

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

First Delegated Legislation Committee

**DRAFT DIGITAL GOVERNMENT (DISCLOSURE  
OF INFORMATION) REGULATIONS 2018;**

**DRAFT INFORMATION SHARING CODE OF  
PRACTICE: CODE OF PRACTICE FOR PUBLIC  
AUTHORITIES DISCLOSING INFORMATION  
UNDER CHAPTERS 1, 3 AND 4 (PUBLIC SERVICE  
DELIVERY, DEBT AND FRAUD) OF PART 5 OF  
THE DIGITAL ECONOMY ACT 2017**

*Monday 25 June 2018*

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**not later than**

**Friday 29 June 2018**

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**The Committee consisted of the following Members:**

*Chair:* STEWART HOSIE

|   |   |
|---|---|
| † Bowie, Andrew ( <i>West Aberdeenshire and Kincardine</i> )<br>(Con)       | Lammy, Mr David ( <i>Tottenham</i> ) (Lab)                |
| † Bradley, Ben ( <i>Mansfield</i> ) (Con)                                   | † Ross, Douglas ( <i>Moray</i> ) (Con)                    |
| † Bruce, Fiona ( <i>Congleton</i> ) (Con)                                   | † Smeeth, Ruth ( <i>Stoke-on-Trent North</i> ) (Lab)      |
| Bryant, Chris ( <i>Rhondda</i> ) (Lab)                                      | Smith, Angela ( <i>Penistone and Stocksbridge</i> ) (Lab) |
| † Byrne, Liam ( <i>Birmingham, Hodge Hill</i> ) (Lab)                       | † Swire, Sir Hugo ( <i>East Devon</i> ) (Con)             |
| † Day, Martyn ( <i>Linlithgow and East Falkirk</i> ) (SNP)                  | † Tolhurst, Kelly ( <i>Rochester and Strood</i> ) (Con)   |
| † Elmore, Chris ( <i>Ogmore</i> ) (Lab)                                     | † Tomlinson, Justin ( <i>North Swindon</i> ) (Con)        |
| † Farrelly, Paul ( <i>Newcastle-under-Lyme</i> ) (Lab)                      | † Watling, Giles ( <i>Clacton</i> ) (Con)                 |
| † James, Margot ( <i>Minister for Digital and the Creative Industries</i> ) | Kenneth Fox, <i>Committee Clerk</i>                       |
|   | † <b>attended the Committee</b>                           |

**The following also attended (Standing Order No. 118(2)):**

Trevelyan, Mrs Anne-Marie (*Berwick-upon-Tweed*)  
(Con)

# First Delegated Legislation Committee

Monday 25 June 2018

[STEWART HOSIE *in the Chair*]

## Draft Digital Government (Disclosure of Information) Regulations 2018

6 pm

**The Chair:** For clarity, we are considering both the regulations and the code of practice; I will call the Minister to move the motion, and speak to both. At the end of the debate, I will put the question on the first motion, and ask the Minister to move the remaining motion formally.

**The Minister for Digital and the Creative Industries (Margot James):** I beg to move,

That the Committee has considered the draft Digital Government (Disclosure of Information) Regulations 2018.

**The Chair:** With this it will be convenient to consider the draft Information Sharing Code of Practice: Code of Practice for public authorities disclosing information under Chapters 1, 3 and 4 (Public Service Delivery, Debt and Fraud) of Part 5 of the Digital Economy Act 2017.

**Margot James:** It is a pleasure to serve under your chairmanship, Mr Hosie. The purpose of the regulations is to allow information sharing between specified bodies for specific purposes. They will also amend the Digital Economy Act 2017. Alongside the regulations, an information sharing code of practice for the public service delivery, debt and fraud provisions has been laid before Parliament, to be approved by a resolution of each House.

The public service delivery power supports the improvement or targeting of public services. In order to exercise the power, the Government must set specific purposes for data sharing via regulations. Those purposes must meet criteria defined in the primary legislation. The regulations seek to establish four objectives for data sharing under the public service delivery power. Those objectives will address multiple disadvantages, fuel poverty, water poverty and targeted assistance in retuning televisions.

I am sure that hon. Members would agree that the Government have a duty to support the citizens we serve and to ensure that the most vulnerable in society get the help that they need. The formulation of each of the public service delivery objectives has been guided by that principle. Data sharing is an effective and sometimes vital way of identifying individuals and households experiencing problems that reduce their life chances.

I will provide hon. Members with some details about each of the four objectives. First, the multiple disadvantages objective would allow for data sharing between specified public authorities to help to identify individuals or households that face two or more disadvantages.

