Draft Regulations laid before Parliament under section 65(5)(b) of the Statistics and Registration Service Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

STATISTICS BOARD

The Statistics and Registration Service Act 2007 (Disclosure of Social Security and Revenue Information) Regulations 2012

Made - - - - ***

Coming into force in accordance with regulation 1

The Minister for the Cabinet Office makes these Regulations in exercise of the powers conferred by section 47(1)(a), (6)(b) and (7)(b) of the Statistics and Registration Service Act 2007(**a**).

In accordance with section 47(8)(b) and (c) of that Act these Regulations are made with the consent of the Treasury and the Secretary of State for Work and Pensions.

In accordance with section 47(9) of that Act the Minister for the Cabinet Office, the Treasury and the Secretary of State for Work and Pensions are satisfied that the disclosure authorised by these Regulations is required by the Statistics Board(**b**) to enable it to carry out the functions in relation to which the disclosure is authorised, and is in the public interest.

In accordance with section 47(12) of that Act the Treasury has consulted with the Commissioners for Her Majesty's Revenue and Customs.

In accordance with section 65(5)(b) of that Act a draft of these Regulations has been approved by resolution of each House of Parliament.

Citation and Commencement

1. These Regulations may be cited as the Statistics and Registration Service Act 2007 (Disclosure of Social Security and Revenue Information) Regulations 2012 and come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations—

"the 2005 Act" means the Commissioners for Revenue and Customs Act 2005(**c**);

(**a**) 2007 c.18.
(**b**) The Statistics Board is established under section 1 of the Statistics and Registration Service Act 2007 (c.18).
(**c**) 2005 c.11.

"the 2007 Act" means the Statistics and Registration Service Act 2007;

"benefit" means a benefit within the meaning given in section 1(4) of the Social Security Administration Act 1992(**a**);

"Commissioners" means the Commissioners for Her Majesty's Revenue and Customs appointed under section 1 of the 2005 Act;

"revenue payment" means a payment of child benefit, child tax credit, national insurance contributions, or a working tax credit made or received in connection with the Commissioners' functions as set out in sections 5 to 7 of, and Schedule 1 to, the 2005 Act;

"unique individual identifier" means the number which—

(a) is assigned to an individual by the Secretary of State or the Commissioners; and

(b) does not, without additional information, identify the individual.

Disclosure of social security and revenue information

3. The Secretary of State may disclose the following information to the Statistics Board—

(a) the information set out in paragraphs (a) to (f) of regulation 5 in respect of an individual who received a benefit on or after 1st January 2001 and the information set out in paragraphs (h) to (j) of regulation 5 held in connection with that information; and

(b) the information set out in paragraphs (a) to (d) of regulation 5 received by the Secretary of State on or after 1st January 2001 in respect of an individual who has received assistance to select, train for, obtain and retain employment in pursuance of arrangements made under section 2 of the Employment and Training Act 1973(**b**).

4. The Commissioners may disclose to the Statistics Board the information set out in paragraphs (a) to (d) and (g) of regulation 5 in respect of an individual who made or received a revenue payment on or after 1st January 2001 and the information set out in paragraphs (h) to (j) of regulation 5 held in connection with that information.

5. The information referred to in regulations 3 and 4 is—

(a) the individual's—

(i) surname, and any former surname;

(ii) first name;

(iii) middle name or, if more than one, each middle name;

(iv) date of birth;

(v) date of death, if applicable;

(vi) gender; and

(vii) unique individual identifier;

(b) if the individual is, or was, married or formed a civil partnership on or after 1st January 2001, that information;

(c) in relation to each address in the United Kingdom at which the individual resides, or has resided, on or after 1st January 2001—

(i) the individual's full address including postcode; and

(ii) the start and end dates for the period the individual is recorded as resident at that address;

(**a**) 1992 c.5; section 1(4) was amended by the Jobseekers Act 1995 (c.18), section 41(4), Schedule 2 paragraph 38; it was further amended by the State Pension Credit Act 2002 (c.16) section 11, Schedule 1 Part 1 paragraphs 1 and 2; and was further amended by the Welfare Reform Act 2007 (c.5) section 28(1), Schedule 3 paragraph 10(1) and (2).

(**b**) 1973 c.50; section 2 was substituted by the Employment Act 1998 (c.38), section 25(1).

