EXPLANATORY MEMORANDUM TO

THE STATISTICS AND REGISTRATION SERVICE ACT 2007 (DISCLOSURE OF REVENUE INFORMATION) REGULATIONS 2015

2015 No. [XXXX]

1 This explanatory memorandum has been prepared by the Cabinet Office and is laid before Parliament by Command of Her Majesty.

2 Purpose of the instrument

2.1 The Regulations permit Her Majesty's Revenue and Customs (HMRC) to disclose information on property attributes to the Statistics Board (known as the UK Statistics Authority).

3 Matters of special interest to the Joint Committee on Statutory Instruments

3.1 There are no matters of special interest to the Joint Committee on Statutory Instruments.

4. Legislative Context

4.1 The Regulations are made under section 47 of the Statistics and Registration Service Act 2007 ("the Act"), which received Royal Assent in July 2007. It created a new non-ministerial department, the Statistics Board (which has chosen to operate under the name 'UK Statistics Authority' and is hereinafter referred to as 'the Authority'). The functions of the Authority include the production of statistics under section 20 of the Act. Under section 47 of the Act, regulations may be made to authorise a public authority to disclose information to the Authority, which would not otherwise be possible, and may be used by the Authority for any one or more of its functions, other than its function under section 22 of the Act (the provision of statistical services).

4.2 These regulations permit HMRC to disclose to the Authority the following information in respect of residential property appearing on valuation lists in relation to council tax:

(a) data regarding the physical attributes of the property;

(b) the address of the property, including postcode;

(c) the date of last inspection by the Valuation Office Agency;

(d) the date of allocation to Council Tax Band.

5. Territorial Extent

5.1 The area of application of the instrument is England and Wales.

6. European Convention on Human Rights

6.1 Rob Wilson, the Minister for Civil Society, has made the following statement regarding Human Rights:

6.2 In my view the provisions in The Statistics and Registration Service Act 2007 (Disclosure of Revenue Information) Regulations 2015 are compatible with the Convention rights.

7. Policy Background

- ***What is being done and why***

7.1 The Information Sharing Regulations will permit the Valuation Office Agency (VOA), an executive agency of HMRC, to disclose to the Office for National Statistics (ONS) (the executive office of the Authority) details on property attributes for residential properties collected by valuation officers and held in connection with the administration of Council Tax. The disclosure of information will improve official house price statistics. This will meet specific commitments set out in the National Statistician's review of house price statistics[1]. It will also contribute to the plan to develop and improve population statistics as part of the Census Transformation Programme. It is the Government's intention to move to a predominantly online census in 2021 supplemented by better use of administrative and survey data, as announced in the Government's 18th July 2014 response to the National Statistician's recommendation on the census and future provision of population statistics in England and Wales. In addition, the instrument takes account of the Government and the Authority's responses to the House of Commons Public Administration Select Committee's report 'Too soon to scrap the Census'[2].

7.2 Investigations have shown that access to record level data held by the VOA is needed by ONS in order to take forward the required research and methodological work. This offers the most efficient and effective way of meeting users' requirements for more accurate and timely statistics, which are widely used across Government as well as by local authorities, voluntary and charitable organisations. ONS has worked cooperatively with officials from the VOA to

[1] National Statistician's Review of House Price Statistics, December 2010.

[2] 'Too soon to scrap the Census': Government and UK Statistics Authority Responses to the House of Commons Public Administration Select Committee, Fifteenth Report of Session 2013-14, July 2014.

develop a business case to support and justify its requirements and to demonstrate that the disclosure will be in the public interest.

7.3 Although access to this information is necessary for the purposes outlined above, the Authority will not publish any information which could identify a person. Section 39 of the Act makes it an offence for a member or an employee of the Authority to disclose personal information held by the Authority, subject to the exceptions provided for in subsection (4).

7.2 VOA has been prevented from disclosing the required data to ONS for statistical purposes by statutory restrictions on the use of HMRC data. Regulations made by the Minister for the Cabinet Office under section 47(1) of the Act are able, with the consent of the Treasury, to authorise such disclosures.

Consolidation

7.3 This instrument does not amend any other instrument, so no issue of consolidation arises.

8. Consultation outcome

8.1 The only body directly affected by these regulations is HMRC. The regulations are made with the consent of the Treasury following consultation with the Commissioners for HMRC. The Treasury is satisfied that disclosure of the information in question is required by the Authority to enable it to carry out its functions and that the disclosure is in the public interest.

8.2 On the general issue of the use of administrative data the ONS report on its consultation "The Census and Future Provision of Population Statistics in England and Wales: Report on the Public Consultation[3]" reveals that four out of five respondents were positive about the principle of using administrative data and surveys. There were 700 responses to the consultation, 444 from individuals and 271 from organisations. More than 500 people attended events held in support of the consultation.

9. Guidance

9.1 The Cabinet Office, the Authority, HMRC and the VOA will take forward the implementation of the Regulations. The Authority published the business case for the data sharing and the Privacy Impact Assessment when these Regulations were laid. No further guidance on the Regulations is proposed.

10. Impact

[3] The Census and Future Provision of Population Statistics in England and Wales: Report on the Public Consultation, March 2014 http://www.ons.gov.uk/ons/about-ons/who-ons-are/programmes-and-projects/beyond-2011/beyond-2011-report-on-autumn-2013-consultation--and-recommendations/report-on-public-consultation.pdf

10.1 An Impact Assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

10.2 The impact on the public sector is negligible.

11. Regulating Small Businesses

11.1 The legislation does not apply to small businesses.

12. Monitoring and Review

12.1 ONS will review any Service Level or Data Access Agreement (covering the transfer of the data and associated data security/handling requirements) with the VOA on a regular basis. The development of a single official House Price Index will be subject to the Authority's assessment processes (in accordance with s.12 of the Act. The development of any trial statistics produced by the Census Transformation Programme will be published and ONS will seek advice from users and others about their acceptability (in relation to meeting users' requirements) and quality.

13 Contact

13.1 Rufus Rottenberg at the Cabinet Office tel: 0207 215 6715 or email rufus.rottenberg@cabinetoffice.gov.uk can answer any queries regarding the instrument.

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