



Statistics and Registration Service Act 2007

2007 CHAPTER 18

PART 1

THE STATISTICS BOARD

Information sharing

[^{F1}45D Power to require disclosure by undertakings

- (1) Subject to this section and section 45E, the Board may, by notice in writing to an undertaking, require the undertaking to disclose to the Board information which—
 - (a) is held by the undertaking, and
 - (b) is specified, or is of a kind specified, in the notice.
- (2) A notice under subsection (1) may require information to be disclosed on more than one date specified in the notice within a period specified in the notice.
- (3) A notice under subsection (1) other than one within subsection (2) must specify the date by which or the period within which the information must be disclosed.
- (4) A notice under subsection (1) may specify the form or manner in which the information to which it relates must be disclosed.
- (5) A notice under subsection (1) may require the undertaking to consult the Board before making changes to—
 - (a) its processes for collecting, organising, storing or retrieving the information to which the notice relates, or
 - (b) its processes for supplying such information to the Board.
- (6) The reference in subsection (5) to making changes to a process includes introducing or removing a process.

Changes to legislation: There are currently no known outstanding effects for the Statistics and Registration Service Act 2007, Section 45D. (See end of Document for details)

- (7) The Board may give a notice under subsection (1) only if the Board requires the information to which the notice relates to enable it to exercise one or more of its functions.
- (8) An undertaking to which a notice under subsection (1) is given must comply with it.
- (9) But the undertaking need not comply with the notice if compliance—
- (a) might prejudice national security,
 - (b) would contravene [^{F2}the data protection legislation], or
 - (c) would be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (10) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (9)(c) has effect as if it included a reference to that Part.
- (11) Subject to subsection (13), in this section “undertaking” means—
- (a) any person carrying on a trade or business, whether or not with a view to profit, or
 - (b) any charity.
- (12) In subsection (11) “charity” means a body, or the trustees of a trust, established for charitable purposes only.
- (13) The following are not undertakings for the purposes of this section—
- (a) a public authority;
 - (b) a micro business;
 - (c) a small business.
- (14) Section 33 of the Small Business, Enterprise and Employment Act 2015 (definitions of small and micro business) and regulations made under that section apply in relation to subsection (13) as they apply in relation to subordinate legislation within subsection (1) of that section.]

Textual Amendments

- F1** Ss. 45B-45G inserted (1.10.2017 for E.W.S. for specified purposes, 1.5.2018 in so far as not already in force) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 80**, 118(4); [S.I. 2017/765](#), [reg. 3\(n\)](#); [S.I. 2018/382](#), [reg. 3\(II\)](#)
- F2** Words in s. 45D(9)(b) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 138** (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), [reg. 2\(1\)\(g\)](#)

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