STATUTORY RULES OF NORTHERN IRELAND

2000 No. 380

PENSIONS

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

Made . . . . . 5th December 2000

Coming into operation . . 1st January 2001

The Department for Social Development, in exercise of the powers conferred by Article 74(3) to (6) of the Social Security (Northern Ireland) Order 1998(**a**), and now vested in it(**b**), and the powers conferred on it by section 38(2) and (4) to (6) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**c**) and of all other powers enabling it 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 (Northern Ireland) 2000 and shall come into operation on 1st January 2001.

(2) In these Regulations—

"applicant" means a person who has made, or is proposing to make, an application for the purposes of section 38(2);

"application for disclosure" has the meaning given to that expression in regulation 2;

"national insurance number", in relation to any person, has the same meaning as in regulation 44 of the Social Security (Contributions) Regulations (Northern Ireland) 1979(**d**).

(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.

(4) For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

(5) Without prejudice to paragraph (3) or to any method of service authorised under section 24 of the Interpretation Act (Northern Ireland) 1954,

(**a**) S.I. 1998/1506 (N.I. 10); *See* section 38(9) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 c. 4 (N.I.)
(**b**) *See* Article 8(*b*) of S.R. 1999 No. 481
(**c**) 2000 c. 4 (N.I.)
(**d**) S.R. 1979 No. 186; regulation 44 was amended by regulation 2 of S.R. 1999 No. 151

the requirement to send any document under these Regulations may be met by sending it by ordinary post.

(6) In these Regulations any reference to a numbered section is a reference to the section of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 bearing that number.

Application for disclosure of state pension information

2. An application to the Department under section 38(2) 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 38(2)(*b*), 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 38(3)(*e*), that the individual to whom the information relates has consented to the making of the application and to the disclosure;

(*b*) in any other case, that—

(i) the conditions specified in sub-paragraph (*a*) is satisfied;

(ii) where no application for disclosure has previously been made, the conditions specified in paragraph (2) are satisfied, or

(iii) where an application for disclosure has previously been made, the condition specified in paragraph (3) is satisfied.

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

(*a*) has been provided by the applicant with a notice in writing of the applicant's 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 may be disclosed to the Department 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) to the making of the application, state pension information relating to that individual may be disclosed by the Department 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) 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) to the making of an application for disclosure.

(3) The condition referred to in paragraph (1)(*b*)(iii) 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), objected to any such subsequent application.

(4) The period referred to in paragraph (2)(*a*)(v) 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 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.

Sealed with the Official Seal of the Department for Social Development
on 5th December 2000.

(L.S.) *John O'Neill*

Senior Officer of the Department
for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision for the disclosure, by the Department for Social Development ("the Department") 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. They also make provision in relation to the information which the applicant may disclose for the purpose of making the application.

Regulation 2 provides for an application to the Department 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 for the purpose of making the application for disclosure of state pension information relating to an individual.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain, and accordingly, the requirement for prior reference to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992 does not apply by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, that Act.

The Child Support, Pensions and Social Security (2000 Act) (Commencement No. 2) Order (Northern Ireland) 2000 (S.R. 2000 No. 374 (C. 18)) provides for the coming into operation of section 38 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, for the purpose only of authorising the making of regulations, on 1st December 2000, and, for all other purposes, on 1st January 2001.

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. 602150. C3. 12/00. Gp. 130. 14567.

£2·00

ISBN 0-337-01094-3

Published by The Stationery Office Limited