



Department  
for Work &  
Pensions

# Pensions Dashboards

Government response to the Pensions Dashboards: further  
consultation

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17 October 2022

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# Ministerial Foreword

I am pleased to be publishing the Government response to the further consultation on Pensions Dashboards. The further consultation considered two important issues: the formal notice period provided before the Dashboards Available Point and the disclosure of information between the Money and Pensions Service and the Pensions Regulator.

I would like to thank all the individuals and organisations who took the time to respond to and engage on these issues. We have carefully considered all the responses and have made changes to the provision in the Regulations relating to the Dashboards Available Point. The Regulations, to be considered by Parliament, now specify that the Secretary of State must issue a notice specifying the Dashboards Available Point at least six months before it will occur, as opposed to the 90 days which was proposed in the consultation. As consulted on, the Secretary of State must then take certain publication steps in respect of the notice.

By making this change to at least six months' notice, the Regulations provide greater certainty for the pensions industry to make final preparations for the public launch of pensions dashboard services. The Government also remains committed to working transparently with industry about when the formal notice of the Dashboards Available Point will be issued.

We have also considered the consultation responses on the disclosure of information provision and will be proceeding as planned. This is to enable the Pensions Regulator (TPR) and the Money and Pensions Service (MaPS) to support each other as appropriate in their roles relating to the secure delivery of the pensions dashboards digital architecture.

The laying of the Pensions Dashboards Regulations marks another important milestone in the Government's progress towards making pensions dashboards a reality. However, the work does not stop here, and organisations within industry should now be actively preparing to meet their forthcoming duties.

Pensions dashboard services will change the way people engage with and prepare for retirement. By enabling people to see all their pensions information in one place online, including their State Pension, individuals will be able to make better informed decisions about their retirement, as well as find lost and forgotten pots.

I look forward to working with all interested parties to make pensions dashboard services a success.

**Minister for Pensions and Financial Inclusion**

# Introduction

- (i) The Pensions Dashboards further consultation launched on 28 June 2022. The Department consulted on two provisions, relating to:
  - a. how pensions dashboard services would be made available to the public, which we have called the Dashboards Available Point (referred to as the “DAP”); and
  - b. the disclosure of restricted information between The Pensions Regulator (TPR) and the Money and Pensions Service (MaPS).
- (ii) Following consideration of responses to the [consultation published in January 2022](#), the Department for Work and Pensions decided to include a new provision in the Regulations which provided clarity on the DAP. In addition, the disclosure of information provision and additional amending order enables the sharing of information between MaPS and TPR in relation to pensions dashboard services to support the running of the pensions dashboards ecosystem (the interconnected system that will enable pensions dashboard services to work).
- (iii) The further consultation launched on 28 June 2022 and closed on 19 July. DWP received a total of 49 responses from several leading trade bodies, representatives of occupational pension schemes, personal and stakeholder pension providers, public service pension schemes, administrators, software providers, legal and consultancy firms, a small number of consumer groups and others.
- (iv) The Department has carefully considered the feedback which is summarised in the following chapters, along with details of the resulting changes to the Regulations.

# Chapter 1: Dashboards

## Available Point (DAP)

### Summary of responses

- 1.1 One question was asked relating to the DAP provision: *Do you agree that 90 days is a reasonable period between the DAP formally being announced, and the DAP itself?*
- 1.2 All 49 respondents answered this question. In the responses to this question, it became clear that whilst having a notice period before the DAP was extremely helpful, respondents felt an earlier indication of the DAP would be welcome. Whilst 15 respondents indicated that they were in support of the 90-day notice period, six of those respondents said they agreed that a 90-day notice period was reasonable on the basis that DWP would provide an earlier, informal indication of when the DAP may be. Some suggested that this informal notice should come 9 to 12 months in advance.
- 1.3 In contrast, almost 70% of respondents (34 in total) stated that 90 days was an unreasonable notice period. Almost all of these respondents felt that six months would be a more appropriate minimum notice period. Many respondents indicated that they would, however, still generally expect DWP to provide an informal indication of the DAP at least 12 months in advance.
- 1.4 Consultation responses indicated that the primary concern was the resource implications of preparing for the DAP. Respondents indicated that pension schemes anticipate a significant increase in the number of queries from their members after the DAP. Reasons for this included:
  - a. Seeing information on a dashboard could prompt some scheme members to make contact to request information that goes beyond the standard data that schemes must supply to dashboards. For example, this could include requests for bespoke quotes, information about death and ill health benefits, and details of forgotten pensions.
  - b. To resolve a 'possible match' on an individual's dashboard, members will need to contact their scheme.
  - c. Some individuals with pensions that are out of scope of the Regulations may contact their scheme for more information on why their information does not show on dashboards.

