



Social Security Administration Act 1992

1992 CHAPTER 5

PART VII

PROVISION OF INFORMATION

Inland Revenue

122 Disclosure of information by Inland Revenue

- (1) No obligation as to secrecy imposed by statute or otherwise on a person employed in relation to the Inland Revenue shall prevent information obtained or held in connection with the assessment or collection of income tax from being disclosed—
 - (a) to the Secretary of State;
 - (b) to the Northern Ireland Department; or
 - (c) to an officer of either of them authorised to receive such information in connection with the operation of the Contributions and Benefits Act or this Act or any enactment of Northern Ireland legislation corresponding to either of them.
- (2) In relation to persons who are carrying on or have carried on a trade, profession or vocation income from which is chargeable to tax under Case I or II of Schedule D, disclosure under subsection (1) above relating to that trade, profession or vocation shall be limited to information about the commencement or cessation of, and employed earners engaged in, the trade, profession or vocation, but sufficient information may also be given to identify the persons concerned.
- (3) Subsection (1) above extends only to disclosure by or under the authority of the Commissioners of Inland Revenue; and information which is subject to disclosure to any person by virtue of that subsection shall not be further disclosed to any person except where the further disclosure is made—
 - (a) to a person to whom disclosure could by virtue of that subsection have been made by or under the authority of the Commissioners of Inland Revenue; or

Status: This is the original version (as it was originally enacted).

- (b) for the purposes of proceedings (civil or criminal) in connection with the operation of the Contributions and Benefits Act or this Act or of any enactment of Northern Ireland legislation corresponding to either of them; or
- (c) for any purposes of sections 17 to 62 above and any corresponding provisions of Northern Ireland legislation.

Persons employed or formerly employed in social security administration or adjudication

123 Unauthorised disclosure of information relating to particular persons

- (1) A person who is or has been employed in social security administration or adjudication is guilty of an offence if he discloses without lawful authority any information which he acquired in the course of his employment and which relates to a particular person.
- (2) A person who is or has been employed in the audit of expenditure or the investigation of complaints is guilty of an offence if he discloses without lawful authority any information—
 - (a) which he acquired in the course of his employment;
 - (b) which is, or is derived from, information acquired or held by or for the purposes of any of the government departments or other bodies or persons referred to in Part I of Schedule 4 to this Act or Part I of Schedule 3 to the Northern Ireland Administration Act; and
 - (c) which relates to a particular person.
- (3) It is not an offence under this section—
 - (a) to disclose information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it; or
 - (b) to disclose information which has previously been disclosed to the public with lawful authority.
- (4) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence—
 - (a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or
 - (b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.
- (5) A person guilty of an offence under this section shall be liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both; or
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (6) For the purposes of this section, the persons who are “employed in social security administration or adjudication” are—
 - (a) any person specified in Part I of Schedule 4 to this Act or in any corresponding enactment having effect in Northern Ireland;
 - (b) any other person who carries out the administrative work of any of the government departments or other bodies or persons referred to in that Part of that Schedule or that corresponding enactment; and

Status: This is the original version (as it was originally enacted).

- (c) any person who provides, or is employed in the provision of, services to any of those departments, persons or bodies;
and “employment”, in relation to any such person, shall be construed accordingly.
- (7) For the purposes of subsections (2) and (6) above, any reference in Part I of Schedule 4 to this Act or any corresponding enactment having effect in Northern Ireland to a government department shall be construed in accordance with Part II of that Schedule or any corresponding enactment having effect in Northern Ireland, and for this purpose “government department” shall be taken to include—
- (a) the Commissioners of Inland Revenue; and
 - (b) the Scottish Courts Administration.
- (8) For the purposes of this section, the persons who are “employed in the audit of expenditure or the investigation of complaints” are—
- (a) the Comptroller and Auditor General;
 - (b) the Comptroller and Auditor General for Northern Ireland;
 - (c) the Parliamentary Commissioner for Administration;
 - (d) the Northern Ireland Parliamentary Commissioner for Administration;
 - (e) the Health Service Commissioner for England;
 - (f) the Health Service Commissioner for Wales;
 - (g) the Health Service Commissioner for Scotland;
 - (h) the Northern Ireland Commissioner for Complaints;
 - (i) any member of the staff of the National Audit Office or the Northern Ireland Audit Office;
 - (j) any other person who carries out the administrative work of either of those Offices, or who provides, or is employed in the provision of, services to either of them; and
 - (k) any officer of any of the Commissioners referred to in paragraphs (c) to (h) above;
- and “employment”, in relation to any such person, shall be construed accordingly.
- (9) For the purposes of this section a disclosure is to be regarded as made with lawful authority if, and only if, it is made—
- (a) in accordance with his official duty—
 - (i) by a civil servant; or
 - (ii) by a person employed in the audit of expenditure or the investigation of complaints, who does not fall within subsection (8)(j) above;
 - (b) by any other person either—
 - (i) for the purposes of the function in the exercise of which he holds the information and without contravening any restriction duly imposed by the person responsible; or
 - (ii) to, or in accordance with an authorisation duly given by, the person responsible;
 - (c) in accordance with any enactment or order of a court;
 - (d) for the purpose of instituting, or otherwise for the purposes of, any proceedings before a court or before any tribunal or other body or person referred to in Part I of Schedule 4 to this Act or Part I of Schedule 3 to the Northern Ireland Administration Act; or
 - (e) with the consent of the appropriate person;