(d) if the individual is, or was, resident outside the United Kingdom on or after 1st January 2001, that information, and the start and end dates for the period the individual is recorded as resident outside the United Kingdom;

(e) in relation to each benefit the individual has received—

(i) the type of benefit received; and

(ii) the dates the individual started and ceased to receive that benefit;

(f) in relation to any benefit the individual would have been entitled to but for receipt of a different type of benefit referred to in paragraph (e)—

(i) the other type of benefit the individual would have been entitled to; and

(ii) the dates the individual's entitlement to that other benefit would have started and ceased;

(g) in relation to each revenue payment made or received by the individual—

(i) the type of revenue payment; and

(ii) the dates that revenue payment started and ceased;

(h) where the individual's entitlement to, or the amount of, any type of benefit or revenue payment is, or was, dependent upon a relationship with another individual, that other individual's—

(i) surname, and any former surname;

(ii) first name;

(iii) middle name or, if more than one, each middle name;

(iv) date of birth;

(v) date of death, if applicable;

(vi) gender;

(vii) unique individual identifier; and

(viii) full address including postcode for each address in the United Kingdom at which the other individual resides, or has resided, on or after 1st January 2001;

(i) the nature of the relationship between the individual entitled to the type of benefit or revenue payment and the other individual referred to in paragraph (h); and

(j) the dates the dependency on the other individual referred to in paragraph (h) for the individual's entitlement to, or amount of, the type of benefit or revenue payment started and ceased.

Purposes for which disclosure is authorised

6. Information disclosed under regulations 3 to 5 may only be used by the Statistics Board for the following statistical purposes—

(a) the production of population statistics under section 20 (production of statistics) of the 2007 Act; and

(b) the assessment of census returns under the Census Act 1920(**a**).

Further disclosure of personal information by the Statistics Board

7.—(1) In the application of section 39 (confidentiality of personal information) of the 2007 Act to personal information which is disclosed to the Statistics Board under regulations 3 to 5, subsection (4)(c) of that section applies to the extent that the Statistics Board may disclose such personal information to the persons specified in regulation 8.

(**a**) 1920 c.41.

(2) Information may only be disclosed under paragraph (1) for the purpose of enabling or assisting the Statistics Board to produce population statistics under section 20 (production of statistics) of the 2007 Act.

8. The persons referred to in regulation 7(1) are—

(a) the National Records of Scotland(**a**) but only in respect of individuals whose place of residence is, or was at any time on or after 1st January 2001, Scotland; and

(b) the Northern Ireland Statistics and Research Agency(**b**) but only in respect of individuals whose place of residence is, or was at any time on or after 1st January 2001, Northern Ireland.

Name
Minister for the Cabinet Office

Date

I consent

Name
Secretary of State for Work and Pensions

Date

We consent

Name
Two of the Lords Commissioners of Her Majesty's Treasury

Date

(**a**) The National Records of Scotland was formed on 1st April 2011 by a merger of the General Register Office for Scotland and the National Archives of Scotland and is a Non-Ministerial Department of the Scottish Administration.

(**b**) The Northern Ireland Statistics and Research Agency is an Executive Agency within the Department of Finance and Personnel in the Northern Ireland Executive.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that the Secretary of State may disclose to the Statistics Board information in respect of individuals in connection with certain benefit payments received on or after 1st January 2001. The Secretary of State may also disclose information received on or after 1st January 2001 in respect of individuals who have received assistance to gain employment.

The Regulations also provide that the Commissioners for Her Majesty's Revenue and Customs ("the Commissioners") may disclose to the Statistics Board information in respect of individuals in connection with certain revenue payments on or after 1st January 2001.

Regulation 6 provides that the Statistics Board may only use the information that is disclosed in order to enable it to produce population statistics and for the assessment of census returns.

Regulations 7 and 8 authorise further disclosure by the Statistics Board of personal information which is disclosed under regulations 3 to 5 in certain circumstances which would otherwise be prohibited by section 47(4) of the Statistics and Registration Service Act 2007 ("the 2007 Act"). Regulations 7 and 8 only permit the Statistics Board to disclose such information to the National Records of Scotland and the Northern Ireland Statistics and Research Agency and only for the purpose of assisting the Statistics Board to produce population statistics under section 20 (production of statistics) of the 2007 Act.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

© Crown copyright 2012

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

Draft Regulations laid before Parliament under section 65(5)(b) of the Statistics and Registration Service Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

STATISTICS BOARD

The Statistics and Registration Service Act 2007 (Disclosure of Social Security and Revenue Information) Regulations 2012

ISBN 978-0-11-152055-0

9 780111 520550

£4.00

E2654 02/2012 122654T 19585