

SCHEDULES

SCHEDULE 2

Section 18(4).

THE COMMISSIONER AND THE TRIBUNAL

PART I

PROVISION CONSEQUENTIAL ON S. 18(1) AND (2)

General

- 1 (1) Any reference in any enactment, instrument or document to the Data Protection Commissioner or the Data Protection Registrar shall be construed, in relation to any time after the commencement of section 18(1), as a reference to the Information Commissioner.
- (2) Any reference in any enactment, instrument or document to the Data Protection Tribunal shall be construed, in relation to any time after the commencement of section 18(2), as a reference to the Information Tribunal.
- 2 (1) Any reference in this Act or in any instrument under this Act to the Commissioner shall be construed, in relation to any time before the commencement of section 18(1), as a reference to the Data Protection Commissioner.
- (2) Any reference in this Act or in any instrument under this Act to the Tribunal shall be construed, in relation to any time before the commencement of section 18(2), as a reference to the Data Protection Tribunal.

Public Records Act 1958 (c. 51)

- 3 (1) In Part II of the Table in paragraph 3 of Schedule 1 to the Public Records Act 1958 (definition of public records), the entry relating to the Data Protection Commissioner is omitted and there is inserted at the appropriate place—
- “Information Commissioner.”
- (2) In paragraph 4(1) of that Schedule, for paragraph (nn) there is substituted—
- “(nn) records of the Information Tribunal;”.

Parliamentary Commissioner Act 1967 (c. 13)

- 4 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), the entry relating to the Data Protection Commissioner is omitted and there is inserted at the appropriate place—
- “Information Commissioner”.

Status: This is the original version (as it was originally enacted).

- 5 In Schedule 4 to that Act (tribunals exercising administrative functions), for the entry relating to the Data Protection Tribunal there is substituted—

“Information Tribunal constituted under section 6 of the Data Protection Act 1998.”

Superannuation Act 1972 (c. 11)

- 6 In Schedule 1 to the Superannuation Act 1972 (employment with superannuation scheme), for “Data Protection Commissioner” there is substituted “Information Commissioner”.

Consumer Credit Act 1974 (c. 39)

- 7 In section 159 of the Consumer Credit Act 1974 (correction of wrong information), in subsections (7) and (8)(b), for “Data Protection Commissioner”, in both places where it occurs, there is substituted “Information Commissioner”.

House of Commons Disqualification Act 1975 (c. 24)

- 8 (1) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies whose members are disqualified), the entry relating to the Data Protection Tribunal is omitted and there is inserted at the appropriate place—

“The Information Tribunal”.

- (2) In Part III of that Schedule (disqualifying offices), the entry relating to the Data Protection Commissioner is omitted and there is inserted at the appropriate place—

“The Information Commissioner”.

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 9 (1) In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified), the entry relating to the Data Protection Tribunal is omitted and there is inserted at the appropriate place—

“The Information Tribunal”.

- (2) In Part III of that Schedule (disqualifying offices), the entry relating to the Data Protection Commissioner is omitted and there is inserted at the appropriate place—

“The Information Commissioner”.

Tribunals and Inquiries Act 1992 (c. 53)

- 10 In paragraph 14 of Part I of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of Council on Tribunals)—

(a) in sub-paragraph (a), for “The Data Protection Commissioner” there is substituted “The Information Commissioner”, and

(b) for sub-paragraph (b) there is substituted—

“(b) the Information Tribunal constituted under that section, in respect of its jurisdiction under—

(i) section 48 of that Act, and

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(ii) section 57 of the Freedom of Information Act 2000.”

Judicial Pensions and Retirement Act 1993 (c. 8)

- 11 In Schedule 5 to the Judicial Pensions and Retirement Act 1993 (retirement provisions: the relevant offices), in the entry relating to the chairman and deputy chairman of the Data Protection Tribunal, for “the Data Protection Tribunal” there is substituted “the Information Tribunal”.
- 12 In Schedule 7 to that Act (retirement dates: transitional provisions), in paragraph 5(5)(xxvi) for “the Data Protection Tribunal” there is substituted “the Information Tribunal”.

