

## SCHEDULES

### SCHEDULE 1

Section 3(1)(a)(i).

#### PUBLIC AUTHORITIES

##### PART I

###### GENERAL

- 1 Any government department.
- 2 The House of Commons.
- 3 The House of Lords.
- 4 The Northern Ireland Assembly.
- 5 The National Assembly for Wales.
- 6 The armed forces of the Crown, except—
  - (a) the special forces, and
  - (b) any unit or part of a unit which is for the time being required by the Secretary of State to assist the Government Communications Headquarters in the exercise of its functions.

##### PART II

###### LOCAL GOVERNMENT

###### *England and Wales*

- 7 A local authority within the meaning of the Local Government Act 1972, namely—
  - (a) in England, a county council, a London borough council, a district council or a parish council,
  - (b) in Wales, a county council, a county borough council or a community council.
- 8 The Greater London Authority.
- 9 The Common Council of the City of London, in respect of information held in its capacity as a local authority, police authority or port health authority.
- 10 The Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple, in respect of information held in his capacity as a local authority.
- 11 The Council of the Isles of Scilly.
- 12 A parish meeting constituted under section 13 of the Local Government Act 1972.

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*Status: This is the original version (as it was originally enacted).*

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- 13 Any charter trustees constituted under section 246 of the Local Government Act 1972.
- 14 A fire authority constituted by a combination scheme under section 5 or 6 of the Fire Services Act 1947.
- 15 A waste disposal authority established by virtue of an order under section 10(1) of the Local Government Act 1985.
- 16 A port health authority constituted by an order under section 2 of the Public Health (Control of Disease) Act 1984.
- 17 A licensing planning committee constituted under section 119 of the Licensing Act 1964.
- 18 An internal drainage board which is continued in being by virtue of section 1 of the Land Drainage Act 1991.
- 19 A joint authority established under Part IV of the Local Government Act 1985 (fire services, civil defence and transport).
- 20 The London Fire and Emergency Planning Authority.
- 21 A joint fire authority established by virtue of an order under section 42(2) of the Local Government Act 1985 (reorganisation of functions).
- 22 A body corporate established pursuant to an order under section 67 of the Local Government Act 1985 (transfer of functions to successors of residuary bodies, etc.).
- 23 A body corporate established pursuant to an order under section 22 of the Local Government Act 1992 (residuary bodies).
- 24 The Broads Authority established by section 1 of the Norfolk and Suffolk Broads Act 1988.
- 25 A joint committee constituted in accordance with section 102(1)(b) of the Local Government Act 1972.
- 26 A joint board which is continued in being by virtue of section 263(1) of the Local Government Act 1972.
- 27 A joint authority established under section 21 of the Local Government Act 1992.
- 28 A Passenger Transport Executive for a passenger transport area within the meaning of Part II of the Transport Act 1968.
- 29 Transport for London.
- 30 The London Transport Users Committee.
- 31 A joint board the constituent members of which consist of any of the public authorities described in paragraphs 8, 9, 10, 12, 15, 16, 20 to 31, 57 and 58.
- 32 A National Park authority established by an order under section 63 of the Environment Act 1995.
- 33 A joint planning board constituted for an area in Wales outside a National Park by an order under section 2(1B) of the Town and Country Planning Act 1990.
- 34 A magistrates' court committee established under section 27 of the Justices of the Peace Act 1997.
- 35 The London Development Agency.

*Northern Ireland*

- 36 A district council within the meaning of the Local Government Act (Northern Ireland) 1972.

**PART III**

THE NATIONAL HEALTH SERVICE

*England and Wales*

- 37 A Health Authority established under section 8 of the National Health Service Act 1977.
- 38 A special health authority established under section 11 of the National Health Service Act 1977.
- 39 A primary care trust established under section 16A of the National Health Service Act 1977.
- 40 A National Health Service trust established under section 5 of the National Health Service and Community Care Act 1990.
- 41 A Community Health Council established under section 20 of the National Health Service Act 1977.
- 42 The Dental Practice Board constituted under regulations made under section 37 of the National Health Service Act 1977.
- 43 The Public Health Laboratory Service Board constituted under Schedule 3 to the National Health Service Act 1977.
- 44 Any person providing general medical services, general dental services, general ophthalmic services or pharmaceutical services under Part II of the National Health Service Act 1977, in respect of information relating to the provision of those services.
- 45 Any person providing personal medical services or personal dental services under arrangements made under section 28C of the National Health Service Act 1977, in respect of information relating to the provision of those services.

