

2000 No. 3188

SOCIAL SECURITY

The Social Security (Disclosure of State Pension Information) Regulations 2000

<i>Made</i> - - - -	<i>1st December 2000</i>
<i>Laid before Parliament</i>	<i>11th December 2000</i>
<i>Coming into force</i> - -	<i>1st January 2001</i>

The Secretary of State for Social Security, in exercise of the powers conferred by section 42(2), (4), (5), (6) and (11) of the Child Support, Pensions and Social Security Act 2000(a) and sections 189(4) to (6) and 191 of the Social Security Administration Act 1992(b) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Disclosure of State Pension Information) Regulations 2000 and shall come into force on 1st January 2001.

- (2) In these Regulations, including this regulation—
“the Act” means the Child Support, Pensions and Social Security Act 2000;
“applicant” means a person who has made, or is proposing to make, an application for the purposes of section 42(2) of the Act;
“national insurance number”, in relation to any person, has the same meaning as in section 182C of the Social Security Administration Act 1992(c).

(3) Where, in accordance with these Regulations, a notice or application is required to be given or made in writing, that notice or application may be given or made by transmitting it by electronic means.

Application for disclosure of state pension information

2. An application to the Secretary of State under section 42 of the Act for the disclosure of state pension information held in relation to any individual (“an application for disclosure”) shall be made in writing.

Conditions for disclosure of state pension information

3.—(1) For the purposes of section 42(2)(b) of the Act, the prescribed conditions for disclosure of state pension information are—

- (a) in the case of an application for disclosure made by a person falling within section 42(3)(e) of the Act, that the individual to whom the information relates has consented to the making of the application and to the disclosure;

(a) 2000 c. 19. Subsection (11) is cited because of the meaning ascribed to word “prescribed”.
(b) 1992 c. 5. Section 189(4) to (6) was amended by paragraph 107 of Schedule 7 to the Social Security Act 1998 (c. 14). See also section 42(9) of the Child Support, Pensions and Social Security Act 2000. Section 191 is cited because of the meaning ascribed to word “prescribe”.
(c) Section 182C was inserted by paragraph 9 of Schedule 1 to the Social Security Administration (Fraud) Act 1997 (c. 47).

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- (b) in any other case, that—
 - (i) the condition specified in sub-paragraph (a) above is satisfied, or
 - (ii) where no application for disclosure has previously been made, the conditions specified in paragraph (2) below are satisfied, or
 - (iii) where an application for disclosure has previously been made, the condition specified in paragraph (3) below is satisfied.

(2) The conditions referred to in paragraph (1)(b)(ii) above are that the individual to whom the state pension information relates—

- (a) has been provided by the applicant with a notice in writing of his intention (“notice of intention”) to apply for the disclosure of the individual’s state pension information and that notice specifies—
 - (i) the date on which the notice is sent to the individual (the date of the notice),
 - (ii) that the information disclosed pursuant to an application for disclosure is to be used by the applicant only for the purpose of providing a forecast or illustration of the pension entitlement likely to accrue to the individual, or capable of being secured by him, based on his state pension information and other relevant information about his pension rights held by the applicant in relation to that individual,
 - (iii) that any, or all, of the personal information relating to the individual specified in regulation 4 below may be disclosed to the Secretary of State by the applicant for the purpose of making the application,
 - (iv) the manner in which the individual may object to the making of such an application,
 - (v) the period during which the individual may object to the making of such an application,
 - (vi) that, in the absence of an objection in accordance with heads (iv) and (v) above to the making of the application, state pension information relating to that individual may be disclosed by the Secretary of State to the applicant pursuant to that application,
 - (vii) that, in the absence of such an objection, the applicant may make subsequent applications for disclosure, and disclose personal information for that purpose, for so long as the individual remains an employee of the applicant or, as the case may be, a member of an occupational or personal pension scheme in relation to which the applicant is the trustee or manager, and
 - (viii) the right of the individual, after the expiry of the period referred to in head (v) above and before he ceases to be an employee of the applicant or, as the case may be, a member of an occupational or personal pension scheme in relation to which the applicant is the trustee or manager, to object to any subsequent application for disclosure, and the manner in which such an objection may be made; and
- (b) has not objected in accordance with sub-paragraph (a)(iv) and (v) above to the making of an application for disclosure.

(3) The condition referred to in paragraph (1)(b)(iii) above is that, prior to any subsequent application for disclosure being made, the applicant has satisfied himself that the individual to whom the state pension information relates has not, in accordance with paragraph (2)(a)(viii) above, objected to any such subsequent application.

(4) The period referred to in paragraph (2)(a)(v) above shall be not less than 30 days beginning with the date of the notice.

Disclosure of information for the purpose of making an application

4. For the purpose of making an application for disclosure in accordance with the provisions of these Regulations, the applicant may disclose any, or all, of the following personal information relating to the individual—

- (a) his—
 - (i) surname or family name,
 - (ii) forename (or forenames),
 - (iii) sex,
 - (iv) date of birth,
 - (v) address,
 - (vi) national insurance number;
- (b) any—
 - (i) staff number, payroll number or other similar identifying number,
 - (ii) pension scheme number,
 - (iii) pension policy number, allocated to him.

Signed by authority of the Secretary of State for Social Security.

1st December 2000

Jeff Rooker
Minister of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

The regulations contained in this instrument are made before the end of the period of 6 months beginning with the coming into force of section 42 of the Child Support, Pensions and Social Security Act 2000 on 1st December 2000. Proposals to make these Regulations are therefore exempt by section 173(5)(a) of the Social Security Administration Act 1992 from reference to the Social Security Advisory Committee and have not been so referred.

These Regulations make provision for the disclosure by the Secretary of State to the applicant of state pension information relating to an individual for the purpose of enabling the applicant to provide the individual with a forecast or illustration of his pension entitlement, or likely entitlement, based on his state pension information and other relevant information relating to his pension rights held by that applicant.

Regulation 2 provides for an application to the Secretary of State for disclosure of state pension information to be made in writing.

Regulation 3 sets out the conditions to be satisfied prior to such a disclosure being made.

Regulation 4 specifies the information relating to the individual which may be disclosed by the applicant to the Secretary of State for the purpose of making the application for disclosure of state pension information relating to an individual.

An assessment of the costs to business of the provisions of the Child Support, Pensions and Social Security Act 2000, including these Regulations, is detailed in the Regulatory Impact Assessment for that Act. A copy of this Assessment has been placed in the libraries of both Houses of Parliament. Copies can be obtained by post from the Department of Social Security, Regulatory Impact Unit, 3rd Floor, The Adelphi, 1-11 John Adam Street, London WC2N 6HT.

