

SCHEDULES

SCHEDULE 2

THE COMMISSIONER AND THE TRIBUNAL

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—
 - “(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”.

Status: This is the original version (as it was originally enacted).

(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”.