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## STATUTORY INSTRUMENTS

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### 2015 No. 2006

## The Welfare Reform (Northern Ireland) Order 2015

### PART 6

#### Social security: general

##### *Information-sharing*

#### **Information-sharing in relation to provision of overnight care etc.**

**120.**—(1) This Article applies where a relevant body holds information falling within paragraph (2) in relation to a person who is receiving or is likely to receive a relevant service.

(2) The information referred to in paragraph (1) is—

- (a) information as to the fact of the provision or likely provision of the service;
- (b) information about when the provision of the service begins or ends or is likely to do so;
- (c) other prescribed information relating to the service provided and how it is funded (including the extent to which it is funded by the recipient).

(3) In this Article “relevant service” means—

- (a) a service consisting of overnight care in the individual's own home provided by or on behalf of a relevant body;
- (b) a residential care service provided by or on behalf of a relevant body;
- (c) a service consisting of overnight accommodation in a hospital provided by a Health and Social Care Trust.

(4) In paragraph (3)(c) “hospital” means hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972 but excluding an institution for providing dental treatment maintained in connection with a dental school.

(5) The relevant body may supply the information to a person specified in paragraph (6) for purposes relating to the payment of a relevant benefit to the individual.

(6) The persons referred to in paragraph (5) are—

- (a) the Department;
- (b) a person providing services to the Department;
- (c) the Housing Executive or the Department of Finance and Personnel;
- (d) a person authorised to exercise any function of the Housing Executive or that Department relating to a relevant benefit;
- (e) a person providing services relating to a relevant benefit to the Housing Executive or that Department.

(7) In this Article “relevant benefit” means—

- (a) universal credit;

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**Changes to legislation:** *The Welfare Reform (Northern Ireland) Order 2015, Cross Heading: Information-sharing is up to date with all changes known to be in force on or before 27 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*

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- (b) housing benefit;
  - (c) any prescribed benefit.
- (8) In this Article and Article 121—
- “the Housing Executive” means the Northern Ireland Housing Executive;
  - “relevant body” means—
- (a) a Health and Social Care trust;
  - (b) <sup>F1</sup> ...

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#### Textual Amendments

- F1** Words in art. 120(8) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 249](#); S.R. 2022/102, art. 2(b)

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#### Commencement Information

- I1** [Art. 120](#) in operation at 17.2.2016 by [S.R. 2016/46](#), [art. 3\(4\)\(e\)](#)

### Information-sharing in relation to welfare services etc.

**121.**—(1) The Department, or a person providing services to the Department, may supply relevant information to a qualifying person for prescribed purposes relating to welfare services or rates.

(2) A qualifying person who holds relevant information for a prescribed purpose relating to welfare services may supply that information to—

- (a) the Department, or
- (b) a person providing services to the Department,

for a prescribed purpose relating to a relevant social security benefit.

(3) A qualifying person who holds relevant information for a prescribed purpose relating to welfare services, housing benefit or rates may—

- (a) use the information for another prescribed purpose relating to welfare services, housing benefit or rates;
- (b) supply it to another qualifying person for use in relation to the same or another prescribed purpose relating to welfare services, housing benefit or rates.

(4) Relevant information supplied under paragraph (1) or (3) to a qualifying person may be supplied by that person to a person who provides qualifying welfare services for purposes connected with the provision of those services.

(5) In paragraph (4) services are qualifying welfare services if—

- (a) a relevant body, or
- (b) a person who is a qualifying person by virtue of paragraph (7)(n), contributes or will contribute to the expenditure incurred in their provision.

(6) Paragraphs (1) to (4) do not apply in a case where the supply or use of information is authorised by Article 120.

(7) In this Article “qualifying person” means—

- (a) a relevant body;
- (b) the Department of Education;
- (c) [<sup>F2</sup>the Education Authority];

- (d) the Department for Regional Development;
- (e) the Department of Justice;
- (f) the Housing Executive;
- (g) a person authorised to exercise any function of any of the persons specified in sub-paragraphs (a) to (f) relating to welfare services;
- (h) a person providing to any of the persons specified in sub-paragraphs (a) to (f) services relating to welfare services;
- (i) DFP;
- (j) a person authorised to exercise any function of DFP or the Housing Executive relating to rates;
- (k) a person providing to DFP or the Housing Executive services relating to rates;
- (l) a person authorised to exercise any function of DFP or the Housing Executive relating to housing benefit;
- (m) a person providing to DFP or the Housing Executive services relating to housing benefit;
- (n) a prescribed person or a person of a prescribed description.

(8) In this Article—

“DFP” means the Department of Finance and Personnel;

“relevant information” means information relating to—

- (a) any relevant social security benefit, or
- (b) welfare services;

“relevant social security benefit” [<sup>F3</sup> means—

- (a) a relevant social security benefit as defined in section 115CA(7) of the Administration Act, or
- (b) a loan under Article 13 of the Welfare Reform and Work (Northern Ireland) Order 2016 (loans for mortgage interest, etc.);]

“welfare services” includes—

- (a) services which provide accommodation, support, assistance, advice or counselling to individuals with particular needs,
- (b) any other prescribed services,

and for these purposes “assistance” includes assistance by means of a grant or loan or the provision of goods or services.