Status: This is the original version (as it was originally enacted).

and in this subsection “the person responsible” means the Secretary of State, the Lord Chancellor or any person authorised by the Secretary of State or the Lord Chancellor for the purposes of this subsection and includes a reference to “the person responsible” within the meaning of any corresponding enactment having effect in Northern Ireland.

- (10) For the purposes of subsection (9)(e) above, “the appropriate person” means the person to whom the information in question relates, except that if the affairs of that person are being dealt with—
- (a) under a power of attorney;
 - (b) by a receiver appointed under section 99 of the Mental Health Act 1983 or a controller appointed under Article 101 of the Mental Health (Northern Ireland) Order 1986;
 - (c) by a Scottish mental health custodian, that is to say—
 - (i) a curator bonis, tutor or judicial factor, or
 - (ii) the managers of a hospital acting on behalf of that person under section 94 of the Mental Health (Scotland) Act 1984; or
 - (d) by a mental health appointee, that is to say—
 - (i) a person directed or authorised as mentioned in sub-paragraph (a) of rule 41(1) of the Court of Protection Rules 1984 or sub-paragraph (a) of rule 38(1) of Order 109 of the Rules of the Supreme Court (Northern Ireland) 1980; or
 - (ii) a receiver ad interim appointed under sub-paragraph (b) of the said rule 41(1) or a controller ad interim appointed under sub-paragraph (b) of the said rule 38(1),

the appropriate person is the attorney, receiver, controller, custodian or appointee, as the case may be, or, in a case falling within paragraph (a) above, the person to whom the information relates.

The Registration Service

124 Provisions relating to age, death and marriage

- (1) Regulations made by the Registrar General under section 20 of the Registration Service Act 1953 or section 54 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 may provide for the furnishing by superintendent registrars and registrars, subject to the payment of such fee as may be prescribed by the regulations, of such information for the purposes—
 - (a) of the provisions of the Contributions and Benefits Act to which this section applies; and
 - (b) of the provisions of this Act so far as they have effect in relation to matters arising under those provisions,
 including copies or extracts from the registers in their custody, as may be so prescribed.
- (2) This section applies to the following provisions of the Contributions and Benefits Act—
 - (a) Parts I to VI except section 108;
 - (b) Part VII, so far as it relates to income support and family credit;
 - (c) Part VIII, so far as it relates to any social fund payment such as is mentioned in section 138(1)(a) or (2);
 - (d) Part IX;

- (e) Part XI; and
 - (f) Part XII.
- (3) Where the age, marriage or death of a person is required to be ascertained or proved for the purposes mentioned in subsection (1) above, any person—
- (a) on presenting to the custodian of the register under the enactments relating to the registration of births, marriages and deaths in which particulars of the birth, marriage or death (as the case may be) of the first-mentioned person are entered, a duly completed requisition in writing in that behalf; and
 - (b) on payment of a fee of £1.50 in England and Wales and £4.00 in Scotland, shall be entitled to obtain a copy, certified under the hand of the custodian, of the entry of those particulars.
- (4) Requisitions for the purposes of subsection (3) above shall be in such form and contain such particulars as may from time to time be specified by the Registrar General, and suitable forms of requisition shall, on request, be supplied without charge by superintendent registrars and registrars.
- (5) In this section—
- (a) as it applies to England and Wales—
“Registrar General” means the Registrar General for England and Wales; and “superintendent registrar” and “registrar” mean a superintendent registrar or, as the case may be, registrar for the purposes of the enactments relating to the registration of births, deaths and marriages; and
 - (b) as it applies to Scotland—
“Registrar General” means the Registrar General of Births, Deaths and Marriages for Scotland; “registrar” means a district registrar, senior registrar or assistant registrar for the purposes of the enactments relating to the registration of births, deaths and marriages.

