



Pensions Act 2004

2004 CHAPTER 35

PART 4 **U.K.**

FINANCIAL PLANNING FOR RETIREMENT

[^{F1}Pensions dashboards

Textual Amendments

- F1** Ss. 238A-238C and cross-heading inserted (11.2.2021 for specified purposes, 14.10.2022 in so far as not already in force) by Pension Schemes Act 2021 (c. 1), ss. 118(2), 131(1)(3)(a); S.I. 2022/1044, reg. 2(a)

238A Qualifying pensions dashboard service **U.K.**

- (1) A pensions dashboard service is an electronic communications service by means of which information about pensions may be requested by, and provided to, an individual or a person authorised by the individual.
- (2) “Qualifying pensions dashboard service” means a pensions dashboard service in relation to which prescribed requirements are satisfied.
- (3) Requirements prescribed under subsection (2) may, in particular, relate to—
 - (a) what relevant and other information is to be provided, how it is to be provided and the circumstances in which it is to be provided;
 - (b) how the pensions dashboard service is to be established, maintained and operated.
- (4) In subsection (3)(a) “relevant information” means—
 - (a) information of a prescribed description about—
 - (i) state pensions;
 - (ii) basic or additional retirement pensions;

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- (b) state pension information relating to the individual in question of such description as may be prescribed;
 - (c) information of a prescribed description about occupational or personal pension schemes or a prescribed description of occupational or personal pension schemes;
 - (d) information relating to the individual in question and particular occupational or personal pension schemes of such description as may be prescribed.
- (5) Requirements prescribed under subsection (2) may, in particular—
- (a) require the pensions dashboard service to comply with standards, specifications or technical requirements published from time to time by—
 - (i) the Secretary of State,
 - (ii) the Money and Pensions Service, or
 - (iii) a person specified or of a description specified in the regulations;
 - (b) require the provider of the pensions dashboard service to satisfy prescribed conditions;
 - (c) require the provider of the pensions dashboard service to be a person approved from time to time by—
 - (i) the Secretary of State,
 - (ii) the Money and Pensions Service, or
 - (iii) a person specified or of a description specified in the regulations;
 - (d) require the provider of the pensions dashboard service to provide, or not to provide, information, facilities or services specified or of a description specified in connection with the pensions dashboard service.
- (6) Requirements prescribed under subsection (2) may include provision under which a determination may fall to be made by—
- (a) the Secretary of State,
 - (b) the Money and Pensions Service, or
 - (c) a person specified or of a description specified in the regulations.

238B Qualifying pension dashboard service: further provision U.K.

- (1) Requirements prescribed under section 238A(2) may make provision about—
- (a) dealing with requests for information about pensions, including provision about the use of intermediaries;
 - (b) the involvement of the provider of a pensions dashboard service in the arrangements for dealing with requests for information about pensions.
- (2) The provision made by virtue of subsection (1) may, in particular, require—
- (a) the use of electronic communications;
 - (b) the use of facilities or services specified or of a description specified in the regulations;
 - (c) the provision of assistance in connection with the establishment, maintenance or management of such facilities or services;
 - (d) participation in, or compliance with, arrangements for establishing, maintaining or managing such facilities or services.
- (3) The facilities and services for which provision may be made by virtue of subsection (2)
- (b) may include facilities or services with functions relating to—

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- (a) the transmission of information,
 - (b) verifying the identity of a person,
 - (c) identifying the occupational or personal pension scheme or schemes under which pensions are payable to or in respect of a particular individual,
 - (d) authenticating information transmitted by means of electronic communications, or
 - (e) ensuring the security of information transmitted by means of electronic communications.
- (4) Regulations under subsection (2)(b) may impose requirements as regards a facility or service, including requirements about—
- (a) compliance with standards, specifications or technical requirements published from time to time by—
 - (i) the Secretary of State,
 - (ii) the Money and Pensions Service, or
 - (iii) a person specified or of a description specified in the regulations;
 - (b) the provider of the facility or service being a person approved from time to time by—
 - (i) the Secretary of State,
 - (ii) the Money and Pensions Service, or
 - (iii) a person specified or of a description specified in the regulations.
- (5) Regulations under subsection (2)(d) may, in particular, require the provider of the pensions dashboard service—
- (a) to cooperate with the Money and Pensions Service or a person specified or of a description specified in the regulations;
 - (b) to coordinate activities with the Money and Pensions Service or a person specified or of a description specified in the regulations;
 - (c) to enable the Money and Pensions Service or a person specified or of a description specified in the regulations to monitor or audit compliance by the provider.
- (6) Except as provided by subsection (7), regulations under section 238A(2) may provide for the processing of personal data in accordance with the regulations not to be in breach of—
- (a) any obligation of confidence owed by the person processing the personal data, or
 - (b) any other restriction on the processing of personal data (however imposed).
- (7) Regulations under section 238A(2) are not to be read as authorising or requiring such processing of personal data as would contravene the data protection legislation (but in determining whether particular processing of data would do so, take into account the power conferred or duty imposed by the provision of regulations in question).

