

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

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D R A F T   S T A T U T O R Y   I N S T R U M E N T S

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**2017 No.**

**DISCLOSURE OF INFORMATION**

**The Digital Government (Disclosure of Information)  
Regulations 2017**

*Made - - - - - \*\*\**

*Coming into force in accordance with regulation 1(1)*

The Minister for the Cabinet Office, with the consent of the Treasury, makes the following Regulations in exercise of the powers conferred by section 35(7) of the Digital Economy Act 2017(1).

The Minister is satisfied that the purposes of the objectives specified comply with the conditions in section 35(9), (10) and (12) of the Digital Economy Act 2017.

The Minister for the Cabinet Office has consulted the Information Commissioner, the Commissioners for Her 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 Digital Economy Act 2017.

In accordance with section 44(7) of the Digital Economy Act 2017, a draft of these Regulations was laid before, and approved by a resolution of, each House of Parliament.

**Citation, commencement and interpretation**

**1.**— These Regulations may be cited as the Digital Government (Disclosure of Information) Regulations 2017 and come into force on the day after the day on which they are made.

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

**Specified objectives for the disclosure of information in relation to public service delivery**

**2.** The Schedule specifies objectives, and specified persons in relation to those objectives, for the purposes of section 35(7) of the Act.

*Damian Green*  
Minister for the Cabinet Office

[Date] Cabinet Office

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(1) 2017 c. 30. Consent of the Treasury is required by section 44(6).

We consent to these Regulations

*Names*

Two of the Lords Commissioners of Her Majesty's Treasury

## SCHEDULE Regulation 2

### **Specified objectives in relation to a specified person**

1.— The specified objectives are—

- (a) the multiple disadvantages objective;
- (b) the television retuning objective;
- (c) the fuel poverty objective; and
- (d) the water poverty objective.

(2) In relation to each specified objective, the following are the specified persons—

- (a) for the multiple disadvantages objective, the persons specified at paragraphs 1 to 5, 7 to 8, 10 to 16, 18 to 25 and 28 of Schedule 4 to the Act;
- (b) for the television retuning objective, the persons specified at paragraphs 2, 7, 11 to 17 and 28 of Schedule 4 to the Act;
- (c) for the fuel poverty objective, the persons specified at paragraphs 6 to 8, 10 to 21 and 26 to 28 of Schedule 4 to the Act;
- (d) for the water poverty objective, the persons specified at paragraphs 7 to 8, 10 to 17, and 27 to 28 of Schedule 4 to the Act.

### **Multiple disadvantages objective**

3.— In paragraph 1(1)(a) the multiple disadvantages objective consists of the provision of assistance to individuals or households who are affected by multiple disadvantages.

(1) “Multiple disadvantages” means the presence of two or more factors which adversely affect individuals or households including, but not limited to—

- (a) the individual, or an individual in the household, carrying out, or being subject to, anti-social behaviour;
- (b) the individual being, or the household including, a care leaver;
- (c) the individual being, or the household including, a child in need;
- (d) disability, including learning disability;
- (e) domestic violence;
- (f) a failure to regularly attend school;
- (g) financial exclusion;
- (h) homelessness;
- (i) ill-health, including mental ill-health;
- (j) offending by the individual or by an individual in the household;
- (k) substance misuse;
- (l) unemployment.

(2) The following definitions apply for the purposes of sub-paragraph (2)—

“anti-social behaviour” means behaviour by a person which causes, or is likely to cause, harassment, alarm or distress to one or more persons not of the same household as that person;

“care leaver” means an eligible child for the purposes of paragraph 19B of Schedule 2 to the Children Act 1989(2) or a relevant child for the purposes of section 23A of that Act(3);

“child in need” means a child in respect of whom the local authority in whose area they reside must provide a range of services appropriate to their needs under section 17(10) and (11) of the Children Act 1989(4);

“domestic violence” means any incident, or pattern of incidents, of controlling, coercive or threatening behaviour, violence or abuse (whether psychological, physical, sexual, financial or emotional) between individuals who are associated with each other (where associated has the same meaning as in section 62(3) of the Family Law Act 1996(5));

