

Statutory Document No. 2015/0042



*Social Security Act 2000*

## **SOCIAL SECURITY ADMINISTRATION ACT 1992 (APPLICATION) (AMENDMENT) (NO. 2) ORDER 2015**

*Approved by Tynwald:* 17 March 2015  
*Coming into Operation:* 1 April 2015

The Treasury makes the following Order under section 1 of the *Social Security Act 2000*.

### **1 Title**

This Order is the Social Security Administration Act 1992 (Application) (Amendment) (No. 2) Order 2015.

### **2 Commencement**

If approved by Tynwald, this Order comes into operation on 1 April 2015<sup>1</sup>.

### **3 Social Security Administration Act 1992 (Application) Order 1994 amended**

- (1) The Schedule<sup>2</sup> to the Social Security Administration Act 1992 (Application) Order 1994<sup>3</sup> is amended as follows.
- (2) After the entry relating to section 122D<sup>4</sup> insert —

#### **122DA Disclosure of benefit information by Department to other statutory bodies to establish eligibility for services**

- (1) Despite any other restriction on the disclosure of information imposed by any enactment or otherwise, the Department may disclose to—
  - (a) another Department (AD);
  - (b) a statutory board (SB);

<sup>1</sup> Tynwald approval is required by section 2(1) of the Social Security Act 2000.

<sup>2</sup> The Schedule sets out the Social Security Administration Act 1992 (c.5) as it has effect in the Island.

<sup>3</sup> SD 506/94.

<sup>4</sup> Section 122D inserted by SD 157/02.

- (c) an office of the Isle of Man Government (O);
  - (d) another body established by statute which exercises statutory functions of the Isle of Man Government (AOB);  
or
  - (e) an officer of AD, SB, O or AOB,
- any relevant information for the purpose specified in subsection (2) below.
- (2) The purpose is for establishing whether a person (P), or another member of P's family, is eligible –
- (a) to be provided with a service or good by AD, SB, O or AOB; or
  - (b) to benefit from a concession or assistance provided by AD, SB, O or AOB,
- which arises from, or is connected with, P's entitlement to a relevant benefit.
- (3) Information obtained pursuant to subsection (1) above –
- (a) must not be disclosed to any person other than (as the case may be) –
    - (i) AD, SB, O or AOB; or
    - (ii) an officer of AD, SB, O or AOB; and
  - (b) may be disclosed only for the purpose specified in subsection (2) above.
- (4) In this section –
- (a) “**family**” is to be construed in accordance with section 137 of the Contributions and Benefits Act;
  - (b) “**relevant benefit**” means a benefit to which section 5 above applies and any other benefit prescribed for the purposes of this section; and
  - (c) “**relevant information**” means information relating to P's entitlement to a relevant benefit which gives rise to or is connected with –
    - (i) P's; or
    - (ii) another member of P's family's,  
eligibility referred to in subsection (2) above.

### **122DB Disclosure of information to Department by other statutory bodies about eligibility for services**

- (1) Despite any other restriction on the disclosure of information imposed by any enactment or otherwise –

- (a) another Department (AD);
- (b) a statutory board (SB);
- (c) an office of the Isle of Man Government (O); or
- (d) another body established by statute which exercises statutory functions of the Isle of Man Government (AOB),

may disclose to the Department or to an officer of the Department any relevant information for the purpose specified in subsection (2) below.

- (2) The purpose is for establishing whether a person (P) is entitled to a relevant benefit where that entitlement gives rise to, or is connected with, P's, or another member of P's family's, eligibility —
  - (a) to be provided with a service or good by AD, SB, O or AOB; or
  - (b) to benefit from a concession or assistance provided by AD, SB, O or AOB.
- (3) Information obtained pursuant to subsection (1) above —
  - (a) must not be disclosed to any person other than —
    - (i) the Department; or
    - (ii) an officer of the Department; and
  - (b) may be disclosed only for the purpose specified in subsection (2) above.
- (4) In this section —
  - (a) “**family**” and “**relevant benefit**” have the meanings given in section 122DA(4) above; and
  - (b) “**relevant information**” means information relating to —
    - (i) P's; or
    - (ii) another member of P's family's, eligibility referred to in subsection (2) above. **22**.

#### 4 Revocation

The Social Security Administration Act 1992 (Application) (Amendment) Order 2014<sup>5</sup> is revoked.

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<sup>5</sup> SD 2014/0389.

**MADE 11<sup>TH</sup> FEBRUARY 2015**

**W E TEARE**  
*Minister for the Treasury*

*EXPLANATORY NOTE*

*(This note is not part of the Order)*

This Order inserts new provision into the Social Security Administration Act 1992 (as it has effect in the Island) (“the Administration Act”) allowing the Treasury to give certain information to other statutory bodies without breaching any restriction on the disclosure of personal information.

Article 3 inserts new sections 122DA and 122DB into the Administration Act.

Section 122DA enables the Treasury to give to another Isle of Man Government statutory body information about a person’s entitlement to social security benefits to establish whether that person or another member of that person’s family is eligible for a service, etc., provided by that other body which arises from, or is connected with, that person’s entitlement to benefit.

Section 122DB allows such a body to give information to the Treasury about a person’s (or another member of that person’s family’s) potential eligibility for a service provided by that body which arises from, or is connected with, that person’s entitlement to a social security benefit for the purpose of establishing whether that person is entitled to such a benefit. The Treasury can then provide that information to the other body under new section 122DA.

Article 4 revokes the preceding Order, which was not brought into effect.