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#### Textual Amendments

**F2** Words in art. 121(7)(c) substituted (13.10.2016) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), [arts. 2\(2\)\(d\)](#), 21

**F3** Words in art. 121(8) substituted (4.9.2017) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), [arts. 2\(1\)](#), [15\(11\)](#); S.R. 2017/166, art. 2(c)

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#### Commencement Information

**I2** Art. 121 in operation at 17.2.2016 by [S.R. 2016/46](#), [art. 3\(4\)\(f\)](#)

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*Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015, Cross Heading: Information-sharing is up to date with all changes known to be in force on or before 27 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*

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## Unlawful disclosure of information

**122.**—(1) A person to whom paragraph (2) applies is guilty of an offence if the person discloses without lawful authority any information—

- (a) which comes to the person by virtue of Article 121(1), (3) or (4), and
- (b) which relates to a particular person.

(2) This paragraph applies to—

- (a) a person mentioned in Article 121(7)(a), (c), (f), (g), (h), (j) and (k);
- (b) a person who provides qualifying welfare services (within the meaning of Article 121);
- (c) a person who is or has been a director, member of the committee of management, manager, secretary or other similar officer of a person mentioned in sub-paragraph (a) or (b);
- (d) a person who is or has been an employee of a person mentioned in sub-paragraph (b) or Article 121(7)(a) to (k).

(3) A person guilty of an offence under this Article is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both, or
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

(4) It is not an offence under this Article—

- (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;
- (b) to disclose information which has previously been disclosed to the public with lawful authority.

(5) It is a defence for a person (“D”) charged with an offence under this Article to prove that at the time of the alleged offence—

- (a) D believed that D was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise, or
- (b) D believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(6) A disclosure is made with lawful authority if it is so made for the purposes of section 117 of the Administration Act.

(7) This Article does not affect that section.

(8) Regulations under Article 121(7)(n) may include provision for applying the provisions of this Article to—

- (a) a person who is a qualifying person within the meaning of Article 121 by virtue of the regulations, or
- (b) a person associated with such a qualifying person by reason of the person's office or employment or otherwise.

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### Modifications etc. (not altering text)

- C1** [Art. 122](#) applied (4.4.2016) by [The Social Security \(Information-sharing in relation to Welfare Services etc.\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/56\)](#), regs. 1, **11(2)**

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**Commencement Information**

**I3** [Art. 122](#) in operation at 17.2.2016 by [S.R. 2016/46](#), [art. 3\(4\)\(g\)](#)

**Articles 120 to 122: supplementary**

- 123.**—(1) In Articles 120 and 121, “benefit” includes any allowance, payment, credit or loan.
- (2) Any power to make regulations under Articles 120 and 121 includes power—
- (a) without prejudice to section 17(5) of the Interpretation Act (Northern Ireland) 1954, to make different provision for different areas;
  - (b) to make such incidental, supplemental, consequential, transitional or saving provision as the Department thinks necessary or expedient.
- (3) Regulations made under Article 120 and 121 are subject to negative resolution.
- (4) Sections 39 (information relating to certain benefits) and 40 (unlawful disclosure of certain information) of the Welfare Reform Act (Northern Ireland) 2007 are repealed but this is subject to paragraph (5).
- (5) Notwithstanding paragraph (4), the following provisions of that Act continue to have effect—
- (a) section 39 insofar as it permits the use, supply or provision by any person of information which came to that person, by virtue of subsection (1), (2) or (5) of that section, before the day on which subsection (4) comes into operation;
  - (b) section 40 insofar as it relates to the disclosure by any person of such information.

**Commencement Information**

**I4** [Art. 123](#) in operation at 17.2.2016 by [S.R. 2016/46](#), [art. 3\(4\)\(h\)](#)

**Information-sharing for social security or employment purposes etc.**

**124.** In Article 69 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (supply of information for certain purposes), in paragraph (2)(b), after “designated” insert “ (specifically or by description) ”.

**Commencement Information**

**I5** [Art. 124](#) in operation at 17.2.2016 by [S.R. 2016/46](#), [art. 3\(4\)\(i\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.R. 2009/4 by [S.R. 2019/107 art. 2](#)
- specified provision(s) amendment to earlier commencing S.R. 2017/190 by [S.R. 2019/4 art. 5](#)
- specified provision(s) amendment to earlier commencing S.R. 2017/190 by [S.R. 2019/7 art. 3](#)
- specified provision(s) amendment to earlier commencing S.R. 2017/216 by [S.R. 2018/1 art. 7](#)
- specified provision(s) amendment to earlier commencing SR 2016/46, art. 5(a) by [S.R. 2016/166 art. 3](#)

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

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

- Pts. 25 modified by [S.R. 2019/212 art. 2\(2\)\(g\)](#) (This amendment not applied to [legislation.gov.uk SR 2019/212](#) revoked (19.12.2020) by SR 2020/348, art. 1(2)(2))
- art. 56(1) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)