



Pensions Act 2004

2004 CHAPTER 35

PART 1

THE PENSIONS REGULATOR

Disclosure of information

82 Restricted information

- (1) Restricted information must not be disclosed—
 - (a) by the Regulator, or
 - (b) by any person who receives the information directly or indirectly from the Regulator.
- (2) Subsection (1) is subject to—
 - (a) subsection (3), and
 - (b) sections 71(9), 83 to 88 and 235.
- (3) Subject to section [F188(5)], restricted information may be disclosed with the consent of the person to whom it relates and (if different) the person from whom the Regulator obtained it.
- (4) For the purposes of this section and sections 83 to 87, “restricted information” means any information obtained by the Regulator in the exercise of its functions which relates to the business or other affairs of any person, except for information—
 - (a) which at the time of the disclosure is or has already been made available to the public from other sources, or
 - (b) which is 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.
- (5) Any person who discloses information in contravention of this section is guilty of an offence and liable—

Status: Point in time view as at 06/04/2015.

Changes to legislation: Pensions Act 2004, Cross Heading: Disclosure of information is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) on summary conviction, to a fine not exceeding the statutory maximum [^{F2}, or imprisonment for a term not exceeding 12 months, or both];
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years, or both.

[^{F3}(6) In relation to an offence under subsection (5) committed before the commencement of section 282 of the Criminal Justice Act 2003 (short sentences) the reference in subsection (5)(a) to 12 months has effect as if it were a reference to six months.

(7) Subsection (6) does not extend to Scotland.]

Textual Amendments

- F1** Word in s. 82(3) substituted (26.1.2009) by [Pensions Act 2008 \(c. 30\)](#), **ss. 62(2)**, 149(1); S.I. 2009/82, art. 2(1)(a)
- F2** Words in s. 82(5)(a) inserted (26.1.2009) by [Pensions Act 2008 \(c. 30\)](#), **ss. 64(1)**, 149(1); S.I. 2009/82, art. 2(1)(a)
- F3** S. 82(6)(7) inserted (26.1.2009) by [Pensions Act 2008 \(c. 30\)](#), **ss. 64(2)**, 149(1); S.I. 2009/82, art. 2(1)(a)

Modifications etc. (not altering text)

- C1** S. 82(2) modified (6.4.2005) by [The Register of Occupational and Personal Pension Schemes Regulations 2005 \(S.I. 2005/597\)](#), regs. 1(1), **5(3)**

Commencement Information

- I1** S. 82 in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), **Sch. Pt. 7**

83 Information supplied to the Regulator by corresponding overseas authorities

- (1) Subject to subsection (2), for the purposes of section 82, “restricted information” includes information which has been supplied to the Regulator, for the purposes of its functions, by an authority which exercises functions corresponding to the functions of the Regulator in a country or territory outside the United Kingdom.
- (2) Sections 84 to 87 do not apply to such information as is mentioned in subsection (1), and such information must not be disclosed except—
 - (a) as provided in section 82(3),
 - (b) for the purpose of enabling or assisting the Regulator to discharge its functions, or
 - (c) by or on behalf of—
 - (i) the Regulator, or
 - (ii) any public authority (within the meaning of section 6 of the Human Rights Act 1998 (c. 42)) which receives the information directly or indirectly from the Regulator,
 for any of the purposes specified in section 17(2)(a) to (d) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (criminal proceedings and investigations).
- (3) Section 18 of the Anti-terrorism, Crime and Security Act 2001 (restriction on disclosure of information for overseas purposes) has effect in relation to a disclosure authorised by subsection (2) as it has effect in relation to a disclosure authorised by any of the provisions to which section 17 of that Act applies.

Status: Point in time view as at 06/04/2015.

Changes to legislation: Pensions Act 2004, Cross Heading: Disclosure of information is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I2 S. 83 in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), [Sch. Pt. 7](#)

84 Disclosure for facilitating exercise of functions by the Regulator

- (1) Section 82 does not preclude the disclosure of restricted information in any case in which disclosure is for the purpose of enabling or assisting the Regulator to exercise its functions.
- (2) Subsection (3) applies where, in order to enable or assist the Regulator properly to exercise any of its functions, the Regulator considers it necessary to seek advice from any qualified person on any matter of law, accountancy, valuation or other matter requiring the exercise of professional skill.
- (3) Section 82 does not preclude the disclosure by the Regulator to a person qualified to provide that advice of such information as appears to the Regulator to be necessary to ensure that he is properly informed with respect to the matters on which his advice is sought.
- [^{F4}(4) Section 82 does not preclude the disclosure by the Regulator to the Personal Accounts Delivery Authority of such information as appears to the Regulator to be necessary to enable the Authority to provide assistance or advice to the Regulator under section 79(2) of the Pensions Act 2008.]

