

WELFARE REFORM AND PENSIONS ACT 1999

EXPLANATORY NOTES

COMMENTARY

Commentary

Section 72: Disclosure and use of information

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Subsection (1) provides a power to make regulations specifying how, to whom, when and for what purposes social security information can be provided by those people mentioned in *subsection (2)* (Ministers of the Crown and persons providing services to them, local authorities, and persons providing services to, or exercising functions of, local authorities). It limits the use which can be made of such information to “relevant purposes”, as defined in *subsection (6)*.

The section as a whole enables regulations to provide for information-sharing relating to a number of social security and employment-related initiatives. Those powers give flexibility in an area where configurations of services and help are likely to change and evolve – for example, in the light of experience from current pilot and prototype operations. *Subsection (1)* restricts the use of these regulations to the provisions listed in *subsection (3)*, or to any scheme or arrangements defined under *subsection (4)*.

Subsection (4) enables regulations under *subsection (1)* to designate schemes or arrangements which are concerned with the employment or training prospects of a claimant or his partner.

It is currently intended to designate the following schemes:

- the New Deal for Partners of Unemployed People;
- the New Deal for Lone Parents; and
- the New Deal for Disabled People.

However, this subsection enables new schemes to be designated as they are developed.

Subsection (5) ensures that regulations made under *subsection (1)* may enable disclosed information to be used to supplement or amend information already held by another person.

It also enables the recipient in turn to disclose this information to others, or use it for another purpose, insofar as they were permitted to disclose or use the information which they already held. This provision echoes section 122B(4) of the Administration Act 1992.

Subsection (6) defines the purposes for which information supplied under this section can be used.

*These notes refer to the Welfare Reform and Pensions Act 1999
(c.30) which received Royal Assent on 11 November 1999*

These are purposes connected with social security, child support or war pensions; or purposes connected with employment or training. It also defines “*social security information*” for the purposes of this section, as information relating to social security, child support or war pensions. This is consistent with the definition in section 3 of the Social Security Act 1998.

Subsection (7) further defines “purposes connected with employment or training” to make it clear that such purposes can include assisting and encouraging people to enhance their employment prospects.