



Social Security Administration (Fraud) Act 1997

1997 CHAPTER 47

Supply and use of information

1 Information held by tax authorities

- (1) For section 122 of the Social Security Administration Act 1992 (disclosure of income tax information by the Inland Revenue) and the headings preceding that section substitute—

“INFORMATION

Information held by tax authorities

122 Supply of information held by tax authorities for fraud prevention and verification

- (1) This section applies to information which is held—
- (a) by the Commissioners of Inland Revenue or the Commissioners of Customs and Excise; or
 - (b) by a person providing services to the Commissioners of Inland Revenue or the Commissioners of Customs and Excise in connection with the provision of those services.
- (2) Information to which this section applies may, with the authority of the Commissioners concerned, be supplied to, or to a person providing services to, the Secretary of State or the Northern Ireland Department—
- (a) for use in the prevention, detection, investigation or prosecution of offences relating to social security; or
 - (b) for use in checking the accuracy of information relating to benefits, contributions or national insurance numbers or to any other matter

relating to social security and (where appropriate) amending or supplementing such information.

- (3) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—
- (a) it could be supplied to that person or body under that subsection;
 - (b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers Act 1995 or this Act or to any provision of Northern Ireland legislation corresponding to any of them; or
 - (c) it is supplied under section 122C below;
- and shall not be so supplied in those circumstances without the authority of the Commissioners concerned.
- (4) But where information supplied under subsection (2) above has been used (in accordance with paragraph (b) of that subsection) in amending or supplementing other information, it is lawful for it to be—
- (a) supplied to any person or body to whom that other information could be supplied; or
 - (b) used for any purpose for which that other information could be used.
- (5) This section does not limit the circumstances in which information may be supplied apart from this section.

122A Supply of information by Inland Revenue for purposes of contributions

- (1) This section applies to information which is held—
- (a) by the Commissioners of Inland Revenue; or
 - (b) by a person providing services to the Commissioners of Inland Revenue in connection with the provision of those services.
- (2) Information to which this section applies may, with the authority of the Commissioners, be supplied to, or to a person providing services to, the Secretary of State or the Northern Ireland Department for use for any purpose relating to contributions.
- (3) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—
- (a) it could be supplied to that person or body under that subsection; or
 - (b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers Act 1995 or this Act or to any provision of Northern Ireland legislation corresponding to any of them;
- and shall not be so supplied in those circumstances without the authority of the Commissioners.
- (4) But where information supplied under subsection (2) above has been used in amending or supplementing other information, it is lawful for it to be—
- (a) supplied to any person or body to whom that other information could be supplied; or
 - (b) used for any purpose for which that other information could be used.

- (5) This section does not limit the circumstances in which information may be supplied apart from this section.”
- (2) For section 116 of the Social Security Administration (Northern Ireland) Act 1992 (disclosure of income tax information by the Inland Revenue) and the headings preceding that section substitute—

“INFORMATION

Information held by tax authorities

116 Supply of information held by tax authorities for fraud prevention and verification

- (1) This section applies to information which is held—
- (a) by the Commissioners of Inland Revenue or the Commissioners of Customs and Excise; or
 - (b) by a person providing services to the Commissioners of Inland Revenue or the Commissioners of Customs and Excise in connection with the provision of those services.
- (2) Information to which this section applies may, with the authority of the Commissioners concerned, be supplied to, or to a person providing services to, the Department or the Secretary of State—
- (a) for use in the prevention, detection, investigation or prosecution of offences relating to social security; or
 - (b) for use in checking the accuracy of information relating to benefits, contributions or national insurance numbers or to any other matter relating to social security and (where appropriate) amending or supplementing such information.
- (3) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—
- (a) it could be supplied to that person or body under that subsection;
 - (b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers (Northern Ireland) Order 1995 or this Act or to any enactment applying in Great Britain corresponding to any of them; or
 - (c) it is supplied to the Housing Executive;
- and shall not be so supplied in those circumstances without the authority of the Commissioners concerned.
- (4) But where information supplied under subsection (2) above has been used (in accordance with paragraph (b) of that subsection) in amending or supplementing other information, it is lawful for it to be—
- (a) supplied to any person or body to whom that other information could be supplied; or
 - (b) used for any purpose for which that other information could be used.
- (5) This section does not limit the circumstances in which information may be supplied apart from this section.

116A Supply of information by Inland Revenue for purposes of contributions

- (1) This section applies to information which is held—
 - (a) by the Commissioners of Inland Revenue; or
 - (b) by a person providing services to the Commissioners of Inland Revenue in connection with the provision of those services.
- (2) Information to which this section applies may, with the authority of the Commissioners, be supplied to, or to a person providing services to, the Department or the Secretary of State for use for any purpose relating to contributions.
- (3) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—
 - (a) it could be supplied to that person or body under that subsection; or
 - (b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers (Northern Ireland) Order 1995 or this Act or to any enactment applying in Great Britain corresponding to any of them;
 and shall not be so supplied in those circumstances without the authority of the Commissioners.
- (4) But where information supplied under subsection (2) above has been used in amending or supplementing other information, it is lawful for it to be—
 - (a) supplied to any person or body to whom that other information could be supplied; or
 - (b) used for any purpose for which that other information could be used.
- (5) This section does not limit the circumstances in which information may be supplied apart from this section.”

