



# Protection of Freedoms Act 2012

## 2012 CHAPTER 9

### PART 6

#### FREEDOM OF INFORMATION AND DATA PROTECTION

##### *The Information Commissioner*

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

- (1) In section 51 of the Data Protection Act 1998 (general duties of the Information Commissioner)—
- (a) in subsection (8) (power to charge fees, with the consent of the Secretary of State, in relation to any Part 6 services)—
    - (i) omit “with the consent of the Secretary of State”, and
    - (ii) before “services” insert “ relevant ”, and
  - (b) after subsection (8) insert—

“(8A) In subsection (8) “relevant services” means—

    - (a) the provision to the same person of more than one copy of any published material where each of the copies of the material is either provided on paper, a portable disk which stores the material electronically or a similar medium,
    - (b) the provision of training, or
    - (c) the provision of conferences.

(8B) The Secretary of State may by order amend subsection (8A).”
- (2) In section 67(5)(a) of that Act (orders under the Act subject to negative procedure) after “51(3)” insert “ or (8B) ”.
- (3) In section 47 of the Freedom of Information Act 2000 (general functions of the Information Commissioner)—
- (a) in subsection (4) (power to charge fees, with the consent of the Secretary of State, in relation to services provided under that section)—

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**Changes to legislation:** Protection of Freedoms Act 2012, Section 107 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (i) omit “with the consent of the Secretary of State”, and
  - (ii) before “services” insert “ relevant ”, and
- (b) after subsection (4) insert—
- “(4A) In subsection (4) “relevant services” means—
- (a) the provision to the same person of more than one copy of any published material where each of the copies of the material is either provided on paper, a portable disk which stores the material electronically or a similar medium,
  - (b) the provision of training, or
  - (c) the provision of conferences.
- (4B) The Secretary of State may by order amend subsection (4A).
- (4C) An order under subsection (4B) may include such transitional or saving provision as the Secretary of State considers appropriate.
- (4D) The Secretary of State must consult the Commissioner before making an order under subsection (4B).”
- (4) In section 82(3)(a) of that Act (orders under the Act subject to negative procedure) after “4(1)” insert “ or 47(4B) ”.

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**Commencement Information**

**II** S. 107 in force at 1.9.2013 by [S.I. 2013/1906](#), [art. 3\(d\)](#)

**Changes to legislation:**

Protection of Freedoms Act 2012, Section 107 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/2234 art. 13 by [S.I. 2014/831 art. 2\(2\)](#)
- specified provision(s) transitional provisions and savings for commencing S.I. 2013/1814 by [S.I. 2013/1813 art. 2-9](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)