- 1.5 Given the resourcing impacts, schemes will need to ensure that they have enough skilled staff to manage member queries. It is clear from consultation responses that it is highly likely to take longer than 90 days to do this and respondents made clear that they would be unable to put these plans into place until they knew for certain when the DAP would be.
- 1.6 In addition, there were three responses, two from pension schemes and one from the Society of Pensions Professionals<sup>1</sup> who expressed the importance of ensuring that those wishing to offer their own dashboard service had a fair and equal chance to launch their dashboard from the point of the DAP. A longer notice period would provide more time after the DAP notice has been issued for prospective dashboard providers to obtain authorisation and/or permission from the FCA once the date of the DAP is known. This would provide potential providers the best chance of being ready to launch their dashboard in time for the DAP.
- 1.7 It was also highlighted that to effectively communicate dashboards to the public in time for their launch, 90 days was considered insufficient, whereas six months would allow for a more effective communications campaign rollout.
- 1.8 In the consultation, we committed to working transparently with industry, so that at the point at which the DAP is announced, the announcement itself should not come as a surprise. Several respondents to the consultation indicated their view that DWP should set the matters which the Secretary of State should consider when determining the DAP, and there were numerous suggestions about what those matters could be.
- 1.9 Responses to the consultation highlighted that in addition to having clarity over the matters which the Secretary of State considers relevant, industry would also want to know what the engagement with schemes and the public will look like ahead of the DAP.
- 1.10 Concerns were raised around whether there would be a 'big bang' whereby significant communications campaigns will drive a large surge in visitor numbers to pensions dashboard services at the outset, which would require greater capacity and resilience from industry to deal with. 11 respondents therefore suggested that instead of a single DAP, there should be a phased implementation with multiple DAPs. The suggestion being that different DAPs could be provided for different age groups, for instance, which would be easier for industry to manage. One respondent did however indicate they would not support an approach with multiple DAPs because it could lead to consumer

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<sup>1</sup> The Society of Pensions Professionals is a representative body for a wide range of providers of advice and services to work-based pension schemes.

campaigns being confused and it would be challenging for administrators to limit access to a predetermined age group at any one time.

- 1.11 Ten respondents made clear the importance of a clear communications approach, developed in partnership with industry, to raise awareness of the DAP with the public as well as increase understanding of what they can expect to see on dashboards after the DAP occurs and to promote the short and long-term benefits of dashboards.

## Government response

### DAP notice period

- 1.12 Having conscientiously considered the responses to the consultation, we recognise that the proposal to provide formal notice at least 90 days before the DAP creates challenges for the organisations which will need to prepare for this. We have therefore amended the DAP proposal so that the Secretary of State must issue a formal notice at least six months before the DAP.