*Northern Ireland*

- 46 A Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972.
- 47 A Health and Social Services Council established under Article 4 of the Health and Personal Social Services (Northern Ireland) Order 1991.
- 48 A Health and Social Services Trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991.
- 49 A special agency established under Article 3 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990.
- 50 The Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Health and Personal Social Services (Northern Ireland) Order 1972.

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

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- 51 Any person providing general medical services, general dental services, general ophthalmic services or pharmaceutical services under Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972, in respect of information relating to the provision of those services.

## PART IV

### MAINTAINED SCHOOLS AND OTHER EDUCATIONAL INSTITUTIONS

#### *England and Wales*

- 52 The governing body of a maintained school, within the meaning of the School Standards and Framework Act 1998.
- 53 (1) The governing body of—
- (a) an institution within the further education sector,
  - (b) a university receiving financial support under section 65 of the Further and Higher Education Act 1992,
  - (c) an institution conducted by a higher education corporation,
  - (d) a designated institution for the purposes of Part II of the Further and Higher Education Act 1992 as defined by section 72(3) of that Act, or
  - (e) any college, school, hall or other institution of a university which falls within paragraph (b).
- (2) In sub-paragraph (1)—
- (a) “governing body” is to be interpreted in accordance with subsection (1) of section 90 of the Further and Higher Education Act 1992 but without regard to subsection (2) of that section,
  - (b) in paragraph (a), the reference to an institution within the further education sector is to be construed in accordance with section 91(3) of the Further and Higher Education Act 1992,
  - (c) in paragraph (c), “higher education corporation” has the meaning given by section 90(1) of that Act, and
  - (d) in paragraph (e) “college” includes any institution in the nature of a college.

#### *Northern Ireland*

- 54 (1) The managers of—
- (a) a controlled school, voluntary school or grant-maintained integrated school within the meaning of Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986, or
  - (b) a pupil referral unit as defined by Article 87(1) of the Education (Northern Ireland) Order 1998.
- (2) In sub-paragraph (1) “managers” has the meaning given by Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986.
- 55 (1) The governing body of—
- (a) a university receiving financial support under Article 30 of the Education and Libraries (Northern Ireland) Order 1993,

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- (b) a college of education maintained in pursuance of arrangements under Article 66(1) or in respect of which grants are paid under Article 66(2) or (3) of the Education and Libraries (Northern Ireland) Order 1986, or
- (c) an institution of further education within the meaning of the Further Education (Northern Ireland) Order 1997.

(2) In sub-paragraph (1) “governing body” has the meaning given by Article 30(3) of the Education and Libraries (Northern Ireland) Order 1993.

56 Any person providing further education to whom grants, loans or other payments are made under Article 5(1)(b) of the Further Education (Northern Ireland) Order 1997.

## PART V

### POLICE

#### *England and Wales*

- 57 A police authority established under section 3 of the Police Act 1996.
- 58 The Metropolitan Police Authority established under section 5B of the Police Act 1996.
- 59 A chief officer of police of a police force in England or Wales.

#### *Northern Ireland*

- 60 The Police Authority for Northern Ireland.
- 61 The Chief Constable of the Royal Ulster Constabulary.

#### *Miscellaneous*

- 62 The British Transport Police.
- 63 The Ministry of Defence Police established by section 1 of the Ministry of Defence Police Act 1987.
- 64 Any person who—
  - (a) by virtue of any enactment has the function of nominating individuals who may be appointed as special constables by justices of the peace, and
  - (b) is not a public authority by virtue of any other provision of this Act,in respect of information relating to the exercise by any person appointed on his nomination of the functions of a special constable.

## PART VI

### OTHER PUBLIC BODIES AND OFFICES: GENERAL

- The Adjudicator for the Inland Revenue and Customs and Excise.
- The Administration of Radioactive Substances Advisory Committee.
- The Advisory Board on Family Law.
- The Advisory Board on Restricted Patients.

