



Welfare Reform Act 2012

2012 CHAPTER 5

PART 5

SOCIAL SECURITY: GENERAL

Information-sharing: Secretary of State and DPP

128 Information-sharing between Secretary of State and DPP

- (1) The Secretary of State may supply social security information to a person specified in subsection (2) for use for a purpose specified in subsection (3).
- (2) The persons referred to in subsection (1) are—
 - (a) the Director of Public Prosecutions;
 - (b) a person appointed under section 5 of the Prosecution of Offences Act 1985 (conduct of prosecutions on behalf of Crown Prosecution Service).
- (3) The purposes referred to in subsection (1) are—
 - (a) the institution or conduct of criminal proceedings which relate wholly or partly to social security matters;
 - (b) the giving of advice to any person on any matter relating to criminal proceedings, or criminal offences, which relate wholly or partly to social security matters;
 - (c) the exercise in relation to social security matters of functions assigned to the Director of Public Prosecutions under section 3(2)(g) of the Prosecution of Offences Act 1985;
 - (d) the exercise of functions of the Director of Public Prosecutions under Part 2, 5 or 8 of the Proceeds of Crime Act 2002.
- (4) The reference in subsection (1) to the Secretary of State includes a person providing services to the Secretary of State.
- (5) This section does not limit the circumstances in which information may be supplied apart from this section.

Status: This is the original version (as it was originally enacted).

(6) In this section—

“social security information” means information held for the purposes of any of the Secretary of State’s functions relating to social security matters;

“social security matters” means—

- (a) social security (including the payments and allowances referred to in section 127(8)),
- (b) tax credits, and
- (c) schemes and arrangements under section 2 of the Employment and Training Act 1973.

129 Unlawful disclosure of information supplied under section 128

(1) A person to whom information is supplied under section 128, or an employee or former employee of such a person, may not disclose the information if it relates to a particular person.

(2) Subsection (1) does not apply to—

- (a) a disclosure of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it;
- (b) a disclosure made for the purposes of a function of the Director of Public Prosecutions, where the disclosure does not contravene any restriction imposed by the Director;
- (c) a disclosure made to the Secretary of State, or a person providing services to the Secretary of State, for the purposes of the exercise of functions relating to social security matters (within the meaning of section 128);
- (d) a disclosure made for the purposes of a criminal investigation or criminal proceedings (whether or not in the United Kingdom);
- (e) a disclosure made for the purposes of—
 - (i) the exercise of any functions of the prosecutor under Parts 2, 3 and 4 of the Proceeds of Crime Act 2002;
 - (ii) the exercise of any functions of the Serious Organised Crime Agency under that Act;
 - (iii) the exercise of any functions of the Director of the Serious Fraud Office, the Director of Public Prosecutions for Northern Ireland or the Scottish Ministers under, or in relation to, Part 5 or 8 of that Act;
 - (iv) investigations or proceedings outside the United Kingdom which have led or may lead to the making of an external order within the meaning of section 447 of that Act;
- (f) a disclosure made to a person exercising public functions of law enforcement for the purposes of the exercise of those functions in civil proceedings;
- (g) a disclosure which in the opinion of the Director of Public Prosecutions is desirable for the purpose of safeguarding national security;
- (h) a disclosure made in pursuance of an order of a court;
- (i) a disclosure made with the consent of each person to whom the information relates.

(3) Subsection (1) does not apply in relation to information relating to schemes and arrangements under section 2 of the Employment and Training Act 1973.

(4) Subsection (1) is subject to any other Act or to an instrument made under an Act.

- (5) A person who contravenes subsection (1) commits an offence.
- (6) It is a defence for a person charged with an offence under this section of disclosing information to prove that he or she reasonably believed—
 - (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (7) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both, or
 - (b) on summary conviction, to imprisonment for a term not exceeding twelve months or a fine not exceeding the statutory maximum or both.
- (8) A prosecution for an offence under this section may be instituted only with the consent of the Director of Public Prosecutions.
- (9) In relation to an offence under this section committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (increase in maximum term that may be imposed on summary conviction of offence triable either way), the reference in subsection (7)(b) to twelve months shall have effect as if it were a reference to six months.