



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*Status: This is the original version (as it was originally enacted).*

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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)”.