

**2008 No. 1592 (C.71)**

**DATA PROTECTION**

**The Data Protection Act 1998 (Commencement No. 2) Order  
2008**

*Made* - - - -

*19th June 2008*

The Secretary of State makes the following Order in exercise of the powers conferred upon him by section 75(3) of the Data Protection Act 1998(a):

**Citation**

1. This Order may be cited as the Data Protection Act 1998 (Commencement No. 2) Order 2008.

**Provision commenced on 7th July 2008**

2. 7th July 2008 is the day appointed for the coming into force of section 56 of the Data Protection Act 1998 (prohibition of requirement as to production of certain records)(b) insofar as it relates to the entries in the table in subsection (6) of that section which relate to—

- (a) the functions of the Secretary of State under the Safeguarding Vulnerable Groups Act 2006(c) or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(d);
- (b) the functions of the Independent Barring Board(e) under the Safeguarding Vulnerable Groups Act 2006 or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.

Signed by authority of the Secretary of State

19th June 2008

*Michael Wills*  
Minister of State  
Ministry of Justice

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- (a) 1998 c. 29; section 75 was amended by paragraph 9(1)(a) of Schedule 2 to the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), paragraph 15(1) and (3) of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c. 47), and paragraph 4(2)(a) and (b) of Schedule 7 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)).
- (b) Section 56 was amended by paragraph 191 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 78(2)(a) of the Police (Northern Ireland) Act 2000 (c. 32), section 68(4) of the Freedom of Information Act 2000 (c. 36), paragraph 9(1)(a) of Schedule 2 to S.I. 2003/1887, paragraph 112 of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15), paragraph 15(1) and (2) of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006, and paragraph 4(1) of Schedule 7 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)).
- (c) 2006 c. 47.
- (d) S.I. 2007/1351 (N.I. 11).
- (e) The Independent Barring Board is established under section 1 of the Safeguarding Vulnerable Groups Act 2006.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This is the second Commencement Order made under the Data Protection Act 1998.

Article 2 of this Order provides for the partial commencement of section 56 of the Data Protection Act 1998 (c. 29) (“DPA”) on the 7th of July 2008. Section 56 prohibits a person, A, from requiring an individual, B, or a third party, C, to provide A with information obtained by means of a subject access request under section 7 of the DPA. The prohibition applies in circumstances specified in section 56, for example where B is seeking employment with A. However, Article 2 commences section 56 only in relation to information held by the Secretary of State or by the Independent Barring Board pursuant to their respective functions under the Safeguarding Vulnerable Groups Act 2006 (c. 47) or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11) (the Independent Barring Board is established under section 1 of the Safeguarding Vulnerable Groups Act)).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
sections 4 to 6	1st March 2000	2000/183 (C.4)
section 7 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 8 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 9 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 10 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 11	1st March 2000	2000/183 (C.4)
section 12 in so far as not already in force	1st March 2000	2000/183 (C.4)
sections 13 to 16	1st March 2000	2000/183 (C.4)
section 17 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 18 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 19 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 20 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 21	1st March 2000	2000/183 (C.4)
section 22 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 23 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 24	1st March 2000	2000/183 (C.4)
section 25(2) and (3)	1st March 2000	2000/183 (C.4)
sections 27 to 29	1st March 2000	2000/183 (C.4)
section 30 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 31	1st March 2000	2000/183 (C.4)
section 32 in so far as not already in force	1st March 2000	2000/183 (C.4)
sections 33 to 37	1st March 2000	2000/183 (C.4)
section 38 in so far as not already in force	1st March 2000	2000/183 (C.4)
sections 39 to 50	1st March 2000	2000/183 (C.4)
section 51 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 52	1st March 2000	2000/183 (C.4)
section 53	1st March 2000	2000/183 (C.4)
section 54 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 55	1st March 2000	2000/183 (C.4)
sections 57 to 63	1st March 2000	2000/183 (C.4)

section 64 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 65	1st March 2000	2000/183 (C.4)
section 66	1st March 2000	2000/183 (C.4)
sections 72 to 74	1st March 2000	2000/183 (C.4)
Schedules 1 to 4 in so far as not already in force	1st March 2000	2000/183 (C.4)
Paragraphs 1 to 16 of Schedule 5	1st March 2000	2000/183 (C.4)
Schedule 6	1st March 2000	2000/183 (C.4)
Schedule 7 in so far as not already in force	1st March 2000	2000/183 (C.4)
Schedules 8 to 10	1st March 2000	2000/183 (C.4)
Schedules 13 to 16	1st March 2000	2000/183 (C.4)

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STATUTORY INSTRUMENTS

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