

National Assembly for Wales

Equality, Local Government and Communities Committee

Report on the Legislative Consent Memorandum for the Digital Economy Bill

Background

On 24 November 2016, the Cabinet Secretary for Finance and Local Government laid a Legislative Consent Memorandum ('the LCM') for the Digital Economy Bill currently before Parliament.

On 29 November 2016, the Business Committee referred the LCM to the Equality, Local Government and Communities Committee ('the Committee') for consideration. In referring the LCM, the Business Committee set a reporting deadline of 19 January 2017.

A Legislative Consent Motion, seeking the Assembly's consent to the relevant provisions in the Bill (as outlined in the LCM) has been scheduled for debate in Plenary on 24 January 2017.

The LCM

Paragraphs 3 to 5 of the LCM summarise the Bill and its policy objectives. Paragraph 7 to 16 set out the provisions in the Bill for which consent is sought. Paragraph 17 sets out the Welsh Government's views on the provisions being made in a UK Bill, rather than via Assembly legislation.

Provisions in the Bill for which consent is sought

The consent of the Assembly is being sought for certain of the provisions on data sharing by public authorities included in the Bill at introduction and introduced by amendment at Committee and Report Stage.

In summary, the Bill makes provision for specified public authorities, including those in Wales, to share data for the purposes of improving the delivery of public services, subject to certain conditions. This includes data sharing to support the targeting of fuel poverty support schemes.



Provision is also made for data sharing for the purposes of helping individuals to effectively manage their debt owed to the public sector, tackling fraud against public sector organisations, and for research purposes.

Reasons for making these provisions

Paragraph 17 sets out the Welsh Government's reasons for making these provisions for Wales in the Digital Economy Bill rather than via Assembly legislation. It concludes that, "in terms of coherence it is considered that legislating via a UK wide Bill is the most effective way of proceeding with this matter".

Committee consideration and conclusion

We considered the LCM at our meeting on 15 December 2016. We note that the clauses for which the Assembly's consent is being sought deal with sharing of individuals' personal information. We are of the view that, if these clauses were being considered in an Assembly Bill, careful consideration would be given to ensure compliance with Article 8 of the European Convention on Human Rights, namely the qualified right to privacy amongst other matters.

While we acknowledge that the Bill contains a number of safeguards designed to ensure the safe sharing of data, we wrote to the Cabinet Secretary to seek assurance on this issue. A copy of our letter and the Cabinet Secretary's response is attached as Annexe to this report.

We note the Cabinet Secretary's response on the issue of safe sharing of data. We also note the Welsh Government's reasons for making provision for Wales in the Bill, rather than via Assembly legislation. Based on these, we have no objection to the agreement of the Motion.

We note the Cabinet Secretary's intention to lay a revised Memorandum seeking the Assembly's consent clause 65 of the Bill following an amendment relating to disclosure of non-identifying information by the Welsh Revenue Authority. At the time of writing this report, the revised Memorandum has not been laid. As such, we have not had an opportunity to consider the revisions.

