

# FREEDOM OF INFORMATION ACT 2000

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part I: Access to information held by public authorities

72.

***Subsection (7)*** provides that a notice under subsection (1), (3) or (5) must contain particulars of any procedure the authority has for dealing with complaints, or a statement that the authority does not have such a procedure, and must contain particulars of the right conferred by [section 50](#) (application for a decision by the Commissioner).

The Information Commissioner and the Information Tribunal

#### ***Section 18: The Information Commissioner and the Information Tribunal***

73. *Subsections (1) to (3)* rename the Data Protection Commissioner as the Information Commissioner and the Data Protection Tribunal as the Information Tribunal. The Commissioner and the Tribunal are to have functions both under the Data Protection Act and under this Act. Consequential amendments to the Data Protection Act 1998 and other legislation are included in Schedule 2.
74. *Subsection (5)* provides that if the Data Protection Commissioner who was in post immediately before Royal Assent remains in office for the two years after that time, she will leave office at the end of that period. *Subsection (6)* allows the re-appointment of a person whose appointment is terminated by subsection (5).
75. *Subsection (7)* provides that, if a previous Data Protection Commissioner is re-appointed as Information Commissioner, any previous terms of office served by virtue of an appointment made before the passing of this Act are disregarded in determining the length of time for which he can serve in the new post.