

Status: Point in time view as at 18/01/2010.

Changes to legislation: There are currently no known outstanding effects for the Freedom of Information Act 2000, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 18(4).

THE COMMISSIONER AND THE TRIBUNAL

PART I

PROVISION CONSEQUENTIAL ON S. 18(1) AND (2)

General

- 1 (1) Any reference in any enactment, instrument or document to the Data Protection Commissioner or the Data Protection Registrar shall be construed, in relation to any time after the commencement of section 18(1), as a reference to the Information Commissioner.

(2) ^{F1}

Textual Amendments

- F1** Sch. 2 para. 1(2) repealed (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), arts. 1(1), 5(3), [Sch. 4 Pt. 1](#)

Commencement Information

- 11** Sch. 2 para. 1 wholly in force at 14.5.2001; [Sch. 2 para. 1\(1\)](#) in force at 30.1.2001, see [s. 87\(2\)\(c\)\(3\)](#); [Sch. 1 para. 1\(2\)](#) in force at 14.5.2001 by [S.I. 2001/1637](#), [art. 2\(b\)](#)

- [^{F2}1A The Office for Standards in Education, Children's Services and Skills, in respect of information held for purposes other than those of the functions exercisable by Her Majesty's Chief Inspector of Education, Children's Services and Skills by virtue of section 5(1)(a)(iii) of the Care Standards Act 2000.]

Textual Amendments

- F2** Sch. 1 Pt. 1 para. 1A inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 69\(2\)\(b\)](#); [S.I. 2007/935](#), [art. 5\(gg\)](#)

- 2 (1) Any reference in this Act or in any instrument under this Act to the Commissioner shall be construed, in relation to any time before the commencement of section 18(1), as a reference to the Data Protection Commissioner.

(2) ^{F3}

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Textual Amendments

F3 Sch. 2 para. 2(2) repealed (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), arts. 1(1), 5(3), [Sch. 4 Pt. 1](#)

Public Records Act 1958 (c. 51)

3 (1) In Part II of the Table in paragraph 3 of Schedule 1 to the Public Records Act 1958 (definition of public records), the entry relating to the Data Protection Commissioner is omitted and there is inserted at the appropriate place—

“Information Commissioner.”

(2) ^{F4}

Textual Amendments

F4 Sch. 2 para. 3(2) repealed (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), arts. 1(1), 5(3), [Sch. 4 Pt. 1](#)

Commencement Information

I2 Sch. 2 para. 3 wholly in force at 14.5.2001; Sch. 2 para. 3(1) in force at 30.1.2001, see s. 87(2)(c)(3); Sch. 2 para. 3(2) in force at 14.5.2001 by [S.I. 2001/1637](#), [art. 2\(b\)](#)

Parliamentary Commissioner Act 1967 (c. 13)

4 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), the entry relating to the Data Protection Commissioner is omitted and there is inserted at the appropriate place—

“Information Commissioner”.

5 ^{F5}

Textual Amendments

F5 Sch. 2 para. 5 repealed (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), arts. 1(1), 5(3), [Sch. 4 Pt. 1](#)

Superannuation Act 1972 (c. 11)

6 In Schedule 1 to the Superannuation Act 1972 (employment with superannuation scheme), for “Data Protection Commissioner” there is substituted “ Information Commissioner ”.

Consumer Credit Act 1974 (c. 39)

7 In section 159 of the Consumer Credit Act 1974 (correction of wrong information), in subsections (7) and (8)(b), for “Data Protection Commissioner”, in both places where it occurs, there is substituted “ Information Commissioner ”.

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House of Commons Disqualification Act 1975 (c. 24)

- 8 (1) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies whose members are disqualified), the entry relating to the Data Protection Tribunal is omitted and there is inserted at the appropriate place—

“The Information Tribunal”.

- (2) In Part III of that Schedule (disqualifying offices), the entry relating to the Data Protection Commissioner is omitted and there is inserted at the appropriate place—

“The Information Commissioner”.

Commencement Information

- I3** Sch. 2 para. 8 wholly in force at 14.5.2001; Sch. 2 para. 8(2) in force at 30.1.2001, see s. 87(2)(c)(3); Sch. 2 para. 8(1) in force at 14.5.2001 by S.I. 2001/1637, art. 2(b)

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 9 (1) In Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies whose members are disqualified), the entry relating to the Data Protection Tribunal is omitted and there is inserted at the appropriate place—

“The Information Tribunal”.

- (2) In Part III of that Schedule (disqualifying offices), the entry relating to the Data Protection Commissioner is omitted and there is inserted at the appropriate place—

“The Information Commissioner”.