2 Other government information

- (1) After section 122A of the Social Security Administration Act 1992 (inserted by section 1(1)) insert—

“Other government information

122B Supply of other government information for fraud prevention and verification

- (1) This section applies to information which is held by, or by a person providing services to, a Minister of the Crown or a government department (including a Northern Ireland department) and which relates to—
 - (a) passports, immigration and emigration, nationality or prisoners; or
 - (b) any other matter which is prescribed.
- (2) Information to which this section applies may be supplied to, or to a person providing services to, the Secretary of State or the Northern Ireland Department—

- (a) for use in the prevention, detection, investigation or prosecution of offences relating to social security; or
 - (b) for use in checking the accuracy of information relating to benefits, contributions or national insurance numbers or to any other matter relating to social security and (where appropriate) amending or supplementing such information.
 - (3) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—
 - (a) it could be supplied to that person or body under that subsection;
 - (b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers Act 1995 or this Act or to any provision of Northern Ireland legislation corresponding to any of them; or
 - (c) it is supplied under section 122C below.
 - (4) But where information supplied under subsection (2) above has been used (in accordance with paragraph (b) of that subsection) in amending or supplementing other information, it is lawful for it to be—
 - (a) supplied to any person or body to whom that other information could be supplied; or
 - (b) used for any purpose for which that other information could be used.
 - (5) This section does not limit the circumstances in which information may be supplied apart from this section.”
- (2) After section 116A of the Social Security Administration (Northern Ireland) Act 1992 (inserted by section 1(2)) insert—

“Other government information

116B Supply of other government information for fraud prevention and verification

- (1) This section applies to information which is held by, or by a person providing services to, a Minister of the Crown or a Northern Ireland department or other government department and which relates to—
 - (a) passports, immigration and emigration, nationality or prisoners; or
 - (b) any other matter which is prescribed.
- (2) Information to which this section applies may be supplied to, or to a person providing services to, the Department or the Secretary of State—
 - (a) for use in the prevention, detection, investigation or prosecution of offences relating to social security; or
 - (b) for use in checking the accuracy of information relating to benefits, contributions or national insurance numbers or to any other matter relating to social security and (where appropriate) amending or supplementing such information.
- (3) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—
 - (a) it could be supplied to that person or body under that subsection;

- (b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers (Northern Ireland) Order 1995 or this Act or to any enactment applying in Great Britain corresponding to any of them; or
 - (c) it is supplied to the Housing Executive.
- (4) But where information supplied under subsection (2) above has been used (in accordance with paragraph (b) of that subsection) in amending or supplementing other information, it is lawful for it to be—
- (a) supplied to any person or body to whom that other information could be supplied; or
 - (b) used for any purpose for which that other information could be used.
- (5) This section does not limit the circumstances in which information may be supplied apart from this section.”

3 Authorities administering housing benefit or council tax benefit

After section 122B of the Social Security Administration Act 1992 (inserted by section 2(1)) insert—

“Authorities administering housing benefit or council tax benefit

122C Supply of information to authorities administering benefit

- (1) This section applies to information relating to social security which is held—
 - (a) by the Secretary of State or the Northern Ireland Department; or
 - (b) by a person providing services to the Secretary of State or the Northern Ireland Department in connection with the provision of those services.
- (2) Information to which this section applies may be supplied to—
 - (a) an authority administering housing benefit or council tax benefit; or
 - (b) a person authorised to exercise any function of such an authority relating to such a benefit,
 for use in the administration of such a benefit.
- (3) But where information to which this section applies has been supplied to the Secretary of State, the Northern Ireland Department or the person providing services under section 122 or 122B above, it may only be supplied under subsection (2) above—
 - (a) for use in the prevention, detection, investigation or prosecution of offences relating to housing benefit or council tax benefit; or
 - (b) for use in checking the accuracy of information relating to housing benefit or to council tax benefit and (where appropriate) amending or supplementing such information.
- (4) The Secretary of State or the Northern Ireland Department—
 - (a) may impose conditions on the use of information supplied under subsection (2) above; and
 - (b) may charge a reasonable fee in respect of the cost of supplying information under that subsection.

