



2000 CHAPTER 4

PART II

PENSIONS

CHAPTER I

STATE PENSIONS

Other provisions

Disclosure of state pension information

38.—(1) This section applies to any state pension information which is held in relation to any individual—

- (a) by the Department; or
- (b) in connection with the provision of any services provided to the Department for purposes connected with its functions relating to social security, by the person providing those services.

(2) [^{F1}The Department may, in the prescribed manner, disclose or authorise the disclosure of any information] to which this section applies in any case in which—

- (a) the person to whom the disclosure is made is a person falling within subsection (3) who has, in the prescribed manner, applied to the Department for the disclosure of the information; and
- (b) it appears to the Department that the prescribed conditions for the making of a disclosure of the information in question to that person have been satisfied.

(3) A person falls within this subsection if—

Changes to legislation: Child Support, Pensions and Social Security Act (Northern Ireland) 2000, Section 38 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) he is the trustee or manager of an occupational pension scheme of which the individual to whom the information relates is a member;
- (b) he is the trustee or manager of a personal pension scheme of which that individual is a member;
- (c) he is the employer in relation to an occupational pension scheme of which that individual is a member;
- (d) he is the employer in relation to any employed earner's employment of that individual ^{F2}...; or
- (e) he is proposing to provide services to that individual in circumstances in which the provision of the services, or the proposal to do so, may involve the giving of advice or forecasts to which the information to which this section applies may be relevant.

[^{F3}(3A) For the purposes of this section and of any regulations made under it, anything done by or in relation to a person who—

- (a) provides, or proposes to provide, relevant services to a person falling within subsection (3) (“the qualifying person”), and
- (b) is authorised in writing by the qualifying person to act for the purposes of this section,

is treated as done by or in relation to the qualifying person.

In paragraph (a) “relevant services” means services that may involve the giving of advice or forecasts to which information to which this section applies may be relevant.]

(4) The Department shall secure that its powers under this section are exercised so that at least the following is prescribed for the purposes of subsection (2)(b), namely—

- (a) in the case of an application for information made by a person falling within paragraph (e) of subsection (3), a condition that the individual to whom the information relates has consented to the making of the application and to the disclosure; and
- (b) in any other case, either that condition or the alternative condition set out in subsection (5).

(5) The alternative condition is—

- (a) that such steps as may be prescribed have been taken for the purpose of ascertaining whether the individual to whom the information relates objects to the making of the application for the disclosure of information relating to him; and
- (b) that the prescribed time has elapsed without any objection by that individual.

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(6) A person applying to the Department, in accordance with regulations under this section, for the disclosure of any information relating to an individual shall be entitled, for the purpose of making the application, to make such disclosures of information relating to that individual as may be authorised by the regulations.

(7) In this section the reference, in relation to an individual, to state pension information is a reference to the following information about that individual—

- (a) his date of birth, and the age at which and date on which he attains pensionable age—
 - (i) for the purposes of the Pension Schemes Act, in relation to any guaranteed minimum pension to which he is entitled; and
 - (ii) in accordance with the rules in paragraph 1 of Schedule 2 to the Pensions Order;
- [^{F4}(aa) the amount of any state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 a present or future entitlement to which has already accrued to that individual;
- (ab) a projection of the amount of any state pension under Part 1 of the Pensions Act (Northern Ireland) 2015 to which that individual is likely to become entitled, or might become entitled in particular circumstances;]
- (b) the amount of any basic retirement pension a present or future entitlement to which has already accrued to that individual, and the amount of any additional retirement pension such an entitlement to which has already accrued to that individual;
- (c) a projection of the amount of the basic retirement pension to which that individual is likely to become entitled, or might become entitled in particular circumstances;^{F5} . . .
- (d) a projection of the amount of the additional retirement pension to which that individual is likely to become entitled, or might become entitled in particular circumstances.[^{F5} and]
- [^{F5}(e) a projection of the amount of any lump sum to which that individual is likely to become entitled, or might become entitled in particular circumstances.]

(8) Regulations under this section shall be subject to negative resolution.

(9) Article 74(3) to (6) of the 1998 Order (regulations and orders) shall apply to any power to make regulations under this section as it applies to the powers to make regulations under that Order.

(10) For the purposes of section 115D of the Administration Act (supply of contributions, etc. information held by Inland Revenue), the Department's functions relating to social security shall be taken to include any power conferred on it by regulations under this section.

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(11) In this section—

[^{F6}“additional retirement pension” means any additional pension or shared additional pension under the Contributions and Benefits Act, or any graduated retirement benefit under sections 35 and 36 of the National Insurance Act (Northern Ireland) 1966;

“basic retirement pension” means any basic pension under the Contributions and Benefits Act;]

^{F7} ...

employed earner has the same meaning as in Parts I to V of the Contributions and Benefits Act (by virtue of section 2(1) of that Act);

employer

(a) in relation to any occupational pension scheme, has the same meaning as in Part II of the Pensions Order; and

(b) in relation to employed earner's employment, has the same meaning as in the Pension Schemes Act;

[^{F5}lump sum means a lump sum under [^{F8}section 8 of the Pensions Act (Northern Ireland) 2015 or] Schedule 5 or 5A to the Contributions and Benefits Act;]

member, in relation to an occupational pension scheme, has the same meaning as in Part II of the Pensions Order;

occupational pension scheme and personal pension scheme have the same meanings as in the Pension Schemes Act;

prescribed means prescribed by or determined in accordance with regulations;

regulations means regulations made by the Department;

[^{F9}“trustee or manager”, in relation to an occupational or personal pension scheme, means—

(a) in the case of a scheme established under a trust, the trustee or trustees of the scheme, and

(b) in any other case, the person or persons responsible for the management of the scheme.]

F1 2005 NI 1

F2 Words in s. 38(3)(d) omitted (6.4.2016) by virtue of [Pensions Act \(Northern Ireland\) 2015](#) (c. 5), s. 53(3), [Sch. 13 para. 69\(2\)](#)

F3 2005 NI 1

F4 S. 38(7)(aa)-(ab) inserted (6.4.2016) by [Pensions Act \(Northern Ireland\) 2015](#) (c. 5), s. 53(3), [Sch. 12 para. 34\(2\)](#)

F5 2005 NI 1

F6 2005 NI 1

Changes to legislation: *Child Support, Pensions and Social Security Act (Northern Ireland) 2000, Section 38 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F7** Words in s. 38(11) omitted (6.4.2016) by virtue of [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), s. 53\(3\), Sch. 13 para. 69\(3\)](#)
- F8** Words in s. 38(11) inserted (6.4.2016) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\), s. 53\(3\), Sch. 12 para. 34\(3\)](#)
- F9** [2005 NI 1](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 1(2)(c) added by [2007 c. 2 \(N.I.\) Sch. 5 para. 6](#)
- Sch. 7 para. 6(5A)-(5C) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 11 para. 10\(3\)](#)