Welfare Reform Act 2007

2007 CHAPTER 5

PART 3

SOCIAL SECURITY ADMINISTRATION: GENERAL

Sharing of social security information

41 Social security information

(1) In the Administration Act, after section 7A (sharing of functions as regards certain claims and information) insert—

"**7B Use of social security information**

(1) A relevant authority may use for a relevant purpose any social security information which it holds.

(2) Regulations may make provision as to the procedure to be followed by a relevant authority for the purposes of any function it has relating to the administration of a specified benefit if the authority holds social security information which—

(a) is relevant for the purposes of anything which may or must be done by the authority in connection with a claim for or an award of the benefit, and

(b) was used by another relevant authority in connection with a claim for or an award of a different specified benefit or was verified by that other authority in accordance with regulations under section 7A(2)(e) above.

(3) A relevant purpose is anything which is done in relation to a claim which is made or which could be made for a specified benefit if it is done for the purpose of—

(a) identifying persons who may be entitled to such a benefit;

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(b) encouraging or assisting a person to make such a claim;

(c) advising a person in relation to such a claim.

(4) Social security information means—

(a) information relating to social security, child support or war pensions;

(b) evidence obtained in connection with a claim for or an award of a specified benefit.

(5) A specified benefit is a benefit which is specified in regulations for the purposes of this section.

(6) Expressions used in this section and in section 7A have the same meaning in this section as in that section.

(7) This section does not affect any power which exists apart from this section to use for one purpose social security information obtained in connection with another purpose."

(2) In section 7A of that Act—

[[F1](a) in subsection (1) after paragraph (b) insert—

"(c) as regards any relevant benefit, for claims for that benefit to be made to—

(i) a county council in England,

(ii) a person providing services to a county council in England, or

(iii) a person authorised to exercise any function a county council in England has under this section.";**]**

[[F1](b) in subsection (2) after paragraph (d) insert—

"(e) the verification by a relevant authority of information or evidence supplied to or obtained by the authority in connection with a claim for or an award of a relevant benefit.";**]**

[[F1](c) in subsection (3) for "and (d)" substitute " , (d) and (e) ";**]**

[[F1](d) in subsection (3)(a) for "(1)(a) or (b)" substitute " (1)(a), (b) or (c) ";**]**

(e) in subsection (6) for paragraph (c) substitute—

"(c) "relevant authority" means—

(i) a Minister of the Crown;

(ii) a local authority;

(iii) a county council in England;

(iv) a person providing services to a person mentioned in sub-paragraphs (i) to (iii);

(v) a person authorised to exercise any function of a local authority relating to housing benefit or council tax benefit;

(vi) a person authorised to exercise any function a county council in England has under this section;".

[[F2](3) In Part 1 of Schedule 4 to that Act (persons employed in social security administration or adjudication), under the heading "Local authorities etc" after the entry relating to a person authorised under section 139A(1) of that Act insert—

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"A member, officer or employee of a county council in England who exercises—

(a) any function conferred on the county council by regulations made under section 7A of this Act;

(b) any function in connection with a relevant purpose within the meaning of section 7B(3) of this Act.

A person authorised to exercise any such function of such a county council or an employee of such a person. "**]**

Textual Amendments

F1 S. 41(2)(a)-(d) repealed (1.4.2013 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)

F2 S. 41(3) repealed (1.4.2013 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)

Commencement Information

I1 S. 41 partly in force; s. 41(2)(3) in force at 3.7.2007 see s. 70

I2 S. 41(1) in force at 1.10.2007 by S.I. 2007/2819, **art. 2(1)(a)**

42 Information relating to certain benefits

[[F3](1) Information falling within subsection (3) may be supplied by the person who holds it to a person falling within subsection (4) for purposes connected with the application of grant paid under a relevant enactment towards expenditure incurred by the recipient of the grant—

(a) in providing, or contributing to the provision of, welfare services, or

(b) in connection with such welfare services.

(2) Information falling within subsection (3) which is held for a prescribed purpose by a person falling within any of paragraphs (c) to (h) of subsection (4) may be—

(a) used by that person for another prescribed purpose;

(b) provided to another such person for use in relation to the same or another prescribed purpose.

(3) The information is any information which is held by a person falling within subsection (4) relating to—

(a) income support;

(b) income-based jobseeker's allowance;

(c) income-related employment and support allowance;

(d) state pension credit;

(e) housing benefit;

(f) welfare services.

(4) The persons are—

(a) the Secretary of State;

(b) a person providing services to the Secretary of State;

(c) an authority administering housing benefit;

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(d) a person authorised to exercise any function of such an authority relating to housing benefit;

(e) a person providing to such an authority services relating to housing benefit;

(f) a local authority to which any grant is or will be paid as mentioned in subsection (1);

(g) a person authorised to exercise any function of such an authority relating to the grant;

(h) a person providing to such an authority services relating to any such function.

(5) Information which is supplied under subsection (1) to an authority or other person falling within subsection (4)(f), (g) or (h) may be supplied by the authority or person to a person who provides qualifying welfare services for purposes connected with the provision of those services.

(6) A person provides qualifying welfare services if—

(a) he provides welfare services,

(b) a local authority contribute or will contribute to the expenditure incurred by him in providing those services, and

(c) that contribution is or will be derived (in whole or in part) from any grant which is or will be paid to the authority as mentioned in subsection (1).