Textual Amendments

F4 S. 84(4) inserted (26.11.2008) by [Pensions Act 2008 \(c. 30\)](#), [ss. 83](#), 149(2)

Commencement Information

I3 S. 84 in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), [Sch. Pt. 7](#)

85 Disclosure for facilitating exercise of functions by the Board

Section 82 does not preclude the disclosure of restricted information in any case in which disclosure is for the purpose of enabling or assisting the Board of the Pension Protection Fund to exercise its functions.

Commencement Information

I4 S. 85 in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), [Sch. Pt. 7](#)

86 Disclosure for facilitating exercise of functions by other supervisory authorities

- (1) Section 82 does not preclude the disclosure by the Regulator of restricted information to any person specified in the first column of Schedule 3 if the Regulator considers that the disclosure would enable or assist that person to exercise the functions specified in relation to him in the second column of that Schedule.
- (2) The Secretary of State may after consultation with the Regulator—
 - (a) by order amend Schedule 3 by—

Status: Point in time view as at 06/04/2015.

Changes to legislation: Pensions Act 2004, Cross Heading: Disclosure of information is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) adding any person exercising regulatory functions and specifying functions in relation to that person,
- (ii) removing any person for the time being specified in the Schedule, or
- (iii) altering the functions for the time being specified in the Schedule in relation to any person, or
- (b) by order restrict the circumstances in which, or impose conditions subject to which, disclosure may be made to any person for the time being specified in the Schedule.

Commencement Information

- I5** S. 86(1) in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), [Sch. Pt. 7](#)
I6 S. 86(2) in force at 6.4.2006 by [S.I. 2006/560](#), art. 2(3), [Sch. Pt. 3](#)

87 Other permitted disclosures

- (1) Section 82 does not preclude the disclosure by the Regulator of restricted information to—
- (a) the Secretary of State,
 - (b) the Commissioners of Inland Revenue or their officers, or
 - (c) the Department for Social Development in Northern Ireland,
- if the disclosure appears to the Regulator to be desirable or expedient in the interests of members of occupational pension schemes or personal pension schemes or in the public interest.
- (2) Section 82 does not preclude the disclosure of restricted information—
- (a) by or on behalf of—
 - (i) the Regulator, or
 - (ii) any public authority (within the meaning of section 6 of the Human Rights Act 1998 (c. 42)) which receives the information directly or indirectly from the Regulator,
 for any of the purposes specified in section 17(2)(a) to (d) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (criminal proceedings and investigations),
 - (b) in connection with any proceedings arising out of—
 - (i) this Act,
 - (ii) the Welfare Reform and Pensions Act 1999 (c. 30),
 - (iii) the Pensions Act 1995 (c. 26), or
 - (iv) the Pension Schemes Act 1993 (c. 48),
 or any corresponding enactment in force in Northern Ireland, or any proceedings for breach of trust in relation to an occupational pension scheme,
 - (c) with a view to the institution of, or otherwise for the purposes of, proceedings under—
 - (i) section 7 or 8 of the Company Directors Disqualification Act 1986 (c. 46), or
 - (ii) Article 10 or 11 ^{F5}... of the Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4)),
 - (d) in connection with any proceedings under—

Status: Point in time view as at 06/04/2015.