238C Sections 238A and 238B: interpretation **U.K.**

- (1) This section applies for the purposes of sections 238A and 238B.
- (2) A reference to state pension information, in relation to an individual, is a reference to the information about that individual specified in—
 - (a) section 42(7) of the Child Support, Pensions and Social Security Act 2000, or

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- (b) section 38(7) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000.
- (3) A reference to the Money and Pensions Service includes a reference to a person with whom arrangements are made under section 5(1), (2) or (3) of the Financial Guidance and Claims Act 2018.
- (4) In sections 238A and 238B—
 - “additional retirement pension” means—
 - (a) any additional pension or shared additional pension under—
 - (i) the Social Security Contributions and Benefits Act 1992, or
 - (ii) the Social Security Contributions and Benefits (Northern Ireland) Act 1992, or
 - (b) any graduated retirement benefit under—
 - (i) sections 36 and 37 of the National Insurance Act 1965, or
 - (ii) sections 35 and 36 of the National Insurance Act (Northern Ireland) 1966;
 - “basic retirement pension” means any basic pension under—
 - (a) the Social Security Contributions and Benefits Act 1992, or
 - (b) the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
 - “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
 - “electronic communications service” has the meaning given by section 32 of the Communications Act 2003;
 - “personal data” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
 - “state pension” means any state pension under—
 - (a) Part 1 of the Pensions Act 2014, or
 - (b) Part 1 of the Pensions Act (Northern Ireland) 2015.]

[^{F2}238D Information from occupational pension schemes **U.K.**

- (1) Regulations may impose requirements on the trustees or managers of a relevant occupational pension scheme with respect to—
 - (a) providing pensions information by means of—
 - (i) a qualifying pensions dashboard service, or
 - (ii) the pensions dashboard service provided by the Money and Pensions Service;
 - (b) facilitating the provision of pensions information by means of—
 - (i) a qualifying pensions dashboard service, or
 - (ii) the pensions dashboard service provided by the Money and Pensions Service.
- (2) In this section “pensions information” means, in relation to a relevant occupational pension scheme, such information as may be prescribed, which may include in particular—
 - (a) information relating to—
 - (i) the constitution of the scheme,

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- (ii) the administration and finances of the scheme,
 - (iii) the rights and obligations that arise or may arise under the scheme,
 - (iv) the pensions and other benefits an entitlement to which would be likely to accrue to a member, or be capable of being secured by a member, in respect of the rights that may arise under the scheme, and
 - (v) other matters relevant to occupational pension schemes in general or to occupational pension schemes of a description to which the scheme belongs;
- (b) information as regards the position of an individual in relation to the scheme.
- (3) Regulations under subsection (1) may, in particular, impose requirements about—
- (a) the persons to whom pensions information must be provided;
 - (b) the circumstances in which pensions information must be provided;
 - (c) the steps to be taken before pensions information may be provided;
 - (d) the manner and form in which pensions information must be provided;
 - (e) the time within which pensions information must be provided;
 - (f) the way in which pensions information must be held.
- (4) Regulations under subsection (1) may require the trustees or managers of a scheme to comply with standards, specifications or technical requirements published from time to time by—
- (a) the Secretary of State,
 - (b) the Money and Pensions Service, or
 - (c) a person specified or of a description specified in the regulations.
- (5) Regulations under subsection (1) may include provision under which a determination may fall to be made by—
- (a) the Secretary of State,
 - (b) the Money and Pensions Service, or
 - (c) a person specified or of a description specified in the regulations.
- (6) Regulations under subsection (1) may require the trustees or managers to provide prescribed information about their carrying out of requirements prescribed under this section to—
- (a) the Regulator,
 - (b) the Money and Pensions Service, or
 - (c) a person specified or of a description specified in the regulations.
- (7) In complying with requirements prescribed under this section, a trustee or manager of an occupational pension scheme must have regard to guidance issued from time to time by—
- (a) the Secretary of State, or
 - (b) a person specified or of a description specified in the regulations.

