

EXPLANATORY MEMORANDUM TO

The Statistics and Registration Service Act 2007 (Disclosure of Social Security Information) Regulations (Northern Ireland) 2012

S.R. 2012 No. 215

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Finance and Personnel to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 49 of the Statistics and Registration Service Act 2007 (the Act) and is subject to the affirmative resolution procedure.

2. Purpose

- 2.1. These Regulations permit the Department for Social Development to disclose national insurance and social security information about individuals to the Statistics Board (also known as the UK Statistics Authority) for the purpose of enabling that Board to carry out its functions in connection with (a) the production of population statistics and (b) the assessment of Northern Ireland census returns.
- 2.2. Regulation 1 contains the citation and commencement provisions.
- 2.3. Regulation 2 contains the interpretation provisions.
- 2.4. Regulation 3 enables the Department for Social Development to disclose National Insurance Register/social security information to the Statistics Board.
- 2.5. Regulation 4 lists the National Insurance Register/social security information to be disclosed.
- 2.6. Regulation 5 and 6 authorises further disclosure by the Statistics Board of information which has been disclosed to it under regulations 3 and 4 to the Northern Ireland Statistics and Research Agency and the National Records of Scotland for the purpose of enabling or assisting that Board to produce population statistics under section 20 (production of statistics) of the Act.
- 2.7. The regulations allow information to be disclosed in relation to the following benefits:
 1. Job Seekers Allowance.
 2. State Pension Credit.
 3. Employment and Support Allowance.
 4. Any income related benefit.
 5. Incapacity benefit, comprising of short-term incapacity benefit, and long-term incapacity benefit.
 6. Maternity allowance.
 7. Widow's benefit, comprising of widowed mother's allowance and widow's pension.
 8. Bereavement benefits, comprising of bereavement payment; widowed parent's allowance and bereavement allowance.
 9. State pensions (payable to a person by virtue of his own contributions and payable to a person by virtue of the contributions of a spouse or civil partner).
 10. Shared additional pensions.
 11. For existing beneficiaries only, child's special allowance.
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Attendance allowance. 13. Carer's allowance. 14. Disability living allowance. 15. Guardian's allowance. 16. Disablement benefit . 17. Reduced earnings allowance. 18. Retirement allowance. 19. Industrial death benefit. 20. As respects any period before 6th April 1975 of graduated retirement benefit).

2.8.

3. Background

- 3.1. Information on the size, structure and the socio-demographic nature of the population is needed for resource allocation from central government to local authorities and the National Health Service as well as for the planning and delivery of local services. The UK Statistics Authority is responsible for producing this information.
- 3.2. The Statistics Board is a non-ministerial department set up by the Statistics and Registration Service Act 2007 to promote and produce independent official statistics. The Statistics Board has chosen to operate under the name "UK Statistics Authority" ("the Authority") and is responsible for producing accurate UK population statistics.
- 3.3. The sharing of data from administrative sources is vital for improving methods used for producing population statistics, to ensure they are as accurate as possible and especially for assessing census results.
- 3.4. In exercising their functions Department of Work and Pensions (DWP) and Her Majesty's Revenue and Customs (HMRC) record certain National Insurance Register/social security information about individuals, in particular in relation to payments of certain benefits. The Authority has worked closely with DWP and HMRC to carefully scrutinise the data they collect and identify information that is central and vital for their work on improving population statistics and developing alternatives to the census.
- 3.5. In Northern Ireland the functions of DWP are carried out by the Department for Social Development and they have ownership of any information recorded here therefore separate regulations have to be made in Northern Ireland to permit access by the Authority.
- 3.6. HMRC information is held centrally and therefore does not need to be included in Northern Ireland regulations.
- 3.7. The Northern Ireland regulations permit the sharing of certain information about individuals: their surname, and any former surname; first name; middle name, or if more than one, each middle name; date of birth; gender; marital status; unique individual identifier. The sharing of the following information about the individual's address is also permitted: the full address including postcode; the date the residence at that address started; the date the residence at that address ended; if the individual is, or was, resident outside of the United Kingdom on or after 1st January 2001, the fact that they are, or were, resident outside of the United Kingdom.
- 3.8. The regulations permit the sharing of the following information in relation to benefits received by an individual: the type of benefit received; the date that individual started to receive that benefit; the date that individual ceased to receive that benefit. Finally, the following information about any

other person on whom entitlement to a benefit is, or would have been, dependent can also be shared: that person's full name; that person's full address including postcode; the nature of that person's relationship to the individual entitled, or who would have been entitled, to the benefit and the date the dependency on that person for the individual's entitlement to the benefit started and ceased, or will cease.

- 3.9. The Authority will make use of the information that it accesses through the regulations to bring about improvements to the statistics it produces and publishes. In particular the Authority will use it alongside other information to consider alternative ways to a traditional census to deliver census type statistics
- 3.10. The Statistics and Registration Service Act 2007 allows a Northern Ireland department, with the consent of the Cabinet Office, to make regulations permitting disclosure of information by public bodies to the Authority to enable it to carry out its statutory functions. As part of the National Insurance Register is owned by the Department for Social Development, separate regulations must be made to enable access by the Authority.
- 3.11. The Northern Ireland Statistics and Research Agency (NISRA) is an executive agency within the Department of Finance and Personnel and will produce the population statistics in Northern Ireland from data received from the Authority.
- 3.12. Although the regulations will allow the Authority to access personal information it will not publish any personal information which could identify an individual. Section 39 of the Act makes it an offence for a member or an employee of the Authority to disclose personal information held by the Authority, subject to the exceptions provided for in subsection (4).

4. Consultation

- 4.1. The Statistics Authority has been consulted on these regulations. The Cabinet Office and the Department for Social Development have also been consulted on these regulations.
- 4.2. Northern Ireland Ministers were advised in May 2007 that the Act would allow NI Departments, under appropriate secondary legislative safeguards, to avail of data sharing arrangements solely for statistical purposes. Neither Ministers nor the DFP Assembly Committee sought to alter that decision.

5. Equality Impact

- 5.1. The Regulations are a mechanism to facilitate transfer of social security data that applies in a non-discriminatory way.
- 5.2. An equality impact assessment has been conducted showing no effect and is available from the Department .

6. Regulatory Impact

- 6.1. The statutory rule has an impact only on those public sector bodies mentioned in the regulations. No impact is foreseen on businesses, charities,

social economy enterprises or the voluntary sector therefore a full Regulatory Impact Assessment has not been carried out .

7. Financial Implications

7.1. No direct financial implications other than the cost of managing the data transfer.

8. Section 24 of the Northern Ireland Act 1998

8.1. In the view of the Department of Finance and Personnel the regulations are compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The statutory rule is similar to the Statistics and Registration Service Act (Disclosure of Social Security and Revenue Information) Regulations 2012 made by the Minister for the Cabinet Office. Those regulations include provisions involving H M Revenue and Customs information that is all held centrally and not in Northern Ireland.

11. Additional Information

11.1. Dr David Marshall at Northern Ireland Statistics & Research Agency Tel: 028 90348155 or email: david.marshall@dfpni.gov.uk can answer any queries regarding these regulations.