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

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The Advisory Board on the Registration of Homoeopathic Products.  
The Advisory Committee for Cleaner Coal Technology.  
The Advisory Committee for Disabled People in Employment and Training.  
The Advisory Committee for the Public Lending Right.  
The Advisory Committee for Wales (in relation to the Environment Agency).  
The Advisory Committee on Advertising.  
The Advisory Committee on Animal Feedingstuffs.  
The Advisory Committee on Borderline Substances.  
The Advisory Committee on Business and the Environment.  
The Advisory Committee on Business Appointments.  
The Advisory Committee on Conscientious Objectors.  
The Advisory Committee on Consumer Products and the Environment.  
The Advisory Committee on Dangerous Pathogens.  
The Advisory Committee on Distinction Awards.  
An Advisory Committee on General Commissioners of Income Tax.  
The Advisory Committee on the Government Art Collection  
The Advisory Committee on Hazardous Substances.  
The Advisory Committee on Historic Wreck Sites.  
An Advisory Committee on Justices of the Peace in England and Wales.  
The Advisory Committee on the Microbiological Safety of Food.  
The Advisory Committee on NHS Drugs.  
The Advisory Committee on Novel Foods and Processes.  
The Advisory Committee on Overseas Economic and Social Research.  
The Advisory Committee on Packaging.  
The Advisory Committee on Pesticides.  
The Advisory Committee on Releases to the Environment.  
The Advisory Council on Libraries.  
The Advisory Council on the Misuse of Drugs.  
The Advisory Council on Public Records.  
The Advisory Group on Hepatitis.  
The Advisory Panel on Standards for the Planning Inspectorate.  
The Aerospace Committee.  
An Agricultural Dwelling House Advisory Committee.  
An Agricultural Wages Board for England and Wales.  
An Agricultural Wages Committee.  
The Agriculture and Environment Biotechnology Commission.  
The Airborne Particles Expert Group.  
The Alcohol Education and Research Council.  
The Ancient Monuments Board for Wales.  
The Animal Procedures Committee.  
The Animal Welfare Advisory Committee.  
The Apple and Pear Research Council.  
The Armed Forces Pay Review Body.  
The Arts Council of England.  
The Arts Council of Wales.

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

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The Audit Commission for Local Authorities and the National Health Service in England and Wales.

The Auditor General for Wales.

The Authorised Conveyancing Practitioners Board.

The Bank of England, in respect of information held for purposes other than those of its functions with respect to—

- (a) monetary policy,
- (b) financial operations intended to support financial institutions for the purposes of maintaining stability, and
- (c) the provision of private banking services and related services.

The Better Regulation Task Force.

The Biotechnology and Biological Sciences Research Council.

Any Board of Visitors established under section 6(2) of the Prison Act 1952.

The Britain-Russia Centre and East-West Centre.

The British Association for Central and Eastern Europe.

The British Broadcasting Corporation, in respect of information held for purposes other than those of journalism, art or literature.

The British Coal Corporation.

The British Council.

The British Educational Communications and Technology Agency.

The British Hallmarking Council.

The British Library.

The British Museum.

The British Pharmacopoeia Commission.

The British Potato Council.

The British Railways Board.

British Shipbuilders.

The British Tourist Authority.

The British Waterways Board.

The British Wool Marketing Board.

The Broadcasting Standards Commission.

The Building Regulations Advisory Committee.

The Central Advisory Committee on War Pensions.

The Central Council for Education and Training in Social Work (UK).

The Central Rail Users' Consultative Committee.

The Channel Four Television Corporation, in respect of information held for purposes other than those of journalism, art or literature.

The Children and Family Court Advisory and Support Service.

The Civil Aviation Authority.

The Civil Justice Council.

The Civil Procedure Rule Committee.

The Civil Service Appeal Board.

The Civil Service Commissioners.

The Coal Authority.

The Commission for Architecture and the Built Environment.

The Commission for Health Improvement.

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

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The Commission for Local Administration in England.  
The Commission for Local Administration in Wales.  
The Commission for Racial Equality.  
The Commission for the New Towns.  
The Commissioner for Integrated Transport.  
The Commissioner for Public Appointments.  
The Committee for Monitoring Agreements on Tobacco Advertising and Sponsorship.  
The Committee of Investigation for Great Britain.  
The Committee on Agricultural Valuation.  
The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment.  
The Committee on Chemicals and Materials of Construction For Use in Public Water Supply and Swimming Pools.  
The Committee on Medical Aspects of Food and Nutrition Policy.  
The Committee on Medical Aspects of Radiation in the Environment.  
The Committee on Mutagenicity of Chemicals in Food, Consumer Products and the Environment.  
The Committee on Standards in Public Life.  
The Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment.  
The Committee on the Medical Effects of Air Pollutants.  
The Committee on the Safety of Medicines.  
The Commonwealth Scholarship Commission in the United Kingdom.  
The Community Development Foundation.  
The Competition Commission, in relation to information held by it otherwise than as a tribunal.  
The Construction Industry Training Board.  
Consumer Communications for England.  
The Consumer Panel.  
The consumers' committee for Great Britain appointed under section 19 of the Agricultural Marketing Act 1958.  
The Council for Professions Supplementary to Medicine.  
The Council for the Central Laboratory of the Research Councils.  
The Council for Science and Technology.  
The Council on Tribunals.  
The Countryside Agency.  
The Countryside Council for Wales.  
The Covent Garden Market Authority.  
The Criminal Cases Review Commission.  
The Criminal Justice Consultative Council.  
The Crown Court Rule Committee.  
The Dartmoor Steering Group and Working Party.  
The Darwin Advisory Committee.  
The Defence Nuclear Safety Committee.  
The Defence Scientific Advisory Council.  
The Design Council.

