

## **Information Gathering (for Civil Enforcement Action)**

*1991/48 Sections 14 and 15, Child Support Act 1991*  
*2008/2551 Child Support Information Regulations 2008*

### **Introduction**

This guidance provides advice on the different lines of enquiry that can be used to gather background information for civil enforcement purposes.

Gathering information effectively helps us to determine the most appropriate civil enforcement action available for us to try and collect child maintenance arrears. Decisions about civil enforcement action should always be based on the most recent and relevant information regarding the case.

REMEMBER: when you are gathering and using information about our clients, it is important to remember key Data Protection principles:

- the CMG cannot retain data that is irrelevant / out of date
- we cannot be seen to be asking for information simply because we can

Generally, the CMG will make an initial request for information from the party whom we require the information about. For example: the parent with care or the non-resident parent. However, in certain circumstances, this may not be appropriate. For example: when the CMG requires information about the non-resident parent's assets etc. in order to enforce collection of arrears.

You must always use the most appropriate and least invasive means of securing the necessary information - usually through the use of Information Regulations 2008.

Only where this fails or is inappropriate should you ask that an Inspector gathers the information using a request under section 15 of the Child Support Act 1991.

### **Persons / organisations that are legally required to provide information**

- the non-resident parent
- a current or previous employer of the non-resident parent
- a person for whom the non-resident parent is providing, or has provided, services under a contract for services
- a person who acts or has acted as an accountant for the non-resident parent
- any person, other than the applicant, who provides day to day care for a child in respect of whom an application for a maintenance calculation has been made or in respect of whom a maintenance calculation is or has been in force
- a Credit Reference Agency within the meaning of the Consumer Credit Act 1974
- a Local Authority in whose area the non-resident parent or the parent with care resides or has resided
- persons employed in the service of the Crown, or otherwise in the discharge of Crown functions

- under the Road Traffic (Northern Ireland) Order 1981, Sections 97-99A of the Road Traffic Act 1988 or Part II of the Vehicle Excise and Registration Act 1994, or
- under the Prison Act 1952, the Prison Act (Northern Ireland) 1953 or the Prisons (Scotland) Act 1989
- a person who, in the course of business, may lawfully accept deposits in the United Kingdom
- a person who, within the meaning of the Electricity Act 1989, distributes or supplies electricity
- a person who is the holder of a licence under Section 7 of the Gas Act 1986 to convey gas through pipes or the holder of a licence under Section 7A(1) of that Act to supply gas through pipes

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