



Welfare Reform Act 2012

2012 CHAPTER 5

PART 5

SOCIAL SECURITY: GENERAL

Information-sharing involving local authorities etc

130 Information-sharing in relation to provision of overnight care etc

- (1) This section applies where a local authority holds information falling within subsection (2) in relation to a person who is receiving or is likely to receive a relevant service.
- (2) The information referred to in subsection (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 section “relevant service means—
 - (a) a service consisting of overnight care in the individual’s own home provided by or on behalf of a local authority;
 - (b) a residential care service provided by or on behalf of a local authority;
 - (c) a service consisting of overnight hospital accommodation.
- (4) In subsection (3)(c) “hospital accommodation” means—
 - (a) in relation to England, hospital accommodation within the meaning of the National Health Service Act 2006 which is provided by a Primary Care Trust, an NHS trust or an NHS foundation trust;
 - (b) in relation to Wales, hospital accommodation within the meaning of the National Health Service (Wales) Act 2006 which is provided by a Local Health Board or an NHS trust;

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- (c) in relation to Scotland, hospital accommodation within the meaning of the National Health Service (Scotland) Act 1978 which is provided by a Health Board or Special Health Board but excluding accommodation in an institution for providing dental treatment maintained in connection with a dental school.
- (5) The local authority may—
 - (a) itself use the information for purposes relating to the payment of a relevant benefit to the individual, or
 - (b) supply the information to a person specified in subsection (6) for those purposes.
- (6) The persons referred to in subsection (5) are—
 - (a) the Secretary of State;
 - (b) a person providing services to the Secretary of State;
 - (c) a local authority;
 - (d) a person authorised to exercise any function of a local authority relating to a relevant benefit;
 - (e) a person providing services relating to a relevant benefit to a local authority.
- (7) In this section “relevant benefit“ means—
 - (a) universal credit;
 - (b) housing benefit;
 - (c) council tax benefit;
 - (d) any prescribed benefit.
- (8) Regulations under subsection (7)(d) may not prescribe a benefit provision for which is within the legislative competence of the Scottish Parliament.

131 Information-sharing in relation to welfare services etc

- (1) The Secretary of State, or a person providing services to the Secretary of State, may supply relevant information to a qualifying person for prescribed purposes relating to welfare services or council tax.
- (2) A qualifying person who holds relevant information for a prescribed purpose relating to welfare services may supply that information to—
 - (a) the Secretary of State, or
 - (b) a person providing services to the Secretary of State,
 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, council tax or housing benefit may—
 - (a) use the information for another prescribed purpose relating to welfare services, council tax or housing benefit;
 - (b) supply it to another qualifying person for use in relation to the same or another prescribed purpose relating to welfare services, council tax or housing benefit.
- (4) Relevant information supplied under subsection (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 subsection (4) services are qualifying welfare services if—

- (a) a local authority, or
 - (b) a person who is a qualifying person by virtue of subsection (11)(g),
contributes or will contribute to the expenditure incurred in their provision.
- (6) The Secretary of State may not exercise the power in subsection (3) to prescribe purposes for which information may be supplied by a qualifying person so as to prescribe an excepted purpose in relation to excepted information held by a Welsh body.
- (7) In subsection (6)—
 - (a) excepted information is information held by the Welsh body that—
 - (i) is not supplied by, or derived from information supplied to another person by, the Secretary of State or a person providing services to the Secretary of State or a person engaged in the administration of housing benefit, and
 - (ii) is held only for an excepted purpose;
 - (b) an excepted purpose is a purpose relating to a matter provision for which—
 - (i) is within the legislative competence of the National Assembly for Wales, or
 - (ii) is made by the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government.
- (8) The Secretary of State may not exercise the power in subsection (3) to prescribe purposes for which information may be supplied by a qualifying person so as to prescribe an excepted purpose in relation to excepted information held by a Scottish body.
- (9) In subsection (8)—
 - (a) excepted information is information held by the Scottish body that—
 - (i) is not supplied by, or derived from information supplied to another person by, the Secretary of State or a person providing services to the Secretary of State or a person engaged in the administration of housing benefit, and
 - (ii) is held only for an excepted purpose;
 - (b) an excepted purpose is a purpose relating to a matter provision for which is within the legislative competence of the Scottish Parliament.
- (10) Subsections (1) to (4) do not apply in a case where the supply or use of information is authorised by section 130.
- (11) In this section “qualifying person“ means—
 - (a) a local authority;
 - (b) a person authorised to exercise any function of such an authority relating to welfare services or council tax;
 - (c) a person providing services to a local authority relating to welfare services or council tax;
 - (d) an authority which administers housing benefit;
 - (e) a person authorised to exercise any function of such an authority relating to housing benefit;
 - (f) a person providing to such an authority services relating to housing benefit; or
 - (g) a person prescribed or of a description prescribed by the Secretary of State.

