

FREEDOM OF INFORMATION ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedules

Schedule 2: The Commissioner and the Tribunal

Part I: Provision consequential on section 18(1) and (2)

251. Part I makes provision required as a consequence of the renaming of the Data Protection Commissioner and Data Protection Tribunal. *Paragraphs 1* and *2* make general provision in connection with the changing of the names of the Commissioner and the Tribunal. Specific amendments are made to:
- Public Records Act 1958
 - Parliamentary Commissioner Act 1967
 - Superannuation Act 1972
 - Consumer Credit Act 1974
 - House of Commons Disqualification Act 1975
 - Northern Ireland Assembly Disqualification Act 1975
 - Tribunals and Inquiries Act 1992
 - Judicial Pensions and Retirement Act 1993
 - Data Protection Act 1998

Part II: Amendments relating to extension of functions of Commissioner and Tribunal

252. This Part makes minor substantive amendments to the institutional provisions of the Data Protection Act 1998.
253. *Paragraph 16* amends section 6 of the 1998 Act to require lay members of the Tribunal to include persons representing applicants for information under this Act and persons to represent the interests of public authorities.
254. *Paragraph 17* amends section 26(2) of the 1998 Act to ensure that in prescribing notification fees the Secretary of State is to have regard to the expenses of the Commissioner and Tribunal under the 1998 Act only, and not their expenses under this Act.
255. *Paragraph 18* amends section 58 of the 1998 Act to provide that information may be passed to the Commissioner or Tribunal to allow them to discharge their freedom of information functions.

*These notes refer to the Freedom of Information Act 2000
(c.36) which received Royal Assent on 30th November 2000*

256. *Paragraph 19* amends section 59 of the 1998 Act to provide that the duty of confidentiality on the Commissioner, his staff and agents and the related offence under the 1998 Act apply also in respect of information obtained by or furnished to the Commissioner under this Act.
257. *Paragraph 20* amends Schedule 5 to the 1998 Act to allow the Commissioner to appoint a second deputy commissioner and states that, if two are appointed, the Commissioner should specify the functions of each.
258. *Paragraph 21* amends Schedule 5 to the 1998 Act to enable both deputy commissioners to perform the functions of the Commissioner in relation to freedom of information as well as data protection in the event of a vacancy in the Commissioner post or when the Commissioner is unable to act.
259. *Paragraph 22* amends paragraph 9(1) of Schedule 5 to the 1998 Act to provide that the Commissioner's funding regime, set up in respect of his functions under the Data Protection Act 1998 and consumer credit legislation, applies also in respect of his freedom of information functions.