### DAP – decision to specify the DAP

- 1.13 The Regulations now provide that before issuing a notice to specify the DAP, the Secretary of State “must be satisfied that the dashboards ecosystem is ready to support widespread use of qualifying pensions dashboard services by the general public, having regard to any matters that the Secretary of State considers are relevant” (previously referred to in the consultation as having regard, in particular, to matters such as security and conformance testing) and following consultation with the Money and Pensions Service (MaPS), TPR, and the FCA. These matters which will help to inform the announcement of the DAP, are intended by DWP to be developed in partnership with industry and our key delivery partners (MaPS, TPR, and the FCA). The Regulations do not contain the precise matters the Secretary of State considers are relevant which will inform the Secretary of State’s decision to issue the notice specifying the DAP.
- 1.14 The responses to the consultation provided suggestions of matters which the Secretary of State should consider in making the decision whether the dashboards ecosystem is ready to support widespread use. They broadly fit into four categories (set out below):
- a. **Sufficient coverage:** Dashboards should be as complete as possible with most users being able to find all their pensions.
  - b. **The dashboards service must work effectively:** The architecture must have undergone rigorous testing.
  - c. **Safety and security:** The architecture must be safe and secure having been rigorously tested end-to-end and in a position to operate at scale.
  - d. **User experience:** The overall user journey when using pensions dashboard services is positive, including use of any wraparound services such as the complaint triage service. User behaviours have been understood following rigorous testing and mitigations are in place in relation to any adverse impacts or unintended consequences.
- 1.15 Having set out above the broad framework suggested by consultation responses to assist DAP decision making (see paragraph 1.14), our approach will be to further engage with key delivery partners and to ensure we are canvassing views of as wide a group of interested parties as possible, including relevant industry and consumer groups.



- 1.16 We anticipate that these matters to assist the Secretary of State in their duty to determine the date of the DAP will be in place by April 2023, and that assessment of progress towards meeting them will begin at this point. This coincides with when the first connection window opens for schemes to begin connecting on a compulsory basis.
- 1.17 It is important that the approach to determining the DAP is transparent and evidence based. We expect progress towards DAP decision making to be published to ensure that industry is aware of when the likely date for the DAP will be.

### **Multiple DAPs**

- 1.18 We acknowledge the views in some of the responses to the consultation that multiple DAPs could help to reduce the resource requirements on schemes and provide a means of testing the use of pensions dashboards in a live environment in a controlled way. However, the Government's view, informed by responses to this consultation, is that by committing to working transparently with industry to develop the matters to be considered by the Secretary of State in order to inform the DAP, providing regular updates on the progress towards meeting them, and amending the DAP provision to provide a notice period of at least six months (as set out in paragraph 1.12), industry will have sufficient time to prepare for a single DAP.
- 1.19 We are also concerned that multiple DAPs could be confusing both in terms of user experience and ensuring consumer communication campaigns are clear and effective. For instance, we do not believe it would be possible to effectively deliver an awareness campaign that only reached the relevant audiences whose pensions would be findable on dashboards. We believe that a campaign to promote multiple DAPs would serve to build demand for a service amongst people that would be unable to use the service. This could make for a very frustrating introduction for many people which could harm the reputation of pensions dashboards.
- 1.20 Over the course of the Pensions Dashboards Programme's private beta phase, testing will be taking place in a controlled environment. Throughout this period, testing will be ramped up as we build towards the DAP. This will result in a phased increase in numbers being invited to take part in testing the functionality and security of the pensions dashboards digital architecture. It will also ensure that we can effectively monitor and understand how people interact with dashboards at scale before we open the service up to the general public. We feel that this approach to testing will deliver a similar outcome to launching dashboards in a phased manner via multiple DAPs.

# Chapter 2: Disclosure of Information

## Summary of responses

- 2.1 The proposals that we consulted on were to:
- include a provision in the Pensions Dashboards Regulations to expressly enable the MaPS to share information with the Pensions Regulator (TPR) in relation to pensions dashboard services; and
  - amend Schedule 3 of the Pensions Act 2004 to enable TPR to share restricted information with MaPS in respect of MaPS dashboards functions, via an amending order.
- 2.2 *We asked: Do you have any comments on the proposed powers to disclose information?*
- 2.3 Out of the 49 responses received, the majority of respondents (96%) either explicitly agreed or did not disagree or comment on the proposals.
- 2.4 65% of respondents provided an additional comment. Of these, nearly half (15 respondents) explicitly stated that they agreed with the proposals and another 15 provided detailed comments, also indicating agreement. Two respondents (4% of the total responses) indicated that they may not fully agree with the proposed disclosure of information agreements.
- 2.5 The remaining 35% of respondents made no comment at all, which is reasonable for us to interpret as not disagreeing with our proposals.
- 2.6 The majority of comments raised general points about data protection, including: the protection of consumers; the sharing of personal data; the fit with the Data Protection Act (DPA2018) and General Data Protection Regulation (UKGDPR) requirements; and potential exclusions such as commercially sensitive data.
- 2.7 Specific queries on other matters included:
- whether the data sharing was limited to the UK (due to administrator's current contractual arrangements);
  - TPR's regulatory remit and data sharing regarding providers outside of TPR's regulatory remit;
  - data sharing from commercial dashboard providers;
  - whether the information sharing provision inferred a duplicative or inefficient approach by TPR in its approach to its compliance role;
  - the nature of the test in the regulation and amending order.