Changes to legislation: Pensions Act 2004, Cross Heading: Disclosure of information is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) the Insolvency Act 1986 (c. 45), or
 - (ii) the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)),
- which the Regulator has instituted or in which it has a right to be heard,
- (e) with a view to the institution of, or otherwise for the purposes of, any disciplinary proceedings relating to the exercise of his professional duties by a solicitor, an actuary, an accountant or an insolvency practitioner,
 - (f) with a view to the institution of, or otherwise for the purposes of, any disciplinary proceedings relating to the exercise by a public servant of his functions,
 - (g) for the purpose of enabling or assisting an authority in a country outside the United Kingdom to exercise functions corresponding to those of the Regulator under this Act, the Welfare Reform and Pensions Act 1999 (c. 30), the Pensions Act 1995 (c. 26) or the Pension Schemes Act 1993 (c. 48), or
 - (h) in pursuance of [^{F6}an EU] obligation.
- (3) In subsection (2)(f), “public servant” means an officer or servant of the Crown or of any prescribed authority.
- (4) Section 82 does not preclude the disclosure by the Regulator of restricted information to—
- (a) the Director of Public Prosecutions,
 - (b) the Director of Public Prosecutions for Northern Ireland,
 - (c) the Lord Advocate,
 - (d) a procurator fiscal, or
 - (e) a constable.
- (5) Section 82 does not preclude the disclosure of restricted information in any case where the disclosure is required by or by virtue of an enactment.
- (6) Section 82 does not preclude the disclosure of restricted information in any case where the disclosure is to a Regulator-appointed trustee of an occupational pension scheme for the purpose of enabling or assisting him to exercise his functions in relation to the scheme.
- (7) In subsection (6), “Regulator-appointed trustee” means a trustee appointed by the Regulator under section 7 or 23(1) of the Pensions Act 1995 or any corresponding provision in force in Northern Ireland.
- (8) Section 82 does not preclude the disclosure by any person mentioned in subsection (1) or (4) of restricted information obtained by the person by virtue of that subsection, if the disclosure is made with the consent of the Regulator.
- (9) Section 82 does not preclude the disclosure by any person specified in the first column of Schedule 3 of restricted information obtained by the person by virtue of section 86(1), if the disclosure is made—
- (a) with the consent of the Regulator, and
 - (b) for the purpose of enabling or assisting the person to exercise any functions specified in relation to him in the second column of the Schedule.
- (10) Before deciding whether to give its consent to such a disclosure as is mentioned in subsection (8) or (9), the Regulator must take account of any representations made to

Status: Point in time view as at 06/04/2015.

Changes to legislation: Pensions Act 2004, Cross Heading: Disclosure of information is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

it, by the person seeking to make the disclosure, as to the desirability of the disclosure or the necessity for it.

- (11) Section 18 of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (restriction on disclosure of information for overseas purposes) has effect in relation to a disclosure authorised by subsection (2) as it has effect in relation to a disclosure authorised by any of the provisions to which section 17 of that Act applies.

Textual Amendments

- F5** Words in s. 87(2)(c)(ii) omitted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 243(6)** (with art. 10)
- F6** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))

Commencement Information

- I7** S. 87 in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), **Sch. Pt. 7**

[^{F7}88] Tax information etc

- (1) This section applies to information held by the Revenue and Customs if it is held by them in connection with a function of the Revenue and Customs that relates to any of these matters—
- (a) tax or duty;
 - (b) national insurance contributions;
 - (c) the national minimum wage.
- (2) An officer of Revenue and Customs may disclose to the Regulator information to which this section applies, if the disclosure is made for the purpose of enabling or assisting the Regulator to discharge its functions.
- (3) Where information to which this section applies is disclosed to the Regulator by virtue of subsection (2) above or section 19 of the Anti-terrorism, Crime and Security Act 2001 (disclosure of information held by revenue departments), it must, subject to subsections (4) and (5), be treated for the purposes of section 82 as restricted information.
- (4) Information to which this section applies which is disclosed to the Regulator as mentioned in subsection (3) may not be disclosed by the Regulator or any person who receives the information directly or indirectly from the Regulator except—
- (a) to, or in accordance with authority given by, the Commissioners for Her Majesty's Revenue and Customs,
 - (b) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings,
 - (c) with a view to the institution of any other proceedings by the Regulator, or for the purposes of any such proceedings instituted by the Regulator,
 - (d) in accordance with section 84, otherwise than for the purposes of any proceedings, or
 - (e) 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.

Status: Point in time view as at 06/04/2015.

Changes to legislation: Pensions Act 2004, Cross Heading: Disclosure of information is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) Accordingly sections 82(3), 83, 85 to 87 and 235, and paragraph 4 of Schedule 10, do not apply to such information, and section 84 applies subject to subsection (4)(d).
- (6) In subsection (4)(c) and (d), “proceedings” includes the issue of notices or any other enforcement action taken by the Regulator under Chapter 2 of Part 1 of the Pensions Act 2008 or any other enactment.
- (7) In this section “the Revenue and Customs” and a “function of the Revenue and Customs” have the same meaning as in section 18 of the Commissioners for Revenue and Customs Act 2005 (confidentiality).]

Textual Amendments

F7 S. 88 substituted (26.1.2009) by [Pensions Act 2008 \(c. 30\)](#), **ss. 62(1)**, 149(1); [S.I. 2009/82](#), art. 2(1)(a)

Commencement Information

I8 S. 88 in force at 6.4.2005 by [S.I. 2005/275](#), art. 2(7), **Sch. Pt. 7**

Status:

Point in time view as at 06/04/2015.

Changes to legislation:

Pensions Act 2004, Cross Heading: Disclosure of information is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.