



Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 6

FREEDOM OF INFORMATION AND DATA PROTECTION

Other amendments relating to freedom of information

103 Meaning of “publicly-owned company”

(1) Section 6 of the Freedom of Information Act 2000 (publicly-owned companies) is amended as follows.

(2) In subsection (1)—

- (a) omit “or” at the end of paragraph (a),
- (b) in paragraph (b) for the words from “any public authority” to “particular information” substitute “the wider public sector”, and
- (c) after paragraph (b) insert “, or
(c) it is wholly owned by the Crown and the wider public sector.”

(3) For subsection (2) substitute—

“(2) For the purposes of this section—

- (a) a company is wholly owned by the Crown if, and only if, every member is a person falling within sub-paragraph (i) or (ii)—
 - (i) a Minister of the Crown, government department or company wholly owned by the Crown, or
 - (ii) a person acting on behalf of a Minister of the Crown, government department or company wholly owned by the Crown,
- (b) a company is wholly owned by the wider public sector if, and only if, every member is a person falling within sub-paragraph (i) or (ii)—
 - (i) a relevant public authority or a company wholly owned by the wider public sector, or

Status: This is the original version (as it was originally enacted).

- (ii) a person acting on behalf of a relevant public authority or of a company wholly owned by the wider public sector, and
- (c) a company is wholly owned by the Crown and the wider public sector if, and only if, condition A, B or C is met.

(2A) In subsection (2)(c)—

- (a) condition A is met if—
 - (i) at least one member is a person falling within subsection (2)(a)(i) or (ii),
 - (ii) at least one member is a person falling within subsection (2)(b)(i) or (ii), and
 - (iii) every member is a person falling within subsection (2)(a)(i) or (ii) or (b)(i) or (ii),
- (b) condition B is met if—
 - (i) at least one member is a person falling within subsection (2)(a)(i) or (ii) or (b)(i) or (ii),
 - (ii) at least one member is a company wholly owned by the Crown and the wider public sector, and
 - (iii) every member is a person falling within subsection (2)(a)(i) or (ii) or (b)(i) or (ii) or a company wholly owned by the Crown and the wider public sector, and
- (c) condition C is met if every member is a company wholly owned by the Crown and the wider public sector.”

(4) In subsection (3), at the end, insert—

““relevant public authority” means any public authority listed in Schedule 1 other than—

- (a) a government department, or
- (b) any authority which is listed only in relation to particular information”.

104 Extension of certain provisions to Northern Ireland bodies

(1) Omit—

- (a) section 80A of the Freedom of Information Act 2000 (which modifies, in relation to information held by Northern Ireland bodies, certain provisions of the Act relating to historical records etc.), and
- (b) paragraph 6 of Schedule 7 to the Constitutional Reform and Governance Act 2010 (which inserts section 80A into the Act of 2000).

(2) The power of the Secretary of State under section 46(2) to (5) of the Act of 2010 to make transitional, transitory or saving provision in connection with the coming into force of paragraph 4 of Schedule 7 to that Act includes power to make such provision in connection with the coming into force of that paragraph of that Schedule as it has effect by virtue of this section.