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(12) In this section—

“council tax” includes any local tax to fund local authority expenditure;

“person engaged in the administration of housing benefit” means—

- (a) an authority which administers housing benefit,
- (b) a person authorised to exercise any function of such an authority relating to housing benefit, or
- (c) a person providing to such an authority services relating to housing benefit;

“relevant information” means information relating to—

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

“relevant social security benefit” has the meaning given in section 121DA(7) of the Social Security Administration Act 1992;

“Scottish body” means—

- (a) a local authority in Scotland,
- (b) a person authorised to exercise any function of such an authority relating to welfare services,
- (c) a person providing to a local authority in Scotland services relating to welfare services, or
- (d) a person prescribed or of a description prescribed by the Secretary of State;

“welfare services” includes services which provide accommodation, support, assistance, advice or counselling to individuals with particular needs, and for these purposes “assistance” includes assistance by means of a grant or loan or the provision of goods or services;

“Welsh body” means—

- (a) a local authority in Wales,
- (b) a person authorised to exercise any function of such an authority relating to welfare services,
- (c) a person providing to a local authority in Wales services relating to welfare services, or
- (d) a person prescribed or of a description prescribed by the Secretary of State.

132 Unlawful disclosure of information supplied under section 131

(1) A person to whom subsection (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 section 131(1), (3) or (4), and
- (b) which relates to a particular person.

(2) This subsection applies to—

- (a) a person mentioned in section 131(11)(a) to (c);
- (b) a person who provides qualifying welfare services (within the meaning of section 131);
- (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 is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding twelve 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 (“D”) charged with an offence under this section 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 123 of the Social Security Administration Act 1992.
- (7) This section does not affect that section.
- (8) Regulations under section 131(11)(g) may include provision for applying the provisions of this section to—
 - (a) a person who is a qualifying person within the meaning of section 131 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.
- (9) In relation to an offence under this section committed in England and Wales before the commencement of section 154(1) of the Criminal Justice Act 2003 (increase in maximum term that may be imposed on summary conviction of offence triable either way) the reference in subsection (3)(b) to twelve months must be taken to be a reference to six months.

133 Sections 130 to 132: supplementary

- (1) In sections 130 and 131—
 - “benefit” includes any allowance, payment, credit or loan;
 - “local authority” means—
 - (a) a county or district council in England;
 - (b) an eligible parish council (within the meaning of Chapter 1 of Part 1 of the Localism Act 2011);
 - (c) a London borough council;

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- (d) the Common Council of the City of London in its capacity as a local authority;
 - (e) the Council of the Isles of Scilly;
 - (f) a county or county borough council in Wales;
 - (g) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
- “prescribed” means prescribed in regulations made by the Secretary of State.
- (2) Any power to make regulations under sections 130 and 131 includes power—
 - (a) to make different provision for different purposes, cases and areas;
 - (b) to make such incidental, supplemental, consequential, transitional or saving provision as the Secretary of State thinks necessary or expedient.
 - (3) Regulations under sections 130 and 131 must be made by statutory instrument.
 - (4) A statutory instrument containing regulations under section 130 or 131 is subject to annulment in pursuance of a resolution of either House of Parliament.
 - (5) Until the coming into force of provision for identifying eligible parish councils within the meaning of Chapter 1 of Part 1 of the Localism Act 2011, the reference in subsection (1) to an eligible parish council within the meaning of that Chapter is to be read as a reference to an eligible parish council within the meaning of Part 1 of the Local Government Act 2000.
 - (6) The following are repealed—
 - (a) sections 42 and 43 of the Welfare Reform Act 2007;
 - (b) section 69(2)(a) of that Act.