125 Regulations as to notification of deaths

- (1) Regulations may provide that it shall be the duty of any of the following persons—
- (a) the Registrar General for England and Wales;
 - (b) the Registrar General of Births, Deaths and Marriages for Scotland;
 - (c) each registrar of births and deaths,
- to furnish the Secretary of State, for the purpose of his functions under the Contributions and Benefits Act and this Act and the functions of the Northern Ireland Department under any Northern Ireland legislation corresponding to either of them, with the prescribed particulars of such deaths as may be prescribed.
- (2) The regulations may make provision as to the manner in which and times at which the particulars are to be furnished.

Personal representatives - income support and supplementary benefit

126 Personal representatives to give information about the estate of a deceased person who was in receipt of income support or supplementary benefit

- (1) The personal representatives of a person who was in receipt of income support or supplementary benefit at any time before his death shall provide the Secretary of State

Status: This is the original version (as it was originally enacted).

with such information as he may require relating to the assets and liabilities of that person's estate.

- (2) If the personal representatives fail to supply any information within 28 days of being required to do so under subsection (1) above, then—
- (a) the appropriate court may, on the application of the Secretary of State, make an order directing them to supply that information within such time as may be specified in the order, and
 - (b) any such order may provide that all costs (or, in Scotland, expenses) of and incidental to the application shall be borne personally by any of the personal representatives.
- (3) In this section “the appropriate court” means—
- (a) in England and Wales, a county court;
 - (b) in Scotland, the sheriff;
- and any application to the sheriff under this section shall be made by summary application.

Housing benefit

127 Information for purposes of housing benefit

- (1) The Secretary of State may supply to authorities such information of a prescribed description obtained by reason of the exercise of any of his functions under the Contributions and Benefits Act or this Act as they may require in connection with any of their functions relating to housing benefit.
- (2) Authorities shall supply to the Secretary of State such information of a prescribed description obtained by reason of the exercise of their functions relating to housing benefit as he may require in connection with any of his functions under the Contributions and Benefits Act or this Act.
- (3) It shall also be the duty of an authority to supply the Secretary of State, in the prescribed manner and within the prescribed time—
- (a) with such information as he may require concerning their performance of any of their functions relating to housing benefit; and
 - (b) with such information as he may require to enable him—
 - (i) to prepare estimates of likely future amounts of housing benefit expenditure; and
 - (ii) to decide questions relating to the development of housing benefit policy.

Community charge benefits

128 Information for purposes of community charge benefits

- (1) The Secretary of State may supply to charging authorities and levying authorities such information of a prescribed description obtained by reason of the exercise of any of his functions under the Contributions and Benefits Act or this Act as they may require in connection with any of their functions relating to community charge benefits.

- (2) Charging authorities and levying authorities shall supply to the Secretary of State such information of a prescribed description obtained by reason of the exercise of their functions relating to community charge benefits as he may require in connection with any of his functions under those Acts.
- (3) It shall also be the duty of each charging authority and of each levying authority to supply the Secretary of State, in the prescribed manner and within the prescribed time—
 - (a) with such information as he may require concerning its performance of any of its functions relating to community charge benefits;
 - (b) with such information as he may require to enable him to prepare estimates of likely future amounts of community charge benefit subsidy; and
 - (c) with such information as he may require to enable him to decide questions relating to the development of policy as regards community charge benefits.

Statutory sick pay and other benefits

129 Disclosure by Secretary of State for purpose of determination of period of entitlement to statutory sick pay

Where the Secretary of State considers that it is reasonable for information held by him to be disclosed to an employer, for the purpose of enabling that employer to determine the duration of a period of entitlement under Part XI of the Contributions and Benefits Act in respect of an employee, or whether such a period exists, he may disclose the information to that employer.