Data Protection Act 1998 (c. 29)

- 13 (1) Section 6 of the Data Protection Act 1998 (the Data Protection Commissioner and the Data Protection Tribunal) is amended as follows.
- (2) For subsection (1) there is substituted—
- “(1) For the purposes of this Act and of the Freedom of Information Act 2000 there shall be an officer known as the Information Commissioner (in this Act referred to as “the Commissioner”).”
- (3) For subsection (3) there is substituted—
- “(3) For the purposes of this Act and of the Freedom of Information Act 2000 there shall be a tribunal known as the Information Tribunal (in this Act referred to as “the Tribunal”).”
- 14 In section 70(1) of that Act (supplementary definitions)—
- (a) in the definition of “the Commissioner”, for “the Data Protection Commissioner” there is substituted “the Information Commissioner”, and
- (b) in the definition of “the Tribunal”, for “the Data Protection Tribunal” there is substituted “the Information Tribunal”.
- 15 (1) Schedule 5 to that Act (the Data Protection Commissioner and the Data Protection Tribunal) is amended as follows.
- (2) In paragraph 1(1), for “Data Protection Commissioner” there is substituted “Information Commissioner”.
- (3) Part III shall cease to have effect.

PART II

AMENDMENTS RELATING TO EXTENSION OF FUNCTIONS OF COMMISSIONER AND TRIBUNAL

Interests represented by lay members of Tribunal

- 16 In section 6(6) of the Data Protection Act 1998 (lay members of Tribunal)—
- (a) for the word “and” at the end of paragraph (a) there is substituted—

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

- “(aa) persons to represent the interests of those who make requests for information under the Freedom of Information Act 2000,” and
- (b) after paragraph (b) there is inserted “and
- (bb) persons to represent the interests of public authorities.”

Expenses incurred under this Act excluded in calculating fees

- 17 In section 26(2) of that Act (fees regulations), in paragraph (a)—
- (a) after “functions” there is inserted “under this Act”, and
 - (b) after “Tribunal” there is inserted “so far as attributable to their functions under this Act”.

Information provided to Commissioner or Tribunal

- 18 In section 58 of that Act (disclosure of information to Commissioner or Tribunal), after “this Act” there is inserted “or the Freedom of Information Act 2000”.
- 19 (1) Section 59 of that Act (confidentiality of information) is amended as follows.
- (2) In subsections (1) and (2), for “this Act”, wherever occurring, there is substituted “the information Acts”.
 - (3) After subsection (3) there is inserted—
 - “(4) In this section “the information Acts” means this Act and the Freedom of Information Act 2000.”

Deputy commissioners

- 20 (1) Paragraph 4 of Schedule 5 to that Act (officers and staff) is amended as follows.
- (2) In sub-paragraph (1)(a), after “a deputy commissioner” there is inserted “or two deputy commissioners”.
 - (3) After sub-paragraph (1) there is inserted—
 - “(1A) The Commissioner shall, when appointing any second deputy commissioner, specify which of the Commissioner’s functions are to be performed, in the circumstances referred to in paragraph 5(1), by each of the deputy commissioners.”

Exercise of Commissioner’s functions by others

- 21 (1) Paragraph 5 of Schedule 5 to that Act (exercise of functions of Commissioner during vacancy etc.) is amended as follows.
- (2) In sub-paragraph (1)—
 - (a) after “deputy commissioner” there is inserted “or deputy commissioners”, and
 - (b) after “this Act” there is inserted “or the Freedom of Information Act 2000”.
 - (3) In sub-paragraph (2) after “this Act” there is inserted “or the Freedom of Information Act 2000”.

Money

- 22 In paragraph 9(1) of Schedule 5 to that Act (money) for “or section 159 of the Consumer Credit Act 1974” there is substituted “, under section 159 of the Consumer Credit Act 1974 or under the Freedom of Information Act 2000”.