- (5) Where information is supplied to an authority or other person under subsection (2) above, the authority or other person shall have regard to it in the exercise of any function relating to housing benefit or council tax benefit.
- (6) Information supplied under subsection (2) above shall not be supplied by the recipient to any other person or body unless—
 - (a) it is supplied—
 - (i) by an authority to a person authorised to exercise any function of the authority relating to housing benefit or council tax benefit; or
 - (ii) by a person authorised to exercise any function of an authority relating to such a benefit to the authority;
 - (b) it is supplied for the purposes of any civil or criminal proceedings relating to the Contributions and Benefits Act, the Jobseekers Act 1995 or this Act or to any provision of Northern Ireland legislation corresponding to any of them; or
 - (c) it is supplied under section 122D or 122E below.
- (7) This section does not limit the circumstances in which information may be supplied apart from this section (in particular by reason of section 122(4) or 122B(4) above).

122D Supply of information by authorities administering benefit

- (1) The Secretary of State or the Northern Ireland Department may require—
 - (a) an authority administering housing benefit or council tax benefit; or
 - (b) a person authorised to exercise any function of such an authority relating to such a benefit,to supply benefit administration information held by the authority or other person to, or to a person providing services to, the Secretary of State or the Northern Ireland Department for use for any purpose relating to social security.
- (2) The Secretary of State or the Northern Ireland Department may require—
 - (a) an authority administering housing benefit or council tax benefit; or
 - (b) a person authorised to exercise any function of such an authority relating to such a benefit,to supply benefit policy information held by the authority or other person to, or to a person providing services to, the Secretary of State or the Northern Ireland Department.
- (3) Information shall be supplied under subsection (1) or (2) above in such manner and form, and in accordance with such requirements, as may be prescribed.
- (4) In subsection (1) above “benefit administration information”, in relation to an authority or other person, means any information which is relevant to the exercise of any function relating to housing benefit or council tax benefit by the authority or other person.
- (5) In subsection (2) above “benefit policy information” means any information which may be relevant to the Secretary of State or the Northern Ireland Department—

- (a) in preparing estimates of likely future expenditure on housing benefit or council tax benefit; or
- (b) in developing policy relating to housing benefit or council tax benefit.

122E Supply of information between authorities administering benefit

- (1) This section applies to benefit administration information which is held by—
 - (a) an authority administering housing benefit or council tax benefit; or
 - (b) a person authorised to exercise any function of such an authority relating to such a benefit.
- (2) Information to which this section applies may be supplied to another such authority or person—
 - (a) for use in the prevention, detection, investigation or prosecution of offences relating to housing benefit or council tax benefit; or
 - (b) for use in checking the accuracy of information relating to housing benefit or to council tax benefit and (where appropriate) amending or supplementing such information.
- (3) The Secretary of State or the Northern Ireland Department may require information to which this section applies and which is of a prescribed description to be supplied in prescribed circumstances to another such authority or person for use in the administration of housing benefit or council tax benefit.
- (4) Information shall be supplied under subsection (3) above in such manner and form, and in accordance with such requirements, as may be prescribed.
- (5) Where information supplied under subsection (2) or (3) above has been used in amending or supplementing other information, it is lawful for it to be—
 - (a) supplied to any person or body to whom that other information could be supplied; or
 - (b) used for any purpose for which that other information could be used.
- (6) In this section “benefit administration information”, in relation to an authority or other person, means any information which is relevant to the exercise of any function relating to housing benefit or council tax benefit by the authority or other person.
- (7) This section does not limit the circumstances in which information may be supplied apart from this section.”

4 Unauthorised disclosure by officials

- (1) In Schedule 4 to the Social Security Administration Act 1992 (persons who may commit an offence under section 123 of that Act), after the entries headed “*Other public departments and offices*” insert—

“Local authorities etc.

A member, officer or employee of an authority administering housing benefit or council tax benefit.

A person authorised to exercise any function of such an authority relating to such a benefit or any employee of such a person.

A person authorised under section 139A(1) of this Act to consider and report to the Secretary of State on the administration of housing benefit or council tax benefit.”

- (2) In section 123 of that Act (offence of unauthorised disclosure by certain persons of information relating to particular persons), in subsection (8) (persons employed in audit of expenditure)—

- (a) after paragraph (h) insert—

“(ha) a member of the Local Commission for England;
(hb) a member of the Local Commission for Wales;
(hc) the Commissioner for Local Administration in Scotland;”,

- (b) after paragraph (j) insert—

“(ja) a member of the Audit Commission for Local Authorities and the National Health Service in England and Wales and any auditor appointed by that Commission;
(jb) a member of the Accounts Commission for Scotland and any auditor within the meaning of Part VII of the Local Government (Scotland) Act 1973;
(jc) a Northern Ireland local government auditor; and”, and

- (c) in paragraph (k), for “referred to in paragraphs (c) to (h) above” substitute “or Commissions referred to in paragraphs (c) to (hc), (ja) and (jb) above and any person assisting an auditor referred to in paragraph (ja), (jb) or (jc) above”.