

Your Reference:

Our Ref: Fol 5023

Date: 7 December 2015

Dear Mr Pounder,

Thank you for your Freedom of Information request of 24 November. You asked:

Please could I have a copy of any information with respect to the following:

(a) information that explains the reasons why the decision was taken not to maintain a list of authorised users of the National Insurance Number.

DWP and HMRC joint owners of the National Insurance number (NINo) reviewed the policy for authorising applications to use the NINo. We determined, where there is no link to data held on our systems we had no legal powers to control the use of the NINo by individuals or external organisations.

(b) information that explains the policy the DWP adopts with respect to the wider the use of the National Insurance Number for a purposes unconnected with taxation or benefits.

Legislation requires an individual to provide their NINo for the following purposes:

- To their employer when they start work
- To HMRC for Personal Tax, National Insurance contributions, Child Benefit and Student Loan purposes.
- To DWP when required for Social Security Benefits and Child Maintenance administration purposes.
- To the Electoral Registration Officer for the purpose of individual voter registration.

Other Government Departments and Organisations can choose to use the NINo however, they are required to ensure that they comply with the provisions of the Data Protection Act and Human Rights Act, in particular they can only use the NINo with the informed consent of the individual.

(c) information that explains the procedures adopted by DWP when it discovers an organisation using the National Insurance Number for a purposes unconnected with taxation or benefits.

DWP/HMRC will write to the organisation explaining the legal framework requirements that the organisation must consider. We will advise them that in order to collect and store a

NINo they must have the informed consent of the individual. Also they must assure themselves, potentially by seeking legal advice, that they are compliant with the Data Protection Act and Human Rights Act.

If we have been informed by an individual that they are concerned an organisation has collected/used their NINo inappropriately we will advise the complainant of when they are legally required to provide their NINo; and that an organisation can only use their NINo outside those legal requirements with the informed consent of the individual. The organisation must also be compliant with the Data Protection and Human Rights Act. We also advise the individual that their NINo is an important item of personal data that should be kept securely to guard against identity fraud. Finally, we provide them with the contact details of the Information Commissioner to assist them if they wish to make a formal complaint.

(d) information that explains the procedures adopted if an organisation approaches the DWP to use the National Insurance Number for a purposes unconnected with taxation or benefits.

If an organisation makes a request to use the NINo they will be asked to complete an application form setting out exactly why and how they intend to use the NINo. If an organisation wishes to use the NINo to link to data held on our systems they will be required to confirm if there is a legal gateway to share information between both DWP and HMRC.

Once we are in possession of the completed application form the request will be considered by the joint DWP / HMRC NINo board to determine if the proposed use of the NINo is compliant with the strategic aims of DWP and HMRC.

We will advise the applicant of the legal framework requirements they must consider, that they must have the informed consent of the individual and they must assure themselves that they are compliant with the Data Protection Act and Human Rights Act. Also, on the basis of the information provided we will try to help them understand the practical and legal implications of their proposal and advise if we believe that their intended use of the NINo is appropriate or not.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely

Freedom of Information Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dpw.gsi.gov.uk or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk