

# STATISTICS AND REGISTRATION SERVICE ACT 2007

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS AND SCHEDULES

#### Part 1: the Statistics Board

##### *Section 51 Power to authorise disclosure by the Board*

211. This section sets out a mechanism for providing the Board with the power to disclose information held by the Board to other public authorities. The Minister for the Cabinet Office, with the consent of the Minister of the Crown responsible for the public authority concerned, may make regulations to authorise disclosures of information by the Board for the statistical purposes of the body receiving the information. This is a similar provision to [section 47](#), which provides a mechanism for public authorities to share information with the Board.
212. Disclosures under this section could be used to improve the range or quality of the statistics being produced, improving policy-making or resource allocation. Alternatively, it could be used to reduce the burden on information providers; for example individuals or businesses filling in surveys that would otherwise have to provide duplicate information to many different public authorities. Any disclosures provided for using this mechanism would be permissive rather than mandatory; the regulation would authorise the Board to share information, without compelling it to do so.
213. *Subsection (1)* provides that the Minister for the Cabinet Office may make regulations to allow the Board to share information with another public authority (as defined in [section 67](#)), where such sharing would not normally be permitted because of a pre-existing legal barrier to sharing.
214. The regulations may only remove a barrier contained in the rule of law or an Act which received Royal Assent before this Act, to provide the Board with the lawful authority to share information with a public authority. The regulations may not remove a barrier from either the *Data Protection Act 1998* or the *Human Rights Act 1998* using this mechanism ([section 54](#)).
215. *Subsection (2)* states that the regulations may only permit sharing for the statistical functions of the receiving public authority. Information could not be disclosed under the regulations for other (non-statistical) purposes of the receiving public authority.
216. *Subsection (3)* further sets out that the public authority may only use the information received for the functions stated in the regulations. This function could be wide, covering all the statistical activities of the public authority concerned, or narrow, for example relating solely to a particular statistical analysis.
217. The public authority will not be permitted to disclose information received, other than in the circumstances set out in [section 39\(4\)](#), with the exception of *paragraphs (c)* and

(i), unless further disclosure is specified for in the regulations. Any such unauthorised disclosure would breach the confidentiality obligation under [section 39](#) and could incur the criminal penalties provided in that section.

218. *Subsection (8)* states that the regulations to allow information sharing must be made with the consent of another Minister of the Crown (or the Treasury in a case where the regulations authorise disclosure to the Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs). The Minister consenting is expected to be the Minister responsible for the public authority receiving the information. For example, if information were to be disclosed to DEFRA, the Secretary of State for that department would need to give his consent.
219. *Subsection (9)* requires that the Minister for the Cabinet Office and the person consenting to the regulations must be satisfied that the information is needed for the statistical purpose stated in the regulations, and that the disclosure of such information is in the public interest.
220. Where the information is being received by a public authority for which the Minister for the Cabinet Office is the relevant Minister of the Crown, *subsection (10)* states that no other minister need give consent to the making of the regulation. *Subsection (11)* sets out that the bodies for which the Minister for the Cabinet Office has responsibility are those prescribed by order – these are expected to be the public authorities sponsored by the Cabinet Office. *Subsection (12)* requires the Treasury to consult with the Commissioners for Revenue and Customs before consenting (under *subsection (8)(a)*) to any regulations allowing the Board to disclose information to HMRC.
221. By way of example, this section could be used to enable the Board to disclose to Regional Development Agencies (RDAs) information collected under the *Statistics of Trade Act 1947*. ONS was able to disclose information collected under the *Statistics of Trade Act 1947* (consisting of the name and address of any trade establishment, the numbers of persons of different description employed there and the nature of the activities carried on there) to an officer of a local planning authority, a planning authority or a development corporation. However, the ONS could not lawfully disclose the same information to an RDA. This created a difference in the information available to local and regional bodies. Given the statutory purposes of an RDA, especially that of furthering the economic development and regeneration of an area and of the promotion of business efficiency, investment and competitiveness, access to this information might be considered to be necessary in the public interest.
222. Regulations made under this provision may provide the Board with a power to disclose information collected under the *Statistics of Trade Act 1947* to the RDAs, to give them similar access to that available to local planning authorities. The process for this would be as follows:
- before making the regulations the Minister for the Cabinet Office and another Minister of the Crown (the Secretary of State for Business, Enterprise and Regulatory Reform has residual responsibility for the RDAs) would need to consider the proposed use to which the RDAs would put the information, and would need to be satisfied both that the disclosure is required for the statistical purposes of the RDAs and that such a disclosure would be in the public interest;
  - the Secretary of State for Business, Enterprise and Regulatory Reform would need to give consent;
  - the Minister for the Cabinet Office would then lay the draft regulations before the House of Commons and the House of Lords;
  - Parliament would consider the draft regulations, and decide whether to approve them; and

*These notes refer to the Statistics and Registration Service  
Act 2007 (c.18) which received Royal Assent on 26 July 2007*

- if the draft regulations were approved by each House of Parliament, the Minister for the Cabinet Office would make the regulations. The Board would then be able to disclose information collected under the *Statistics of Trade Act* to the RDAs for their statistical purposes, as set out in the regulations.