Memorandum of Understanding between the Office of the Pensions Ombudsman and the Revenue Commissioners on Exchange of Information

 Part A: Exchange of information/legislative basis

1. The Office of the Pensions Ombudsman and the Revenue Commissioners agree to the exchange of information as permitted by law and in accordance with the terms of this Memorandum of Understanding.
2. The exchange of information shall be in accordance with Section 4(1) of the Pensions Act 1990 as substituted by Section 29(1) (c) of the Social Welfare & Pensions Act 2008.

 Part B: Exchange of Information

1. Any Request for information shall be made in writing in the agreed manner and through the designated liaison officers of the Office of the Pensions Ombudsman and the Revenue Commissioners.
2. Each individual request will incorporate a short summary of the reasons for the request and the information required.
3. In general, the requested authority will comply with the request for information within one month of the request. If this is not possible, the contracting authorities will agree prior to the expiry of one month, an alternative date by which the information will be made available.
4. The information requested will be provided as far as possible in a format and in a medium appropriate to the requirements of the requesting authority.
5. Subject to the provisions of the Freedom of Information legislation, the requesting authority will not disclose to a third party any information which it has received from the requested authority without the prior approval of the latter.
6. Any requests for information required urgently must be marked accordingly.
7. Each authority will bear its own costs, fees and expenses in complying with a request from the other authority.

Part C: Voluntary Disclosure of Information

1. Where information comes to the attention of either authority which suggests the commission of an offence under the Tax Acts or the Pensions Acts, that authority shall provide the information concerned to the other authority on a voluntary basis, without prior request.
2. Where the Pensions Ombudsman has reason to believe that a breach of the Code of Practice outlined in the Revenue Pensions Manual has taken place or may be about to take place, he shall immediately notify the Revenue Commissioners.
3. Each authority shall exchange on a voluntary basis and without prior request information relevant to their respective functions on general developments in the pensions industry, including the emergence of new products and possible avoidance schemes.

Part D: General

1. This Memorandum will be reviewed periodically, at maximum intervals of two years, or exceptionally at any time at the written request of either authority.
2. Any provision of this Memorandum may be changed, modified or extended by mutual agreement and any such change will be documented as part of this Memorandum and replace the relevant existing provision.
3. The provisions of this Memorandum shall come into effect on the date of signature.

 COUNTERPARTS

This Memorandum shall be signed in duplicate by the parties hereto on separate memoranda each which, when signed, shall constitute an original, both such memoranda together constituting but o ne and the same instrument. In witness of our agreement as herein set out and completed this 2nd day of March 2009.

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| Signed on behalf of the Office of the Pensions Ombudsman: | Signed on behalf of the Revenue Commissioners: |
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| Paul Kenny  Pensions Ombudsman | Josephine Feehily  Chairman |