The Development Awareness Working Group.  
The Diplomatic Service Appeal Board.  
The Disability Living Allowance Advisory Board.  
The Disability Rights Commission.  
The Disabled Persons Transport Advisory Committee.  
The Economic and Social Research Council.  
The Education Transfer Council.  
The Energy Advisory Panel.  
The Engineering Construction Industry Training Board.  
The Engineering and Physical Sciences Research Council.  
The English National Board for Nursing, Midwifery and Health Visiting.  
English Nature.  
The English Sports Council.  
The English Tourist Board.  
The Environment Agency.  
The Equal Opportunities Commission.  
The Expert Advisory Group on AIDS.  
The Expert Group on Cryptosporidium in Water Supplies.  
An Expert Panel on Air Quality Standards.  
The Export Guarantees Advisory Council.  
The Family Proceedings Rules Committee.  
The Farm Animal Welfare Council.  
The Fire Services Examination Board.  
The Firearms Consultative Committee.  
The Food Advisory Committee.  
Food from Britain.  
The Football Licensing Authority.  
The Fuel Cell Advisory Panel.  
The Further Education Funding Council for Wales.  
The Gaming Board for Great Britain.  
The Gas Consumers' Council.  
The Gene Therapy Advisory Committee.  
The General Chiropractic Council.  
The General Dental Council.  
The General Medical Council.  
The General Osteopathic Council.  
The Genetic Testing and Insurance Committee.  
The Government Hospitality Advisory Committee for the Purchase of Wine.  
The Government Chemist.  
The Great Britain-China Centre.  
The Health and Safety Commission.  
The Health and Safety Executive.  
The Health Service Commissioner for England.  
The Health Service Commissioner for Wales.  
Her Majesty's Chief Inspector of Schools in Wales.

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

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The Higher Education Funding Council for England.  
The Higher Education Funding Council for Wales.  
The Hill Farming Advisory Committee.  
The Hill Farming Advisory Sub-committee for Wales.  
The Historic Buildings Council for Wales.  
The Historic Buildings and Monuments Commission for England.  
The Historic Royal Palaces Trust.  
The Home-Grown Cereals Authority.  
The Honorary Investment Advisory Committee.  
The Horserace Betting Levy Board.  
The Horserace Totalisator Board.  
The Horticultural Development Council.  
Horticulture Research International.  
The House of Lords Appointments Commission.  
Any housing action trust established under Part III of the Housing Act 1988.  
The Housing Corporation.  
The Human Fertilisation and Embryology Authority.  
The Human Genetics Commission.  
The Immigration Services Commissioner.  
The Imperial War Museum.  
The Independent Board of Visitors for Military Corrective Training Centres.  
The Independent Case Examiner for the Child Support Agency.  
The Independent Living Funds.  
The Independent Television Commission.  
The Indian Family Pensions Funds Body of Commissioners.  
The Industrial Development Advisory Board.  
The Industrial Injuries Advisory Council.  
The Information Commissioner.  
The Inland Waterways Amenity Advisory Council.  
The Insolvency Rules Committee.  
The Insurance Brokers Registration Council.  
Investors in People UK.  
The Joint Committee on Vaccination and Immunisation.  
The Joint Nature Conservation Committee.  
The Joint Prison/Probation Accreditation Panel.  
The Judicial Studies Board.  
The Know-How Fund Advisory Board.  
The Land Registration Rule Committee.  
The Law Commission.  
The Legal Services Commission.  
The Legal Services Consultative Panel.  
The Legal Services Ombudsman.  
The Library and Information Services Council (Wales).  
The Local Government Boundary Commission for Wales.  
The Local Government Commission for England.

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

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A local probation board established under section 4 of the Criminal Justice and Court Services Act 2000.

The London Pensions Fund Authority.

The Low Pay Commission.

The Magistrates' Courts Rules Committee.

The Marshall Aid Commemoration Commission.

The Measurement Advisory Committee.

The Meat and Livestock Commission.

The Medical Practices Committee.

The Medical Research Council.

The Medical Workforce Standing Advisory Committee.

The Medicines Commission.

The Milk Development Council.

The Millennium Commission.

The Museum of London.

The National Army Museum.

The National Audit Office.

The National Biological Standards Board (UK).

