

# PROTECTION OF FREEDOMS ACT 2012

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### **Part 6: Freedom of information and data protection**

#### ***Section 107: Removal of Secretary of State consent for fee-charging powers etc.***

428. **Section 107** removes the current requirement in section 51(8) of the DPA and 47(4) of the Freedom of Information Act (“FOIA”) for the Information Commissioner to obtain the consent of the Secretary of State before charging for services provided under section 51 of the DPA and section 47 of the FOIA.
429. **Subsections (1) and (3)** amend section 51 of the DPA and section 47 of the FOIA respectively to specify the relevant services for which the Information Commissioner can charge under those Acts, namely the supply of multiple copies of publications (that is, those that are reasonably accessible to the public free of charge because for example they can be downloaded from the Information Commissioner’s Office (“ICO”) website), and the provision of training and conferences. It does not permit the Commissioner to charge for his or her attendance (or that of his or her staff) at conferences organised by others. In each case the definition of “relevant services” may be amended by order made by the Secretary of State (by virtue of the amendments made to the DPA and the FOIA by **subsections (2) and (4)** such orders are subject to the negative resolution procedure).