Disadvantages could include factors that in combination with each other limit the life chances of individuals or households, for example by affecting their health, emotional wellbeing or social and economic chances. The objective was initially developed to support the troubled families programme, which supports the identification of families across England for targeted support. It is also intended to be available for similar programmes across the UK.

On television retuning, to meet the increasing demand for mobile data, the Government have agreed to £600 million of funding so that the 700 MHz band—currently used for digital terrestrial television—can be allocated for mobile broadband. As a result, 150,000 households might need to either replace or realign their aerial to continue receiving all channels. The powers will help to identify those who are on certain benefits and might require further support to ensure that they continue to receive digital terrestrial television services.

The fuel poverty objective will provide a gateway for specified public bodies to share information between themselves to help to identify households living in fuel poverty, to ensure that they get the support that they need. It will also enable specified public bodies to flag to energy suppliers those who are eligible. The aim is to enable more vulnerable households and families to receive automatic rebates in the same way as more than 1 million pensioners do through the warm home discount scheme. However, that can happen only if the state can inform energy suppliers which of their customers should receive the benefits.

The water poverty objective would allow the sharing of information between public authorities to help to identify those who may be living in water poverty and help to ensure that they receive the necessary support. The information could be shared by public authorities with water and sewerage companies to help them better to target their support schemes, such as social tariffs, as allowed by powers in the Digital Economy Act. That Act specifies the conditions for disclosure of information to energy suppliers. One condition is that information disclosed under the powers must be used by the recipient in connection with a specified support scheme. The amendment is designed to enable information to be shared to identify, for coverage by price protection, vulnerable customers at risk of fuel poverty. Five million vulnerable households are already protected by a safeguard tariff, and we are keen to ensure that the delivery of such protections can be assisted through the ability of suppliers to match customer data with the data held by Government.

For the data sharing powers in part 5 of the Digital Economy Act to become operational, codes of practice must be approved by Parliament. The information sharing code of practice provides guidance on the use and disclosure of information under the public service delivery, debt and fraud provisions, as well as explaining the legal framework. We worked with other Departments, the devolved Administrations and the Information Commissioner's Office, as well as civil society groups with privacy interests, to develop the code. The four relevant instruments were all subject to a six-week public consultation in autumn 2017, ahead of their being laid in May of this year. They were also made available in draft form for parliamentarians to consider during the Committee stage of the Digital Economy

Bill in November 2016. The aim of those efforts was to strike the right balance between supporting practitioners to ensure that they can make use of the powers and building in safeguards to protect individuals' privacy and prevent the unlawful disclosure of data.

Public authorities and other participants intending to use the information sharing powers in chapters 1, 3 and 4 of part 5 of the Digital Economy Act must have regard to the information sharing code of practice when disclosing or using information under those chapters. Failure to do so may result in loss of the ability to disclose, receive and use information under the powers.

I commend these provisions to the Committee.

6.7 pm

**Liam Byrne** (Birmingham, Hodge Hill) (Lab): It is a pleasure to serve under your chairmanship, Mr Hosie. I have been writing about the need for Government to join themselves up a bit better for 22 years and so the Minister will be delighted to hear that we can give these measures—they are humble measures but none the less a step forward—our full support this afternoon.

There are, though, three questions on which the Minister could helpfully brief the Committee. First, she is seeking much broader powers for various Departments, and it is a well established principle in the House that where broader powers are given to the Executive, greater powers of oversight and scrutiny should be applied to those agencies, so we would be grateful if she said a little more about what additional oversight comes as a result of these regulations falling into place.

Secondly, the reality is that not a lot of public services are delivered proactively any more, because not many public services are left in many of our communities. None the less, where there are opportunities for local councils to join up with the Department for Work and Pensions, that is a good thing. It has been a real problem for many years that sometimes it is easier for an officer in a local authority to join a temping agency and get a temp job with the DWP in order to get hold of information from the Department. Will the Minister lay out with some clarity this afternoon that local councils will now be able to share information with the DWP and the DWP will share information with local authorities, and will she tell us what steps her right hon. Friend the Secretary of State for Work and Pensions will take to ensure that frontline managers in the DWP understand the new legal latitude available to them to join together to deliver what public services are left in this country?

The final point that the Minister might just say a word about is a problem that was raised before the Secondary Legislation Scrutiny Committee in the other place, which I do not think we have had a particularly good answer to: why, under these regulations, can data be exchanged about the whole household even if only one individual in the household meets the criteria she has set out? These are sensible regulations and they should have been put in place a long time ago, but there are a number of assurances that I know the Committee will want to hear this afternoon.

