Education (Wales) Act 2015 (ignoring section 26 of that Act) other than an institution within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992).

46. The Natural Resources Body for Wales.

47. A registered social landlord being a body registered in the register maintained under section 1 of the Housing Act 1996.

48. A person providing services in connection with a specified objective (within the meaning of section 35) to a specified person who—

(a) falls within this Part of this Schedule;
and

(b) is a public authority.”

2.—(1) Schedule 5 to the Act is amended in accordance with sub-paragraphs (2) to (4).

(2) After the heading of the Schedule insert—

“PART 1

UK AND ENGLISH BODIES”.

(3) In paragraph 18, after the word “who” insert—

“—

- (a) falls within this Part of this Schedule;
and
- (b)”.
.”.

(4) After paragraph 18 insert—

“PART 2 WELSH BODIES

- 19.** The Welsh Ministers.
- 20.** The Counsel General to the Welsh Government.
- 21.** The Welsh Revenue Authority.
- 22** A county council in Wales.
- 23.** A county borough council in Wales.
- 24** A community council in Wales.
- 25.** A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales.
- 26** The Natural Resources Body for Wales.
- 27.** A registered social landlord being a body registered in the register maintained under section 1 of the Housing Act 1996.
- 28.** The governing body of an educational establishment maintained by a Welsh local authority (within the meaning of section 162 of the Education and Inspections Act 2006).
- 29.** The governing body of an institution in Wales within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992) whose activities are carried on, or principally carried on, in Wales.
- 30.** The governing body of an institution in Wales within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992) whose activities are carried on, or principally carried on, in Wales.
- 31.** A regulated institution within the meaning of the Higher Education (Wales) Act 2015 (ignoring section 26 of that Act) other than an institution within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992).

32. A person providing services in connection with a fuel poverty measure (within the meaning of section 36) to a specified person who—

- (a) falls within this Part of this Schedule; and
- (b) is a public authority.”

3.—(1) Schedule 6 to the Act is amended in accordance with sub-paragraphs (2) to (4).

(2) After the heading of the Schedule insert—

“PART 1

UK AND ENGLISH BODIES”.

(3) In paragraph 12, after the word “who” insert—
“—

- (a) falls within this Part of this Schedule; and
- (b)”.

(4) After paragraph 12 insert—

“PART 2

WELSH BODIES

13. The Welsh Ministers.

14. The Counsel General to the Welsh Government.

15. The Welsh Revenue Authority.

16. A county council in Wales.

17. A county borough council in Wales.

18. A community council in Wales.

19. A registered social landlord being a body registered in the register maintained under section 1 of the Housing Act 1996.

20. The Natural Resources Body for Wales.

21. The governing body of an educational establishment maintained by a Welsh local authority (within the meaning of section 162 of the Education and Inspections Act 2006).

22. The governing body of an institution in Wales within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992) whose activities are carried on, or principally carried on, in Wales.

23. The governing body of an institution in Wales within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992) whose activities are carried on, or principally carried on, in Wales.

24. A regulated institution within the meaning of the Higher Education (Wales) Act 2015 (ignoring section 26 of that Act) other than an institution within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992).

25. A person providing services in connection with a water poverty measure (within the meaning of section 38) to a specified person who—

- (a) falls within this Part of this Schedule;
and
- (b) is a public authority.”

4.—(1) Schedule 7 to the Act is amended in accordance with sub-paragraphs (2) to (4).

(2) After the heading of the Schedule insert—

“PART 1

UK AND ENGLISH BODIES”.

(3) For paragraph 17 substitute—

“17. A person providing services to a specified person who —

- (a) falls within this Part of this Schedule;
and
- (b) is a public authority,

in respect of the taking of action in connection with debt owed to a public authority or to the Crown.”

(4) After paragraph 17 insert—

“PART 2

WELSH BODIES

18. The Welsh Ministers.

19. The Counsel General to the Welsh Government.

20. The Welsh Revenue Authority.

21. A county council in Wales.

22. A county borough council in Wales.

23. A community council in Wales.

24. A person providing services to a specified person who—

- (a) falls within this Part of this Schedule;
and
- (b) is a public authority,

in respect of the taking of action in connection with debt owed to a public authority or to the Crown.”

5.—(1) Schedule 8 to the Act is amended in accordance with sub-paragraphs (2) to (4).

(2) After the heading of the Schedule insert—

“PART 1

UK AND ENGLISH BODIES”.

(3) For paragraph 41 substitute—

“41. A person providing services to a specified person who—

- (a) falls within this Part of this Schedule;
and
- (b) is a public authority,

in respect of the taking of action in connection with fraud against a public authority.”

(4) After paragraph 41 insert—

“PART 2

WELSH BODIES

42. The Welsh Ministers.

43. The Counsel General to the Welsh Government.

44. The Welsh Revenue Authority.

45. A county council in Wales.

46. A county borough council in Wales.

47. A community council in Wales.

48. A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales.

49. The Higher Education Funding Council for Wales.

50. The Natural Resources Body for Wales.

51. Arts Council of Wales.

52. The Sports Council for Wales.

53. The Royal Commission on Ancient and Historical Monuments in Wales.

54. The National Library of Wales.

55. A registered social landlord being a body registered in the register maintained under section 1 of the Housing Act 1996.

56. A person providing services to a specified person who—

(a) falls within this Part of this Schedule;
and

(b) is a public authority,

in respect of the taking of action in connection with fraud against a public authority.”