Textual Amendments

F2 Ss. 238D-238G inserted (11.2.2021 for specified purposes, 14.10.2022 in so far as not already in force) by Pension Schemes Act 2021 (c. 1), ss. 119(2), 131(1)(3)(a); S.I. 2022/1044, reg. 2(b)

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238E Information from occupational pension schemes: further provision U.K.

- (1) Regulations under section 238D(1) may make provision about—
 - (a) how pensions information is to be provided, including provision about the use of intermediaries;
 - (b) the involvement of the trustees or managers of a scheme in the arrangements for dealing with requests for information about pensions.
- (2) The provision made by virtue of subsection (1) may, in particular, require—
 - (a) the use of electronic communications;
 - (b) the use of facilities or services specified or of a description specified in the regulations;
 - (c) the provision of assistance in connection with the establishment, maintenance or management of such facilities or services;
 - (d) participation in, or compliance with, arrangements for establishing, maintaining or managing such facilities or services.
- (3) The facilities and services for which provision may be made by virtue of subsection (2)
 - (b) may include facilities or services with functions relating to—
 - (a) the transmission of information,
 - (b) verifying the identity of a person,
 - (c) identifying the occupational or personal pension scheme or schemes under which pensions are payable to or in respect of a particular individual,
 - (d) authenticating information transmitted by means of electronic communications, or
 - (e) ensuring the security of information transmitted by means of electronic communications.
- (4) Regulations under subsection (2)(b) may impose requirements as regards a facility or service, including requirements about—
 - (a) compliance with standards, specifications or technical requirements published from time to time by—
 - (i) the Secretary of State,
 - (ii) the Money and Pensions Service, or
 - (iii) a person specified or of a description specified in the regulations;
 - (b) the provider of the facility or service being a person approved from time to time by—
 - (i) the Secretary of State,
 - (ii) the Money and Pensions Service, or
 - (iii) a person specified or of a description specified in the regulations.
- (5) Regulations under subsection (2)(d) may, in particular, require the trustees or managers—
 - (a) to cooperate with the Money and Pensions Service or other persons specified or of a description specified in the regulations;
 - (b) to coordinate activities with the Money and Pensions Service or other persons specified or of a description specified in the regulations.
- (6) Except as provided by subsection (7), regulations under section 238D(1) may provide for the processing of personal data in accordance with the regulations not to be in breach of—

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- (a) any obligation of confidence owed by the person processing the personal data, or
 - (b) any other restriction on the processing of personal data (however imposed).
- (7) Regulations under section 238D(1) are not to be read as authorising or requiring such processing of personal data as would contravene the data protection legislation (but in determining whether particular processing of data would do so, take into account the power conferred or duty imposed by the provision of regulations in question).

Textual Amendments

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238F Sections 238D and 238E: interpretation **U.K.**

- (1) This section has effect for the purposes of sections 238D and 238E.
- (2) A reference to the Money and Pensions Service includes a reference to a person with whom arrangements are made under section 5(1), (2) or (3) of the Financial Guidance and Claims Act 2018.
- (3) In sections 238D and 238E—
 - “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
 - “pensions dashboard service” means—
 - (a) a pensions dashboard service within the meaning of section 238A, or
 - (b) a pensions dashboard service within the meaning of Article 215A of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1));
 - “personal data” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
 - “qualifying pensions dashboard service” means a pensions dashboard service that satisfies—
 - (a) such requirements as may be prescribed by regulations under section 238A, or
 - (b) such requirements as may be prescribed by regulations under Article 215A of the ;
 - “relevant occupational pension scheme” means an occupational pension scheme which is not a stakeholder pension scheme (as defined in section 1 of the Welfare Reform and Pensions Act 1999).