# Government response

## SUMMARY

- 2.8 We appreciate the views presented by various respondents through this consultation process.
- 2.9 In summary, the majority of respondents agreed with our proposals, and our analysis of the additional points and comments raised is that these do not appear to warrant changes to the draft Regulations or Amending Order. This is due to:
- the fact that the Data Protection Act 2018 and UK General Data Protection Regulations will continue to apply;
  - the additional protections that are already in place, including the need for a public body to act reasonably;
  - data sharing agreements that (as per normal practice) will be set up between the two bodies; and
  - the standard nature of the disclosure regulation and the Amending Order.
- 2.10 Other points raised do not relate directly to the drafting of the Regulations or Amending Order, and so it would not be appropriate to resolve by amending those draft instruments, as they are wider or inferred points.
- 2.11 We have set out below some answers to particular questions and themes that were raised by respondents.
- 2.12 We have made one technical change to the Amending Order as described in the consultation paper. The consultation described that we intended to introduce an Order under section 86(2) of the Pensions Act 2004 to amend Schedule 3 to the Pensions Act 2004. As we explained, the Order is to enable TPR to share restricted information with MaPS, in respect of MaPS functions in connection with the dashboard Regulations. The change is that the drafting now includes references to MaPS' wider functions in respect of dashboards, as provided for in relevant primary legislation. This is to ensure that the breadth of MaPS functions in relation to the pensions dashboard ecosystem are fully catered for, in line with our policy intent.

## FURTHER DETAIL

### Data protection and other protections

- 2.13 In response to the questions about the fit with the DPA2018 and UK GDPR - we confirm again that the requirements will continue to apply. The ability for MaPS and TPR to disclose information to each other, which is expressly provided for in the regulation and the intended Amending Order, will not over-ride those safeguards.

- 2.14 Some respondents queried the sharing of personal data, the protection of any shared data, and for clarification of wider protections or safeguards that will be put in place. As set out in the consultation document we can confirm the following further protections also apply:
- the general public law duty on public bodies to act reasonably;
  - data sharing agreements (as per normal practice) will be set up between MaPS and TPR;
  - governance structures within the public bodies;
  - the restricted information regime that applies to TPR under s82- 88 of the Pensions Act 2004 also contains a number of safeguards.
- 2.15 There are limited circumstances under which disclosure of personal data is likely to take place. The vast majority of the information to be disclosed relates to data about the scheme. A need to share data about scheme members or member personal data is rare but may arise in the context of specific compliance cases. Data will only be shared where strictly necessary. Examples of the data to be shared are set out in the consultation document.
- 2.16 We also consulted with the Information Commissioner's Office (ICO) during the preparation of this disclosure of information policy – as required under Article 36(4) of the UK General Data Protection Regulation (UK GDPR) in respect of proposals for legislative measures regarding to the processing of personal data. The extent of disclosure of personal data under this instrument is highly limited.
- 2.17 One respondent requested that commercially sensitive data should not be shared. To clarify - commercially sensitive data is not excluded from the provisions. We consider it is proportionate to enable the appropriate sharing of commercial data. This is because data such as scheme size, type, readiness, and preparedness for connecting to the dashboard needs to be shared. Some people may consider this to be commercially sensitive. Various protections such as data sharing agreements between the bodies, the general public law duty to act reasonably, and measures in the restricted information regime, continue to apply to the decisions MaPS and TPR will need to make about what is disclosed between them, and how that data is kept.

### **Geographical limitations**

- 2.18 One response to the consultation raised questions about whether the information disclosed between TPR and MaPS would stay within the UK, because their contracts with scheme clients make some commitments on where data is held.
- 2.19 To confirm - these disclosure provisions do not limit where the information is held or processed. When MaPS or TPR receive the information, they will hold

it as a data controller and be entitled to process it pursuant to their functions, public law and UK GDPR requirements.

