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Editorial: The Digital Economy Act and statistical research

The UK Digital Economy Act passed into law in April 2017. Its official summary is as follows:

‘To make provision about electronic communications infrastructure and services; to provide for restricting access to online pornography; to make provision about protection of intellectual property in connection with electronic communications; to make provision about data-sharing; to make provision about functions of OFCOM in relation to the BBC; to provide for determination by the BBC of age-related TV licence fee concessions; to make provision about the regulation of direct marketing; to make other provision about OFCOM and its functions; and for connected purposes’

(<http://www.legislation.gov.uk/ukpga/2017/30/contents/enacted/data.htm>).

It updates a previous Act (The Digital Economy Act, 2010) and, of the list of topics covered, that on ‘data sharing’ has direct relevance to the work of statisticians. This editorial looks briefly at some of the implications that the Act may have for such work.

One of the bill’s main commitments is around the sharing of publicly held data sets ‘to improve service delivery while maintaining safeguards on privacy’, as well as giving the UK Statistics Authority ‘easier secure access to data to produce more timely and accurate’ statistics (chapter 5). The changes to be introduced cover various aspects of data management, including plans to allow public authorities to share personal data with other public authorities in carefully defined contexts to improve individual welfare. The government also hopes to improve access to civil registration data—registers of births, deaths and marriages, for example—to stop itself from sending unneeded and potentially distressing letters to deceased people and to make processes easier for users.

In a major step forward the Act allows the UK Statistics Authority (the Statistics Board and the Office for National Statistics) to obtain and link data from government departments, although the latter do have the power to refuse such requests. Interestingly, the Act also allows the Statistics Board to obtain data from the private sector (other than for small enterprises). Also interestingly, and somewhat inexplicably, the Act excludes health data from its proposals. This does not mean that health and social care data cannot in the future be linked to other government data sets, but the lack of a single legislative framework with common provisions suggests that it may not be straightforward. Data to external, authorized, researchers from government departments is referred to but requires the approval of the initiating government agency, who may also charge for any costs involved which could place a further barrier in the way of research exploitation. This may be important for the work of the Administrative Data Research Network that exists for the purposes of researcher access. Another possibility is that the Office for National Statistics could make available its linked data sets in some form to researchers. If this can be done securely and at the same time allow researchers to explore the data in detail, without being restricted to working in secure environments with limited software tools, this would be a great step forward. At the same time it would be very welcome if there were encouragement for government agencies to be more active in promoting the use of their data on a shared basis and developing the in-house culture and expertise that would permit that.

The Royal Statistical Society has had an important influence on the Act and is recognized by the government as a source of expert knowledge. Through its journals, meetings and other activities the Society will hopefully continue to keep the issue alive, and especially press for good research access. For the Society's commentary on the Act see <https://www.statslife.org.uk/features/3459-from-bill-to-royal-assent-our-work-in-the-digital-economy-act>.

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