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STATUTORY INSTRUMENTS

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**2020 No. 103**

**The Victims' Payments Regulations 2020**

**PART 6**

Information and disclosure

**Power to require information by notice**

**29.**—(1) The Board may, by notice in writing, require any person to provide the Board with any specified records, documents or other information for the purpose of—

- (a) determining whether a person is eligible for victims' payments;
- (b) determining the amount of victims' payments payable to a person;
- (c) making a determination under regulation 10(3)(a);
- (d) a further assessment under regulation 33;
- (e) determining an appeal under regulation 37, or
- (f) reviewing a determination under regulation 43.

(2) A notice under paragraph (1) may specify the date before which the notice must be complied with.

[<sup>F1</sup>(2A) A person to whom a notice under this paragraph is given may make a claim to the Board that—

- (a) the person is unable to comply with the notice, or
- (b) it is not reasonable in all the circumstances to require the person to comply with the notice.]

(3) A claim under paragraph [<sup>F2</sup>(2A)] must be considered on behalf of the Board by a panel appointed for this purpose.

(4) On considering a claim under paragraph [<sup>F3</sup>(2A)], the panel may confirm, revoke or vary the notice.

(5) A person who is required by a notice under this regulation to provide records or documents must, if doing so would disclose information about another person which is irrelevant to the determination of the application under this Part and the disclosure of which would breach an obligation of confidence, provide the records or documents in a redacted form.

(6) A notice under this section has effect in spite of anything which would otherwise prohibit a person from complying with the notice.

(7) But a requirement of a notice does not have effect if—

- (a) complying with the requirement would involve the disclosure of information which, although made in compliance with the requirement, would contravene the data protection legislation, or
- (b) the person would be entitled in proceedings before the High Court in Northern Ireland to refuse to comply with the requirement.

(8) The duty to comply with a notice given under paragraph (1) is enforceable by civil proceedings by the President of the Board for an injunction or any other appropriate relief.

- F1** Reg. 29(2A) substituted for reg. 29(2)(a)-(c) (29.5.2020) by [The Victims' Payments \(Amendment\) Regulations 2020 \(S.I. 2020/490\)](#), regs. 1(1), **2(3)(a)**
- F2** Word in reg. 29(3) substituted (29.5.2020) by [The Victims' Payments \(Amendment\) Regulations 2020 \(S.I. 2020/490\)](#), regs. 1(1), **2(3)(b)**
- F3** Word in reg. 29(4) substituted (29.5.2020) by [The Victims' Payments \(Amendment\) Regulations 2020 \(S.I. 2020/490\)](#), regs. 1(1), **2(3)(b)**

#### Commencement Information

- I1** Reg. 29 in force at 29.5.2020, see reg. 1(3)

### Use of personal data by the Board

**30.**—(1) Personal data provided to the Board by an applicant, or disclosed pursuant to a notice under regulation 29, may only be used by the Board for the purpose of the exercise of functions under these Regulations.

- (2) But paragraph (1) does not prevent the use of information by the Board—
- (a) if the information has already lawfully been made available to the public;
  - (b) if the person to whom the information relates consents to its use for another purpose;
  - (c) for the prevention or detection of crime;
  - (d) for the purposes of a criminal investigation;
  - (e) for the purposes of legal proceedings (whether civil or criminal), or
  - (f) for the purposes of—
    - (i) preventing serious physical harm to a person;
    - (ii) preventing loss of human life;
    - (iii) safeguarding vulnerable adults or children;
    - (iv) responding to an emergency, or
    - (v) protecting national security.

(3) Paragraph (2) does not apply to HMRC information or social security information, but such information may be used by the Board for purposes other than those for which it was disclosed with the consent of the relevant authority (which may be general or specific).

- (4) In this regulation—
- “HMRC information” means information disclosed to the Board under paragraph (1) by the Revenue and Customs;
- “the Revenue and Customs” has the meaning given by section 17(3) of the Commissioners for Revenue and Customs Act 2005 <sup>M1</sup>;
- “social security information” means information which, when disclosed to the Board under paragraph (1), was information held for the purposes of any of the following functions of the Secretary of State or a Northern Ireland Department—
- (a) functions relating to social security, including functions relating to—
    - (i) statutory payments as defined in section 4C(11) of the Social Security Contributions and Benefits Act 1992 <sup>M2</sup>;
    - (ii) maternity allowance under section 35 of that Act;

- (iii) statutory payments as defined in section 4C(11) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 <sup>M3</sup>;
- (iv) maternity allowance under section 35 of that Act;
- (v) schemes and arrangements under section 2 of the Employment and Training Act 1973 <sup>M4</sup>;
- (b) functions relating to the investigation and prosecution of offences relating to tax credits; “the relevant authority” means—
  - (c) the Secretary of State (in the case of a disclosure of social security information held, when disclosed to the Board under paragraph (1), for the purposes of the functions of the Secretary of State);
  - (d) the Department for Communities in Northern Ireland (in the case of a disclosure of social security information held, when disclosed to the Board under paragraph (1), for the purposes of the functions of a Northern Ireland department);
  - (e) the Commissioners or an officer of Revenue and Customs (in the case of a disclosure or further disclosure of HMRC information).

#### **Commencement Information**

**I2** Reg. 30 in force at 29.5.2020, see reg. 1(3)

#### **Marginal Citations**

**M1** 2005 c. 11.

**M2** 1992 c. 4.

**M3** 1992 c. 7.

**M4** 1973 c. 50.

### **Confidentiality of personal data**

**31.**—(1) Personal data provided to the Board by an applicant, or disclosed pursuant to a notice under regulation 29, may not be disclosed—

- (a) by the Board, or
- (b) by any other person who has received it directly or indirectly from the Board.

(2) In the case of personal data which is not HMRC information or social security information, paragraph (1) does not apply to a disclosure—

- (a) which is required or permitted by any enactment (including these Regulations);
- (b) which is required by a retained EU obligation;
- (c) which is made in pursuance of an order of the court;
- (d) of information which has already lawfully been made available to the public;
- (e) which is made for the prevention or detection of crime;
- (f) which is made for the purposes of a criminal investigation,
- (g) which is made for the purposes of legal proceedings (whether civil or criminal);
- (h) which is a protected disclosure for any of the purposes of the Employment Rights Act 1996 <sup>M5</sup> or the Employment Rights (Northern Ireland) Order 1996) <sup>M6</sup>;
- (i) consisting of the publication of information for the purposes of journalism, where the publication of the information is in the public interest;

- (j) which is made with the consent of the person to whom it relates, or
- (k) which is made for the purposes of—
  - (i) preventing serious physical harm to a person;
  - (ii) preventing loss of human life;
  - (iii) safeguarding vulnerable adults or children;
  - (iv) responding to an emergency, or
  - (v) protecting national security.

(3) In the case of HMRC information or social security information, paragraph (1) does not apply to a disclosure made with the consent of the relevant authority.

(4) The duty imposed by paragraph (1) is enforceable by civil proceedings by the President of the Board for an injunction or any other appropriate relief.

(5) In this regulation “HMRC information”, “social security information” and “the relevant authority” have the same meaning as in regulation 31.

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**Commencement Information**

**I3** Reg. 31 in force at 29.5.2020, see reg. 1(3)

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**Marginal Citations**

**M5** 1996 c. 18.

**M6** S.I. 1996/1919 (N.I. 16).

**Changes to legislation:**

There are currently no known outstanding effects for the The Victims' Payments Regulations 2020, PART 6.