Textual Amendments

F2 Ss. 238D-238G inserted (11.2.2021 for specified purposes, 14.10.2022 in so far as not already in force) by Pension Schemes Act 2021 (c. 1), ss. 119(2), 131(1)(3)(a); S.I. 2022/1044, reg. 2(b)

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238G Compliance **U.K.**

- (1) Regulations may make provision with a view to securing that the trustees or managers of a relevant occupational pension scheme comply with a provision of regulations under section 238D.
- (2) The regulations may, among other things—
 - (a) provide for the Regulator to issue a notice (a “compliance notice”) to a person with a view to ensuring the person's compliance with a provision of regulations under section 238D;
 - (b) provide for the Regulator to issue a notice (a “third party compliance notice”) to a person with a view to ensuring another person's compliance with a provision of the regulations;
 - (c) provide for the Regulator to issue a notice (a “penalty notice”) imposing a penalty on a person where the Regulator is of the opinion that the person—
 - (i) has failed to comply with a compliance notice or third party compliance notice, or
 - (ii) has contravened a provision of regulations under section 238D;
 - (d) provide for the making of a reference to the First-tier Tribunal or Upper Tribunal in respect of the issue of a penalty notice or the amount of a penalty;
 - (e) confer other functions on the Regulator.
- (3) The regulations may make provision for determining the amount, or the maximum amount, of a penalty in respect of a failure or contravention.
- (4) But the amount of a penalty imposed under the regulations in respect of a failure or contravention must not exceed—
 - (a) £5,000, in the case of an individual, and
 - (b) £50,000, in any other case.
- (5) In this section “relevant occupational pension scheme” has the meaning given by section 238F.]

Textual Amendments

F2 Ss. 238D-238G inserted (11.2.2021 for specified purposes, 14.10.2022 in so far as not already in force) by Pension Schemes Act 2021 (c. 1), ss. 119(2), 131(1)(3)(a); S.I. 2022/1044, reg. 2(b)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18(5A) inserted by [2014 c. 19 s. 52\(2\)](#)
- s. 18(6) words inserted by [2014 c. 19 s. 52\(3\)](#)
- s. 18(8) words inserted by [2014 c. 19 s. 52\(3\)](#)
- s. 23(1A) inserted by [2015 c. 8 Sch. 2 para. 26\(3\)](#)
- s. 23(10A) inserted by [2015 c. 8 Sch. 2 para. 26\(5\)](#)
- s. 38(1)-(1B) substituted for s. 38(1) by [2015 c. 8 Sch. 2 para. 27](#)
- s. 38(7)(da) inserted by [2021 c. 1 s. 104\(2\)](#)
- s. 43(1)-(1B) substituted for s. 43(1) by [2015 c. 8 Sch. 2 para. 28\(2\)](#)
- s. 52(1)-(1B) substituted for s. 52(1) by [2015 c. 8 Sch. 2 para. 29](#)
- s. 80(1)(a)(iib) inserted by [2021 c. 1 s. 109\(3\)](#)
- s. 102(2)(a) words in s. 102(2) renumbered as s. 102(2)(a) by [2008 c. 30 s. 44\(5\)\(a\)](#)
- s. 102(2)(b) inserted by [2008 c. 30 s. 44\(5\)\(b\)](#)
- s. 103(1A) inserted by [2008 c. 30 s. 44\(6\)](#)
- s. 117A inserted by [2008 c. 30 Sch. 10 para. 3](#)
- s. 126(1)-(1B) substituted for s. 126(1) by [2015 c. 8 Sch. 2 para. 31](#)
- s. 188(1)(ba) inserted by [2008 c. 30 Sch. 10 para. 6](#)
- s. 189A inserted by [2008 c. 30 Sch. 10 para. 7](#)
- s. 209(9) added by [2008 c. 30 Sch. 10 para. 8](#)
- s. 291(4)(f) and word inserted by [2021 c. 1 Sch. 3 para. 19\(b\)](#)
- s. 318(3)(a)(viii)-(x) inserted by [2015 c. 8 Sch. 2 para. 38\(3\)\(a\)](#)
- s. 318(3)(b)(vi)-(viii) inserted by [2015 c. 8 Sch. 2 para. 38\(3\)\(b\)](#)
- Sch. 4 para. 7(5)(b) inserted by [2008 c. 30 s. 44\(8\)\(b\)](#)
- Sch. 4 para. 13(3) inserted by [2008 c. 30 s. 44\(9\)\(b\)](#)
- Sch. 4 para. 7(5)(a) words in Sch. 4 para. 7(5) renumbered as Sch. 4 para. 7(5)(a) by [2008 c. 30 s. 44\(8\)\(a\)](#)
- Sch. 7 para. 21(2)(c)-(cc) substituted for Sch. 7 para. 21(2)(b)(c) by [2008 c. 30 Sch. 8 para. 11](#) (This amendment not applied to legislation.gov.uk. Sch. 8 para. 10 (3.1.2012) omitted without ever being in force by virtue of 2011 c. 19, Sch. 4 para. 20; S.I. 2011/3034 art. 3(i)(iv))