(7) A relevant enactment is an enactment specified by order made by the Secretary of State; and the power to make an order under this subsection is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(8) In subsection (2) a prescribed purpose is a purpose relating to housing benefit or welfare services which is prescribed by regulations made by the Secretary of State by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(9) The power to make an order or regulations under this section includes power—

(a) to make different provision for different purposes;

(b) to make such incidental, supplementary, consequential, transitional or saving provision as the Secretary of State thinks necessary or expedient.

(10) In this section—

"income-based jobseeker's allowance" has the same meaning as in the Jobseekers Act 1995 (c. 18);

"income-related employment and support allowance" means an income-related allowance under Part 1;

"local authority" means—

(a) in relation to England, a county council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;

(b) in relation to Wales, a county council or a county borough council;

"welfare services" includes services which provide support, assistance, advice or counselling to individuals with particular needs.

(11) In the Local Government Act 2000 (c. 22), sections 94 (disclosure of information) and 95 (unauthorised disclosure of information) are omitted.**]**

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Textual Amendments

F3 S. 42 repealed (2.7.2012) by Welfare Reform Act 2012 (c. 5), **ss. 133(6)(a)**, 150(3); S.I. 2012/1651, art. 2 (with art. 3)

Commencement Information

I3 S. 42 in force at 5.8.2008 for specified purposes by S.I. 2008/2101, **art. 2(1)**

I4 S. 42 in force at 1.9.2008 in so far as not already in force by S.I. 2008/2101, **art. 2(2)(a)** (with art. 3(1)(2))

43 Unlawful disclosure of certain information

[F4(1) A person to whom subsection (2) applies is guilty of an offence if he discloses without lawful authority any information—

(a) which comes to him by virtue of section 42(1), (2) or (5), and

(b) which relates to a particular person.

(2) This subsection applies to—

(a) a person mentioned in section 42(4)(f) to (h);

(b) a person who provides qualifying welfare services (within the meaning of section 42(6));

(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 paragraph (a) or (b);

(d) a person who is or has been an employee of a person mentioned in paragraph (a) or (b).

(3) A person guilty of an offence under this section shall be 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 12 months or a fine not exceeding the statutory maximum or both.

(4) 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;

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

(5) 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.

(6) A disclosure is made with lawful authority if it is so made for the purposes of section 123 of the Administration Act.

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(7) This section does not affect that section.

(8) Until the commencement of section 282 of the Criminal Justice Act 2003 (c. 44) (increase in maximum term that may be imposed on summary conviction of offence triable either way) the reference in subsection (3)(b) to 12 months must be taken to be a reference to 6 months.**]**

Textual Amendments

F4 S. 43 repealed (2.7.2012) by Welfare Reform Act 2012 (c. 5), **ss. 133(6)(a)**, 150(3); S.I. 2012/1651, art. 2 (with art. 3)

Commencement Information

I5 S. 43 in force at 1.9.2008 by S.I. 2008/2101, **art. 2(2)(b)**

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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):

- s. 1(3)(za) inserted by 2012 c. 5 s. 62(2)
- s. 1(3B) inserted by 2012 c. 5 s. 62(3)
- s. 1C inserted by 2012 c. 5 s. 54(3)
- s. 1C repealed by 2012 c. 5 Sch. 14 Pt. 5 (This amendment not applied to legislation.gov.uk. The entry for this repeal in Sch. 14 Pt. 6 was repealed (8.5.2012) without ever being in force by 2012 c. 5, s. 150(3), Sch. 14 Pt. 2)
- s. 2(6) inserted by 2012 c. 5 Sch. 5 para. 6(3)
- s. 13(6A) inserted by 2009 c. 24 s. 3(4)(b)
- s. 14(5) amendment to earlier affecting provision 2009 c. 24, s. 31(2) by 2012 c. 5 s. 54(7)
- s. 14(5) inserted by 2009 c. 24 s. 31(2)
- s. 16(1)(za) inserted by 2012 c. 5 s. 54(5)
- s. 20(7A)(7B) inserted by 2023 c. 20 Sch. para. 55(2)
- Sch. 1 para. 6(1)(da) inserted by 2009 c. 24 s. 5(2)(a)
- Sch. 1 para. 6(2A) inserted by 2009 c. 24 s. 5(2)(b)
- Sch. 2 para. 10A inserted by 2009 c. 24 s. 30(2)
- Sch. 2 para. 4B and cross-heading inserted by 2012 c. 5 s. 62(4)
- Sch. 2 para. 10B and cross-heading inserted by 2012 c. 5 s. 57(8)
- Sch. 2 para. 10ZA inserted by 2012 c. 5 s. 57(7)(b)
- Sch. 2 para. 10A heading word substituted by 2012 c. 5 s. 57(7)(a)
- Sch. 2 para. 10A(1) words inserted by 2009 c. 24 Sch. 3 para. 8(5)(a) (This amendment not applied to legislation.gov.uk. The entry for this repeal in Sch. 14 Pt. 6 was repealed (8.5.2012) without ever being in force by 2012 c. 5, s. 150(3), Sch. 14 Pt. 2)
- Sch. 2 para. 10A(1) words repealed by 2012 c. 5 Sch. 14 Pt. 6 (This amendment not applied to legislation.gov.uk. The entry for this repeal in Sch. 14 Pt. 6 was repealed (8.5.2012) without ever being in force by 2012 c. 5, s. 150(3), Sch. 14 Pt. 2)
- Sch. 2 para. 10A(1) words substituted by 2012 c. 5 s. 57(7)(c)(i)
- Sch. 2 para. 10A(1) words substituted by 2012 c. 5 s. 57(7)(c)(ii)