
STATUTORY INSTRUMENTS

2010 No. 917

The National Employment Savings Trust Order 2010

PART 3

Functions of the Trustee

Disclosure of requested data to the Secretary of State

10.—(1) This article applies where the Secretary of State (S) requests the [^{F1}disclosure of information] held by the Trustee (“[^{F2}requested information]”) which are—

- (a) not personal data; and
- (b) in any event, anonymised.

(2) The Trustee must disclose [^{F3}requested information] to S if [^{F4}the information is] necessary for S or the Trustee—

- (a) to comply with any—
 - (i) legal obligation (in particular the duty of S to establish a pension scheme, contained in section 67 of the Act); or
 - (ii) requirement to notify or otherwise inform another person, which, if S did not [^{F5}receive that information], would result in a breach of that obligation or requirement; or
- (b) to comply with any request made by a person appointed by S under section 74 of the Act to review any of the matters listed in subsection (1) of that section.

(3) The Trustee must disclose [^{F6}requested information] to S for the purpose of the matters listed in paragraph (5) where the Trustee considers that to comply with S’s request would not involve disproportionate cost, time or effort.

(4) Where the Trustee—

- (a) considers that to comply with S’s request would involve disproportionate cost, time or effort; and
- (b) gives to S its reasons for considering that this is the case,

it need disclose to S only so much of the [^{F7}requested information] as is agreed with S.

(5) The matters are —

- (a) the assessment by S of the performance, administration or management of the Scheme; or
- (b) the use by S for functions relating to private pensions policy or retirement planning.

(6) In this article, “private pensions policy” has the same meaning as in paragraph 4 of Schedule 10 to the Pensions Act 2004(1) and “retirement planning” has the same meaning as in paragraph 2 of that Schedule.

(1) Paragraph 4 of Schedule 10 to the Pensions Act 2004 was inserted by the Act, section 63(1).

Textual Amendments

- F1** Words in art. 10(1) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 363(2)(a)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F2** Words in art. 10(1) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 363(2)(b)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F3** Words in art. 10(2) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 363(3)(a)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F4** Words in art. 10(2) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 363(3)(b)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F5** Words in art. 10(2) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 363(3)(c)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F6** Words in art. 10(3) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 363(4)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F7** Words in art. 10(4) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 363(5)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

Commencement Information

- I1** Art. 10 in force at 5.7.2010, see **art. 1(3)**

Changes to legislation:

There are currently no known outstanding effects for the The National Employment Savings Trust Order 2010, Section 10.