



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART I

#### PRELIMINARY

#### **6 The Commissioner and the Tribunal**

- (1) The office originally established by section 3(1)(a) of the Data Protection Act 1984 as the office of Data Protection Registrar shall continue to exist for the purposes of this Act but shall be known as the office of Data Protection Commissioner; and in this Act the Data Protection Commissioner is referred to as “the Commissioner”.
- (2) The Commissioner shall be appointed by Her Majesty by Letters Patent.
- (3) For the purposes of this Act there shall continue to be a Data Protection Tribunal (in this Act referred to as “the Tribunal”).
- (4) The Tribunal shall consist of—
  - (a) a chairman appointed by the Lord Chancellor after consultation with the Lord Advocate,
  - (b) such number of deputy chairmen so appointed as the Lord Chancellor may determine, and
  - (c) such number of other members appointed by the Secretary of State as he may determine.
- (5) The members of the Tribunal appointed under subsection (4)(a) and (b) shall be—
  - (a) persons who have a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990,
  - (b) advocates or solicitors in Scotland of at least 7 years' standing, or
  - (c) members of the bar of Northern Ireland or solicitors of the Supreme Court of Northern Ireland of at least 7 years' standing.
- (6) The members of the Tribunal appointed under subsection (4)(c) shall be—
  - (a) persons to represent the interests of data subjects, and

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*Status: This is the original version (as it was originally enacted).*

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(b) persons to represent the interests of data controllers.

(7) Schedule 5 has effect in relation to the Commissioner and the Tribunal.