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(**1**), and now vested in it(**2**), 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(**3**) 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(**4**).

(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.

(**1**) 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.)
(**2**) *See* Article 8(*b*) of S.R. 1999 No. 481
(**3**) 2000 c. 4 (N.I.)
(**4**) S.R. 1979 No. 186; regulation 44 was amended by regulation 2 of S.R. 1999 No. 151

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