



2009 CHAPTER 8

Social security information

Sharing of social security information

9.—(1) If it appears to the Department for Social Development that the Department requires any relevant information for a relevant purpose, the Department for Social Development or a person providing services to that Department may provide that information to—

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

(2) If it appears to the Department for Social Development that the Housing Executive requires any relevant information for a relevant purpose, the Department for Social Development or a person providing services to that Department may provide that information to—

- (a) the Housing Executive, or
- (b) a person providing services to the Housing Executive.

(3) In this section—

“relevant information” means information which—

- (a) relates to social security, and
- (b) is held by or available to the Department for Social Development or a person providing services to that Department;

“relevant purpose” means—

- (a) identifying persons who may be entitled to a relevant reduction or rebate;
- (b) encouraging or assisting persons to apply for or to claim a relevant reduction or rebate;

- (c) advising persons in relation to an application or claim for a relevant reduction or rebate;
 - (d) administering rebates under Article 31A of the principal Order or a relevant scheme;
- “relevant reduction or rebate” means—
- (a) a reduction under Article 30A of the principal Order (rate relief in respect of dwellings), or
 - (b) a rebate under Article 31A of the principal Order (rate rebates for certain hereditaments with special facilities for persons with a disability);
- “relevant scheme” means a scheme made under Article 30A of the principal Order.

Unauthorised disclosure of information relating to particular persons

10.—(1) If a person to whom this section applies (A) discloses without lawful authority any information—

- (a) acquired in the course of A’s employment;
- (b) which is, or is derived from, information provided under section 9; and
- (c) which relates to a particular person,

A shall be guilty of an offence.

(2) This section applies to any person who is—

- (a) employed in the Department or in the provision of services to the Department; or
- (b) a member, officer or employee of the Housing Executive or employed in the provision of services to the Housing Executive;

and “employment” in relation to any such person shall be construed accordingly.

(3) It is not an offence under this section to disclose information which has previously been disclosed to the public with lawful authority.

(4) It is a defence for a person charged with an offence under this section to show that at the time of the alleged offence—

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

(5) A person who is guilty of an offence under this section shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;

- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
- (6) For the purposes of this section a disclosure of information by a person is to be regarded as made with lawful authority if, and only if, it is made—
 - (a) in accordance with that person’s official duty as a civil servant;
 - (b) in accordance with that person’s official duty as a member, officer or employee of the Housing Executive;
 - (c) in accordance with an authorisation given by the Department or the Housing Executive;
 - (d) in accordance with any statutory provision or order of a court;
 - (e) for the purposes of any criminal proceedings; or
 - (f) with the consent of the person to whom the information relates.

Provisions relating to sharing of social security information extended to the Department

11.—(1) This subsection applies to the following provisions of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)—

- (a) sections 116C and 116D (supply of information to or by the Housing Executive);
- (b) Part 1 of Schedule 4 (persons employed in social security administration or adjudication).

(2) In the provisions to which subsection (1) applies—

- (a) references to the Housing Executive shall include references to the Department for the purposes of functions of the Department relating to the administration of housing benefit;
- (b) references to a person authorised to exercise any function of the Housing Executive relating to housing benefit shall include references to a person authorised to exercise any function of the Department relating to the administration of housing benefit.

(3) This subsection applies to the following provisions of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)—

- (a) section 117(9) (unauthorised disclosure of information – definition of “the person responsible”);
- (b) Part 1 of Schedule 4 (persons employed in social security administration or adjudication).

(4) In the provisions to which subsection (3) applies references to the Department (within the meaning of that Act) shall include references to the Department (within the meaning of this Act) for the purposes of the functions mentioned in subsection (2)(a).

(5) The references to section 116C and section 116D of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) are to those sections as modified by paragraph 32 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11).