130 Duties of employers - statutory sick pay and claims for other benefits

- (1) Regulations may make provision requiring an employer, in a case falling within subsection (3) below to furnish information in connection with the making, by a person who is, or has been, an employee of that employer, of a claim for—
 - (a) sickness benefit;
 - (b) a maternity allowance;
 - (c) an invalidity pension under section 33, 40 or 41 of the Contributions and Benefits Act;
 - (d) industrial injuries benefit; or
 - (e) a severe disablement allowance.
- (2) Regulations under this section shall prescribe—
 - (a) the kind of information to be furnished in accordance with the regulations;
 - (b) the person to whom information of the prescribed kind is to be furnished; and
 - (c) the manner in which, and period within which, it is to be furnished.
- (3) The cases are—
 - (a) where, by virtue of paragraph 2 of Schedule 11 to the Contributions and Benefits Act or of regulations made under paragraph 1 of that Schedule, a period of entitlement does not arise in relation to a period of incapacity for work;

Status: This is the original version (as it was originally enacted).

- (b) where a period of entitlement has come to an end but the period of incapacity for work which was running immediately before the period of entitlement came to an end continues; and
 - (c) where a period of entitlement has not come to an end but, on the assumption that—
 - (i) the period of incapacity for work in question continues to run for a prescribed period; and
 - (ii) there is no material change in circumstances,
 the period of entitlement will have ended on or before the end of the prescribed period.
- (4) Regulations—
- (a) may require employers to maintain such records in connection with statutory sick pay as may be prescribed;
 - (b) may provide for—
 - (i) any person claiming to be entitled to statutory sick pay; or
 - (ii) any other person who is a party to proceedings arising under Part XI of the Contributions and Benefits Act,
 to furnish to the Secretary of State, within a prescribed period, any information required for the determination of any question arising in connection therewith; and
 - (c) may require employers who have made payments of statutory sick pay to furnish to the Secretary of State such documents and information, at such times, as may be prescribed.

Statutory maternity pay and other benefits

131 Disclosure by Secretary of State for purpose of determination of period of entitlement to statutory maternity pay

Where the Secretary of State considers that it is reasonable for information held by him to be disclosed to a person liable to make payments of statutory maternity pay for the purpose of enabling that person to determine—

- (a) whether a maternity pay period exists in relation to a woman who is or has been an employee of his; and
 - (b) if it does, the date of its commencement and the weeks in it in respect of which he may be liable to pay statutory maternity pay,
- he may disclose the information to that person.

132 Duties of employers - statutory maternity pay and claims for other benefits

- (1) Regulations may make provision requiring an employer in prescribed circumstances to furnish information in connection with the making of a claim by a woman who is or has been his employee for—
 - (a) a maternity allowance;
 - (b) sickness benefit;
 - (c) an invalidity pension under section 33, 40 or 41 of the Contributions and Benefits Act; or
 - (d) a severe disablement allowance.

- (2) Regulations under this section shall prescribe—
- (a) the kind of information to be furnished in accordance with the regulations;
 - (b) the person to whom information of the prescribed kind is to be furnished; and
 - (c) the manner in which, and period within which, it is to be furnished.
- (3) Regulations—
- (a) may require employers to maintain such records in connection with statutory maternity pay as may be prescribed;
 - (b) may provide for—
 - (i) any woman claiming to be entitled to statutory maternity pay; or
 - (ii) any other person who is a party to proceedings arising under Part XII of the Contributions and Benefits Act,to furnish to the Secretary of State, within a prescribed period, any information required for the determination of any question arising in connection therewith; and
 - (c) may require persons who have made payments of statutory maternity pay to furnish to the Secretary of State such documents and information, at such time, as may be prescribed.

Maintenance proceedings

133 Furnishing of addresses for maintenance proceedings, etc

The Secretary of State may incur expenses for the purpose of furnishing the address at which a man or woman is recorded by him as residing, where the address is required for the purpose of taking or carrying on legal proceedings to obtain or enforce an order for the making by the man or woman of payments—

- (a) for the maintenance of the man's wife or former wife, or the woman's husband or former husband; or
- (b) for the maintenance or education of any person as being the son or daughter of the man or his wife or former wife, or of the woman or her husband or former husband.