The National Consumer Council.

The National Crime Squad.

The National Employers' Liaison Committee.

The National Endowment for Science, Technology and the Arts.

The National Expert Group on Transboundary Air Pollution.

The National Gallery.

The National Heritage Memorial Fund.

The National Library of Wales.

The National Lottery Charities Board.

The National Lottery Commission.

The National Maritime Museum.

The National Museum of Science and Industry.

The National Museums and Galleries of Wales.

The National Museums and Galleries on Merseyside.

The National Portrait Gallery.

The National Radiological Protection Board.

The Natural Environment Research Council.

The Natural History Museum.

The New Deal Task Force.

The New Opportunities Fund.

The Occupational Pensions Regulatory Authority.

The Oil and Pipelines Agency.

The OSO Board.

The Overseas Service Pensions Scheme Advisory Board.

The Panel on Standards for the Planning Inspectorate.

The Parliamentary Boundary Commission for England.

The Parliamentary Boundary Commission for Scotland.

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

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The Parliamentary Boundary Commission for Wales.  
The Parliamentary Commissioner for Administration.  
The Parole Board.  
The Particle Physics and Astronomy Research Council.  
The Pensions Compensation Board.  
The Pensions Ombudsman.  
The Pharmacists' Review Panel.  
The Place Names Advisory Committee.  
The Poisons Board.  
The Police Complaints Authority.  
The Police Information Technology Organisation.  
The Police Negotiating Board.  
The Political Honours Scrutiny Committee.  
The Post Office.  
The Post Office Users' Councils for Scotland, Wales and Northern Ireland.  
The Post Office Users' National Council.  
The Property Advisory Group.  
The Qualifications, Curriculum and Assessment Authority for Wales.  
The Qualifications Curriculum Authority.  
The Race Education and Employment Forum.  
The Race Relations Forum.  
The Radio Authority.  
The Radioactive Waste Management Advisory Committee.  
A Regional Cultural Consortium.  
Any regional development agency established under the Regional Development Agencies Act 1998, other than the London Development Agency.  
Any regional flood defence committee.  
The Registrar of Occupational and Personal Pension Schemes.  
The Registrar of Public Lending Right.  
Remploy Ltd.  
The Renewable Energy Advisory Committee.  
Resource: The Council for Museums, Archives and Libraries.  
The Review Board for Government Contracts.  
The Review Body for Nursing Staff, Midwives, Health Visitors and Professions Allied to Medicine.  
The Review Body on Doctors and Dentists Remuneration.  
The Reviewing Committee on the Export of Works of Art.  
The Royal Air Force Museum.  
The Royal Armouries.  
The Royal Botanic Gardens, Kew.  
The Royal Commission on Ancient and Historical Monuments of Wales.  
The Royal Commission on Environmental Pollution.  
The Royal Commission on Historical Manuscripts.  
The Royal Military College of Science Advisory Council.  
The Royal Mint Advisory Committee on the Design of Coins, Medals, Seals and Decorations.

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

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The School Teachers' Review Body.  
The Scientific Committee on Tobacco and Health.  
The Scottish Advisory Committee on Telecommunications.  
The Scottish Committee of the Council on Tribunals.  
The Sea Fish Industry Authority.  
The Senior Salaries Review Body.  
The Sentencing Advisory Panel.  
The Service Authority for the National Crime Squad.  
Sianel Pedwar Cymru, in respect of information held for purposes other than those of journalism, art or literature.  
Sir John Soane's Museum.  
The Skills Task Force.  
The social fund Commissioner appointed under section 65 of the Social Security Administration Act 1992.  
The Social Security Advisory Committee.  
The Social Services Inspectorate for Wales Advisory Group.  
The Spongiform Encephalopathy Advisory Committee.  
The Sports Council for Wales.  
The Standing Advisory Committee on Industrial Property.  
The Standing Advisory Committee on Trunk Road Assessment.  
The Standing Dental Advisory Committee.  
The Standing Nursing and Midwifery Advisory Committee.  
The Standing Medical Advisory Committee.  
The Standing Pharmaceutical Advisory Committee.  
The Steering Committee on Pharmacy Postgraduate Education.  
The subsidence adviser appointed under section 46 of the Coal Industry Act 1994.  
The Substance Misuse Advisory Panel.  
The Sustainable Development Commission.  
The Sustainable Development Education Panel.  
The Tate Gallery.  
The Teacher Training Agency.  
The Theatres Trust.  
The Traffic Commissioners, in respect of information held by them otherwise than as a tribunal.  
The Treasure Valuation Committee.  
The UK Advisory Panel for Health Care Workers Infected with Bloodborne Viruses.  
The UK Sports Council.  
The United Kingdom Atomic Energy Authority.  
The United Kingdom Central Council for Nursing, Midwifery and Health Visiting.  
The United Kingdom Register of Organic Food Standards.  
The United Kingdom Xenotransplantation Interim Regulatory Authority.  
The Unlinked Anonymous Serosurveys Steering Group.  
The Unrelated Live Transplant Regulatory Authority.  
The Urban Regeneration Agency.  
The Veterinary Products Committee.  
The Victoria and Albert Museum.