6.10 pm

**Martyn Day** (Linlithgow and East Falkirk) (SNP): I hold the view that it is essential to maximise the quality and impact of data to reduce the burden on individuals,

particularly vulnerable individuals, and on businesses, and that data sharing, while beneficial, must be proportional to individuals and safeguard them. I am reasonably satisfied with what I have heard today and what I have read in both instruments, and on that basis I will not oppose them and am happy to support them.

6.11 pm

**Margot James:** I thank both hon. Gentlemen for their remarks. In addressing some of the questions raised by the shadow Minister, I will first point out that we have made great efforts to protect the welfare state and public services as we sought to deal with a very challenging deficit. I would like to see the public services in the context of our abilities to direct those services more towards those who really need them. That is the strategy we have adopted.

For example, in the area of energy, which I spent some time on in my opening remarks, we are talking about benefits such as winter fuel payments, cold weather payments and warm home discounts. Those benefits are alive and well, and valued by the several million people who receive them. What we seek to do through the safeguards is to ensure that, when there is discretion from energy companies about how to target some of those benefits, they can use intelligence about the people who are likely to need them most to deliver those benefits even more effectively. That is what we are debating.

The right hon. Gentleman rightly points out that we need safeguards. We need to ensure that information sharing is proportionate, that it is only used by the recipient for the purposes for which it is intended and that it is not retained for any longer than necessary. We are putting a number of safeguards in place. The data sharing powers must be exercised in compliance with the safeguards under the Data Protection Act 2018 and the Human Rights Act 1998. There is also a minimum amount of data required to meet the objectives for sharing information; that is another safeguard that we have put in place.

Any further changes to the list of public authorities permitted to share data under the codes of practice can be made only via regulations that are subject to the affirmative procedure, and we have involved the Information Commissioner's Office throughout the development of those codes. I reassure the right hon. Gentleman that we have given great consideration to safeguards and that they have been put in place. He also asked about the question of data exchange on the whole household if only one individual meets the criteria. The purpose of the objective is to assist individuals or households with a combination of disadvantages. The problems of one household member can affect the outcomes of others in the same household; in particular, children growing up in a workless family are almost twice as likely as children in working families to fail at all stages of their education.

As a result, 150,000—I am so sorry. You will be pleased to know that I was about to wind up, Mr Hosie, and—

**Liam Byrne:** Will the Minister give way?

**Margot James:** I have given the right hon. Gentleman an opportunity to intervene. I apologise to my hon. Friends for that.

**Liam Byrne:** Will the Minister confirm what latitude she is giving councils and the DWP to share information? I think that that is the principle clarification that we were looking for.

**Margot James:** The right hon. Gentleman did indeed raise that important point. It should not be the case, of course, that people need to job-hop to find out what is going on when they have only the good of citizens in mind. What is important is that the DWP will, according to the safeguards that we have built in, be able to share information for certain purposes. For example, if the Department has information about someone's fuel poverty status they will be able to share information with local authorities. Likewise, if it has information that meets any of the other objectives that I outlined, it will be permitted to share it directly with local authorities.

**Liam Byrne:** I did not mean to intervene again, but my constituency has the highest youth unemployment in Britain and down the years we have been bedevilled by a lack of co-operation between the DWP and the city council. The city council often wants to target young people who need local authority-run job and employment creation schemes. It is unable to run outreach schemes that target individuals effectively, because it cannot get the information from the DWP, so it has to resort to the rather inefficient approach of targeting whole postcodes. That is the sort of thing I am driving at.

**Margot James:** The right hon. Gentleman eloquently underlines the need for the measures that we are putting in place. We should not have to target whole populations

to find the percentage of people, whatever it may be, who would particularly benefit from a programme that a local authority might want to put in place.

As long as the various protections in the information sharing code of practice, which I have gone through, are met, there is no reason why the DWP and local authorities will not be able to work together. They are permitted to share information under the Digital Economy Act 2017—and the powers in question are permissive. The right hon. Gentleman mentioned that we may need to raise awareness of the powers that the DWP now has under the provisions, and I take that on board as something to which my Department can contribute.

*Question put and agreed to.*

**DRAFT INFORMATION SHARING CODE OF PRACTICE: CODE OF PRACTICE FOR PUBLIC AUTHORITIES DISCLOSING INFORMATION UNDER CHAPTERS 1, 3, AND 4 (PUBLIC SERVICE DELIVERY, DEBT AND FRAUD) OF PART 5 OF THE DIGITAL ECONOMY ACT 2017**

*Resolved,*

That the Committee has considered the draft Information Sharing Code of Practice: Code of Practice for public authorities disclosing information under Chapters 1, 3 and 4 (Public Service Delivery, Debt and Fraud) of Part 5 of the Digital Economy Act 2017.—(*Margot James.*)

6.18 pm

*Committee rose.*