“financial exclusion” means an inability to, reluctance to, or difficulty in, accessing one or more of the financial services in section 2(1)(a) and (b)(i) to (v) of the Small Business, Enterprise and Employment Act 2015(6); and

“homelessness” has the same meaning as in section 175 of the Housing Act 1996(7);

“offending” means having been convicted of a criminal offence of any nature, and includes being cautioned in respect of criminal activity;

“substance misuse” means the misuse of drugs, alcohol and other substances; and

“unemployment” includes—

- (a) individuals who—
  - (i) have actively sought work in the last four weeks; and
  - (ii) are available to start work in the next two weeks; or
- (b) individuals who—
  - (i) have found work; and
  - (ii) are waiting to start that work in the next two weeks.

### **Television retuning objective**

4.— In paragraph 1(1)(b) the television retuning objective consists of—

- (a) identifying an individual or a household who may be eligible for assistance under a relevant scheme;
- (b) making contact with such individual or household with a view to providing such assistance; or
- (c) establishing whether any such individual or household is entitled to such assistance.

(2) In this paragraph—

- (a) “relevant scheme” means a scheme set up to assist in the retuning of television receivers pursuant to a change in the use of any part of the electromagnetic spectrum between 470 and 790 MHz;
- (b) “television receiver” has the meaning given in regulation 9 of the Communications (Television Licensing) Regulations 2004(8).

### **Fuel poverty objective**

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- (2) 1989 c. 41. Paragraph 19B of Schedule 2 was inserted by section 1 of the Children (Leaving Care) Act 2000 (c. 35), and was amended by S.I. 2016/413.
  - (3) Section 23A was inserted by section 2 of the Children (Leaving Care) Act 2000, and was amended by S.I. 2016/413.
  - (4) Section 17 has been amended, but those amendments are not relevant to this instrument.
  - (5) 1996 c. 27. Section 62 was amended by paragraph 13 of Schedule 9 to the Civil Partnership Act 2004 (c. 33), section 4 of the Domestic Violence, Crime and Victims Act 2004 (c. 28), and paragraphs 86(b) and 87 of Schedule 3 to the Adoption and Children Act 2002 (c. 38). Other amendments have been made but are not relevant to this instrument.
  - (6) 2015 c. 26.
  - (7) 1996 c. 52. Section 175 has been prospectively amended by section 1 of the Homelessness Reduction Act 2017 (c. 13).
  - (8) S.I. 2004/692. Regulation 9 was amended by regulation 7(b) and (c) of S.I. 2007/718 and regulation 6 of S.I. 2016/704.

5.— In paragraph 1(1)(c) the fuel poverty objective consists of assisting people living in fuel poverty by—

- (a) reducing their energy costs;
- (b) improving efficiency in their use of energy; or
- (c) improving their health or financial well-being.

(2) “Living in fuel poverty” has the meaning given in section 36(10) of the Act.

#### **Water poverty objective**

6.— In paragraph 1(1)(d) the water poverty objective consists of assisting people living in water poverty by—

- (a) reducing their water or sewerage costs;
- (b) improving efficiency in their use of water; or
- (c) improving their health or financial well-being.

(2) “Living in water poverty” has the meaning given in section 38(10) of the Act.

### **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 section 35 of the Digital Economy Act 2017 (c. 30) (“the Act”).

Regulation 2 specifies the objectives set out in the Schedule for the purposes of improving public service delivery. This permits the specified persons identified from the list of specified persons set out in Schedule 4 to the Act to share information for the purposes of each objective.

The Schedule sets out four objectives. The multiple disadvantages objective enables the disclosure of information to enable the identification of individuals or households who face multiple disadvantages. The television retuning objective enables the disclosure of information in order to identify individuals and households and offer support under a television retuning scheme to individuals affected by changes to radio frequencies currently used by terrestrial television broadcasts at 470-790 MHz. The fuel poverty and water poverty objectives enable the disclosure of information for the purposes of fuel poverty and water poverty as defined in sections 36(10) and 38(10) of the Act.

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.