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

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The Wales New Deal Advisory Task Force.  
 The Wales Tourist Board.  
 The Wallace Collection.  
 The War Pensions Committees.  
 The Water Regulations Advisory Committee.  
 The Welsh Administration Ombudsman.  
 The Welsh Advisory Committee on Telecommunications.  
 The Welsh Committee for Professional Development of Pharmacy.  
 The Welsh Dental Committee.  
 The Welsh Development Agency.  
 The Welsh Industrial Development Advisory Board.  
 The Welsh Language Board.  
 The Welsh Medical Committee.  
 The Welsh National Board for Nursing, Midwifery and Health Visiting.  
 The Welsh Nursing and Midwifery Committee.  
 The Welsh Optometric Committee.  
 The Welsh Pharmaceutical Committee.  
 The Welsh Scientific Advisory Committee.  
 The Westminster Foundation for Democracy.  
 The Wilton Park Academic Council.  
 The Wine Standards Board of the Vintners' Company.  
 The Women's National Commission.  
 The Youth Justice Board for England and Wales.  
 The Zoos Forum.

## **PART VII**

### OTHER PUBLIC BODIES AND OFFICES: NORTHERN IRELAND

An Advisory Committee on General Commissioners of Income Tax (Northern Ireland).  
 The Advisory Committee on Justices of the Peace in Northern Ireland.  
 The Advisory Committee on Juvenile Court Lay Panel (Northern Ireland).  
 The Advisory Committee on Pesticides for Northern Ireland.  
 The Agricultural Research Institute of Northern Ireland.  
 The Agricultural Wages Board for Northern Ireland.  
 The Arts Council of Northern Ireland.  
 The Assembly Ombudsman for Northern Ireland.  
 The Board of Trustees of National Museums and Galleries of Northern Ireland.  
 Boards of Visitors and Visiting Committees.  
 The Boundary Commission for Northern Ireland.  
 The Charities Advisory Committee.  
 The Chief Electoral Officer for Northern Ireland.  
 The Civil Service Commissioners for Northern Ireland.  
 The Commissioner for Public Appointments for Northern Ireland.  
 The Construction Industry Training Board.  
 The consultative Civic Forum referred to in section 56(4) of the Northern Ireland Act 1998.

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

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The Council for Catholic Maintained Schools.  
The Council for Nature Conservation and the Countryside.  
The County Court Rules Committee (Northern Ireland).  
The Disability Living Allowance Advisory Board for Northern Ireland.  
The Distinction and Meritorious Service Awards Committee.  
The Drainage Council for Northern Ireland.  
An Education and Library Board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986.  
Enterprise Ulster.  
The Equality Commission for Northern Ireland.  
The Family Proceedings Rules Committee (Northern Ireland).  
The Fire Authority for Northern Ireland.  
The Fisheries Conservancy Board for Northern Ireland.  
The General Consumer Council for Northern Ireland.  
The Health and Safety Agency for Northern Ireland.  
The Historic Buildings Council.  
The Historic Monuments Council.  
The Independent Assessor of Military Complaints Procedures in Northern Ireland.  
The Independent Reviewer of the Northern Ireland (Emergency Provisions) Act.  
The Independent Commissioner for Holding Centres.  
The Industrial Development Board for Northern Ireland.  
The Industrial Research and Technology Unit.  
The Juvenile Justice Board.  
The Labour Relations Agency.  
The Laganside Corporation.  
The Law Reform Advisory Committee for Northern Ireland.  
The Lay Observer for Northern Ireland.  
The Legal Aid Advisory Committee (Northern Ireland).  
The Livestock & Meat Commission for Northern Ireland.  
The Local Enterprise Development Unit.  
The Local Government Staff Commission.  
The Magistrates' Courts Rules Committee (Northern Ireland).  
The Mental Health Commission for Northern Ireland.  
The Northern Ireland Advisory Committee on Telecommunications.  
The Northern Ireland Audit Office.  
The Northern Ireland Building Regulations Advisory Committee.  
The Northern Ireland Civil Service Appeal Board.  
The Northern Ireland Commissioner for Complaints.  
The Northern Ireland Community Relations Council.  
The Northern Ireland Consumer Committee for Electricity.  
The Northern Ireland Council for the Curriculum, Examinations and Assessment.  
The Northern Ireland Council for Postgraduate Medical and Dental Education.  
The Northern Ireland Crown Court Rules Committee.  
The Northern Ireland Economic Council.  
The Northern Ireland Fishery Harbour Authority.