Commencement Information

- I4** Sch. 2 para. 9 wholly in force at 14.5.2001; Sch. 2 para. 9(2) in force at 30.1.2001, see s. 87(2)(c)(3); Sch. 2 para. 9(1) in force at 14.5.2001 by S.I. 2001/1637, art. 2(b)

Tribunals and Inquiries Act 1992 (c. 53)

- 10 In paragraph 14 of Part I of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of Council on Tribunals)—

(a) in sub-paragraph (a), for “The Data Protection Commissioner” there is substituted “The Information Commissioner”, and

(b) ^{F6}

Textual Amendments

- F6** Sch. 2 para. 10(b) repealed (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), arts. 1(1), 5(3), Sch. 4 Pt. 1

Commencement Information

- I5** Sch. 2 para. 10 wholly in force at 30.11.2002; Sch. 2 para. 10(a) in force at 30.1.2001, see s. 87(2)(c)(3); Sch. 2 para. 10(b) in force at 30.11.2002 by S.I. 2002/2812, art. 2(h)

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Judicial Pensions and Retirement Act 1993 (c. 8)

11 F7

Textual Amendments
F7 Sch. 2 para. 11 repealed (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), arts. 1(1), 5(3), **Sch. 4 Pt. 1**

12 In Schedule 7 to that Act (retirement dates: transitional provisions), in paragraph 5(5)(xxvi) for “the Data Protection Tribunal” there is substituted “ the Information Tribunal ”.

Data Protection Act 1998 (c. 29)

13 (1) Section 6 of the Data Protection Act 1998 (the Data Protection Commissioner and the Data Protection Tribunal) is amended as follows.

(2) For subsection (1) there is substituted—

“(1) For the purposes of this Act and of the Freedom of Information Act 2000 there shall be an officer known as the Information Commissioner (in this Act referred to as “the Commissioner”).”

(3) F8

Textual Amendments
F8 Sch. 2 para. 13(3) repealed (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), arts. 1(1), 5(3), **Sch. 4 Pt. 1**

Commencement Information
I6 Sch. 2 para. 13 wholly in force at 14.5.2001; Sch. 2 para. 13(1)(2) in force at 30.1.2001, see s. 87(2)(c) (3); Sch. 2 para. 13(3) in force at 14.5.2001 by S.I. 2001/1637, **art. 2(b)**

14 In section 70(1) of that Act (supplementary definitions)—

(a) in the definition of “the Commissioner”, for “the Data Protection Commissioner” there is substituted “ the Information Commissioner ”, and

(b) F9

Textual Amendments
F9 Sch. 2 para. 14(b) repealed (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), arts. 1(1), 5(3), **Sch. 4 Pt. 1**

Commencement Information
I7 Sch. 2 para. 14 wholly in force at 14.5.2001; Sch. 2 para. 14(a) in force at 30.1.2001, see s. 87(2)(c)(3); Sch. 2 para. 14(b) in force at 14.5.2001 by S.I. 2001/1637, **art. 2(b)**

15 (1) Schedule 5 to that Act (the Data Protection Commissioner and the Data Protection Tribunal) is amended as follows.

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(2) In paragraph 1(1), for “Data Protection Commissioner” there is substituted “Information Commissioner”.

(3) Part III shall cease to have effect.

Commencement Information

I8 Sch. 2 para. 15 wholly in force at 14.5.2001; Sch. 2 para. 15(1)(2) in force at 30.1.2001, see s. 87(2)(c) (3); Sch. 2 para. 15(3) in force at 14.5.2001 by S.I. 2001/1637, art. 2(b)

PART II

AMENDMENTS RELATING TO EXTENSION OF FUNCTIONS OF COMMISSIONER AND TRIBUNAL

Interests represented by lay members of Tribunal

16 **F10**

Textual Amendments

F10 Sch. 2 para. 16 repealed (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), arts. 1(1), 5(3), Sch. 4 Pt. 1

Expenses incurred under this Act excluded in calculating fees

17 **F11**

Textual Amendments

F11 Sch. 2 para. 17 repealed (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), arts. 1(1), 5(3), Sch. 4 Pt. 1

Information provided to Commissioner or Tribunal

18 In section 58 of that Act (disclosure of information to Commissioner or Tribunal), after “this Act” there is inserted “ or the Freedom of Information Act 2000 ”.

19 (1) Section 59 of that Act (confidentiality of information) is amended as follows.

(2) In subsections (1) and (2), for “this Act”, wherever occurring, there is substituted “ the information Acts ”.

(3) After subsection (3) there is inserted—

“(4) In this section “the information Acts” means this Act and the Freedom of Information Act 2000.”

Deputy commissioners

20 (1) Paragraph 4 of Schedule 5 to that Act (officers and staff) is amended as follows.

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(2) In sub-paragraph (1)(a), after “a deputy commissioner” there is inserted “ or two deputy commissioners ”.

(3) After sub-paragraph (1) there is inserted—

“(1A) The Commissioner shall, when appointing any second deputy commissioner, specify which of the Commissioner’s functions are to be performed, in the circumstances referred to in paragraph 5(1), by each of the deputy commissioners.”

Exercise of Commissioner’s functions by others

21 (1) Paragraph 5 of Schedule 5 to that Act (exercise of functions of Commissioner during vacancy etc.) is amended as follows.

(2) In sub-paragraph (1)—

(a) after “deputy commissioner” there is inserted “ or deputy commissioners ”, and

(b) after “this Act” there is inserted “ or the Freedom of Information Act 2000 ”.

(3) In sub-paragraph (2) after “this Act” there is inserted “ or the Freedom of Information Act 2000 ”.

Money

22 In paragraph 9(1) of Schedule 5 to that Act (money) for “or section 159 of the Consumer Credit Act 1974” there is substituted “ , under section 159 of the Consumer Credit Act 1974 or under the Freedom of Information Act 2000 ”.

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