- 2.20 For example, TPR currently holds its data in the UK. But the provisions do not limit, for example, compliance case systems to include processing of data outside of the UK. Relevant safeguards for such processing outside of the UK apply – such as those under Chapter 5 of Part 3 of the DPA 2018<sup>2</sup>.

### **MaPS disclosing information regarding providers outside of TPR’s regulatory remit**

- 2.21 Several respondents asked for restrictions on data to be shared by MaPS that related to parts of the industry not regulated by TPR, and others sought confirmation on whether the proposals in the consultation document indicated that TPR would be regulating beyond its occupational pension scheme remit.
- 2.22 To confirm - the information disclosure regulation enables MaPS to share information with TPR that is relevant to MaPS or TPR functions under the dashboard Regulations. This does not enable or infer any extension of TPR’s compliance function beyond its current regulatory remit – i.e., occupational pension schemes. Data protection requirements continue to apply so MaPS will be sharing only what is relevant and allowed under those requirements.

### **Data sharing by other (non-MaPS) pensions dashboard service providers**

- 2.23 One respondent asked about how ‘commercial’ pensions dashboard service providers would share information with MaPS and TPR and suggested that the provisions should cover commercial dashboards, in order to support a full understanding of the system, how it is being accessed, and what is being set up.
- 2.24 The disclosure of information provisions are measures about TPR and MaPS disclosing data to each other. This is in relation to the Pensions Dashboard Programme part of MaPS, its role in respect of the ecosystem, and TPR’s role in respect of compliance (by occupational pension schemes with the dashboard Regulations). The provisions **do not** primarily relate to MaPS role in respect of its MaPS dashboard tool.
- 2.25 There are separate reporting requirements set out in the Regulations for qualifying pensions dashboard providers to provide information on request to MaPS, the FCA, TPR and the Secretary of State.
- 2.26 Therefore, the disclosure of information provisions relates only to TPR and MaPS disclosing information to each other. They are mechanisms designed specifically for sharing information between public bodies only and they do not require information disclosure from commercial dashboards. MaPS is enabled, under these provisions, to disclose relevant management information to TPR in respect of TPR’s functions.

### **Objective test**

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<sup>2</sup> [Data Protection Act 2018 \(legislation.gov.uk\)](https://legislation.gov.uk)

- 2.27 One respondent suggested that additional objective tests should be included in the drafting of the statutory instruments, including a requirement to refer to disclosure being permitted only where it is 'reasonably required' in addition to the test related to purpose.
- 2.28 We do not consider this to be necessary, or that the test is subjective. Our position is that the current test as outlined in the regulation and amending order is sufficient - i.e.:
- the Regulations enable disclosure 'for the purpose of enabling or assisting MaPS or the Regulator (as the case may be) to exercise its functions in connection with these Regulations (the Dashboards Regulations 2022);
  - the Amending Order for Schedule 3 of the Pensions Act 2004 is part of wider requirements regarding TPR disclosure of information, including conditions and its responsibilities when disclosing that information.
- 2.29 Additional protections as outlined above (paras 2.13 -2.14), such as the requirement for public bodies to act reasonably and the DPA2018, also apply.

### **Compliance and TPR's role**

- 2.30 One respondent raised concerns about whether the disclosure of information sharing provisions inferred or could facilitate a duplicative or inefficient approach by TPR to its compliance role.
- 2.31 We can confirm that the disclosure of information discussed here mainly relates to scheme level data and/or data collected by MaPS and pushed to TPR for set reporting periods. The provisions do not imply or require a 'live monitoring' by TPR across the dashboards ecosystem in parallel with MaPS. TPR will be setting out its compliance policies in due course.

### **Conclusion**

- 2.32 We appreciate and acknowledge the views presented by various respondents through this consultation process. As explained above, we have not made any substantive changes to the policy or the drafting in relation to the disclosure of information provisions described or provided in the consultation document in response to the comments.
- 2.33 The Regulations have been laid today (17 October 2022) – and we intend to lay the Amending Order as soon as parliamentary time allows once the Regulations have been approved.