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

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The Northern Ireland Higher Education Council.  
 The Northern Ireland Housing Executive.  
 The Northern Ireland Human Rights Commission.  
 The Northern Ireland Insolvency Rules Committee.  
 The Northern Ireland Local Government Officers' Superannuation Committee.  
 The Northern Ireland Museums Council.  
 The Northern Ireland Pig Production Development Committee.  
 The Northern Ireland Supreme Court Rules Committee.  
 The Northern Ireland Tourist Board.  
 The Northern Ireland Transport Holding Company.  
 The Northern Ireland Water Council.  
 The Parades Commission.  
 The Police Ombudsman for Northern Ireland.  
 The Probation Board for Northern Ireland.  
 The Rural Development Council for Northern Ireland.  
 The Sentence Review Commissioners appointed under section 1 of the Northern Ireland (Sentences) Act 1998.  
 The social fund Commissioner appointed under Article 37 of the Social Security (Northern Ireland) Order 1998.  
 The Sports Council for Northern Ireland.  
 The Staff Commission for Education and Library Boards.  
 The Statistics Advisory Committee.  
 The Statute Law Committee for Northern Ireland.  
 The Training and Employment Agency.  
 Ulster Supported Employment Ltd.  
 The Youth Council for Northern Ireland.

## 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) Any reference in any enactment, instrument or document to the Data Protection Tribunal shall be construed, in relation to any time after the commencement of section 18(2), as a reference to the Information Tribunal.

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

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

*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) In paragraph 4(1) of that Schedule, for paragraph (nn) there is substituted—
- “(nn) records of the Information Tribunal;”.

*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 In Schedule 4 to that Act (tribunals exercising administrative functions), for the entry relating to the Data Protection Tribunal there is substituted—
- “Information Tribunal constituted under section 6 of the Data Protection Act 1998.”

*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”.

*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—

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

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“The Information Commissioner”.

*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”.

*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) for sub-paragraph (b) there is substituted—

“(b) the Information Tribunal constituted under that section, in respect of its jurisdiction under—

(i) section 48 of that Act, and

(ii) section 57 of the Freedom of Information Act 2000.”

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 11 In Schedule 5 to the Judicial Pensions and Retirement Act 1993 (retirement provisions: the relevant offices), in the entry relating to the chairman and deputy chairman of the Data Protection Tribunal, for “the Data Protection Tribunal” there is substituted “the Information Tribunal”.

- 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) For subsection (3) there is substituted—

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

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- “(3) For the purposes of this Act and of the Freedom of Information Act 2000 there shall be a tribunal known as the Information Tribunal (in this Act referred to as “the Tribunal”).”
- 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) in the definition of “the Tribunal”, for “the Data Protection Tribunal” there is substituted “the Information Tribunal”.
- 15 (1) Schedule 5 to that Act (the Data Protection Commissioner and the Data Protection Tribunal) is amended as follows.
- (2) In paragraph 1(1), for “Data Protection Commissioner” there is substituted “Information Commissioner”.
  - (3) Part III shall cease to have effect.

## PART II

### AMENDMENTS RELATING TO EXTENSION OF FUNCTIONS OF COMMISSIONER AND TRIBUNAL

#### *Interests represented by lay members of Tribunal*

- 16 In section 6(6) of the Data Protection Act 1998 (lay members of Tribunal)—
- (a) for the word “and” at the end of paragraph (a) there is substituted—
    - “(aa) persons to represent the interests of those who make requests for information under the Freedom of Information Act 2000,”, and
  - (b) after paragraph (b) there is inserted “and
    - (bb) persons to represent the interests of public authorities.”

#### *Expenses incurred under this Act excluded in calculating fees*

- 17 In section 26(2) of that Act (fees regulations), in paragraph (a)—
- (a) after “functions” there is inserted “under this Act”, and
  - (b) after “Tribunal” there is inserted “so far as attributable to their functions under this Act”.

#### *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.”

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

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*Deputy commissioners*

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

SCHEDULE 3

Section 55.

POWERS OF ENTRY AND INSPECTION

*Issue of warrants*

- 1 (1) If a circuit judge is satisfied by information on oath supplied by the Commissioner that there are reasonable grounds for suspecting—
- (a) that a public authority has failed or is failing to comply with—
- (i) any of the requirements of Part I of this Act,
- (ii) so much of a decision notice as requires steps to be taken, or
- (iii) an information notice or an enforcement notice, or
- (b) that an offence under section 77 has been or is being committed,
- and that evidence of such a failure to comply or of the commission of the offence is to be found on any premises specified in the information, he may, subject to paragraph 2, grant a warrant to the Commissioner.
- (2) A warrant issued under sub-paragraph (1) shall authorise the Commissioner or any of his officers or staff at any time within seven days of the date of the warrant—

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

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- (a) to enter and search the premises,
  - (b) to inspect and seize any documents or other material found there which may be such evidence as is mentioned in that sub-paragraph, and
  - (c) to inspect, examine, operate and test any equipment found there in which information held by the public authority may be recorded.
- 2 (1) A judge shall not issue a warrant under this Schedule unless he is satisfied—
- (a) that the Commissioner has given seven days' notice in writing to the occupier of the premises in question demanding access to the premises, and
  - (b) that either—
    - (i) access was demanded at a reasonable hour and was unreasonably refused, or
    - (ii) although entry to the premises was granted, the occupier unreasonably refused to comply with a request by the Commissioner or any of the Commissioner's officers or staff to permit the Commissioner or the officer or member of staff to do any of the things referred to in paragraph 1(2), and
  - (c) that the occupier, has, after the refusal, been notified by the Commissioner of the application for the warrant and has had an opportunity of being heard by the judge on the question whether or not it should be issued.
- (2) Sub-paragraph (1) shall not apply if the judge is satisfied that the case is one of urgency or that compliance with those provisions would defeat the object of the entry.
- 3 A judge who issues a warrant under this Schedule shall also issue two copies of it and certify them clearly as copies.

#### *Execution of warrants*

- 4 A person executing a warrant issued under this Schedule may use such reasonable force as may be necessary.
- 5 A warrant issued under this Schedule shall be executed at a reasonable hour unless it appears to the person executing it that there are grounds for suspecting that the evidence in question would not be found if it were so executed.
- 6 (1) If the premises in respect of which a warrant is issued under this Schedule are occupied by a public authority and any officer or employee of the authority is present when the warrant is executed, he shall be shown the warrant and supplied with a copy of it; and if no such officer or employee is present a copy of the warrant shall be left in a prominent place on the premises.
- (2) If the premises in respect of which a warrant is issued under this Schedule are occupied by a person other than a public authority and he is present when the warrant is executed, he shall be shown the warrant and supplied with a copy of it; and if that person is not present a copy of the warrant shall be left in a prominent place on the premises.
- 7 (1) A person seizing anything in pursuance of a warrant under this Schedule shall give a receipt for it if asked to do so.
- (2) Anything so seized may be retained for so long as is necessary in all the circumstances but the person in occupation of the premises in question shall be given a copy of anything that is seized if he so requests and the person executing the warrant considers that it can be done without undue delay.

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

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*Matters exempt from inspection and seizure*

- 8 The powers of inspection and seizure conferred by a warrant issued under this Schedule shall not be exercisable in respect of information which is exempt information by virtue of section 23(1) or 24(1).
- 9 (1) Subject to the provisions of this paragraph, the powers of inspection and seizure conferred by a warrant issued under this Schedule shall not be exercisable in respect of—
- (a) any communication between a professional legal adviser and his client in connection with the giving of legal advice to the client with respect to his obligations, liabilities or rights under this Act, or
  - (b) any communication between a professional legal adviser and his client, or between such an adviser or his client and any other person, made in connection with or in contemplation of proceedings under or arising out of this Act (including proceedings before the Tribunal) and for the purposes of such proceedings.
- (2) Sub-paragraph (1) applies also to—
- (a) any copy or other record of any such communication as is there mentioned, and
  - (b) any document or article enclosed with or referred to in any such communication if made in connection with the giving of any advice or, as the case may be, in connection with or in contemplation of and for the purposes of such proceedings as are there mentioned.
- (3) This paragraph does not apply to anything in the possession of any person other than the professional legal adviser or his client or to anything held with the intention of furthering a criminal purpose.
- (4) In this paragraph references to the client of a professional legal adviser include references to any person representing such a client.
- 10 If the person in occupation of any premises in respect of which a warrant is issued under this Schedule objects to the inspection or seizure under the warrant of any material on the grounds that it consists partly of matters in respect of which those powers are not exercisable, he shall, if the person executing the warrant so requests, furnish that person with a copy of so much of the material in relation to which the powers are exercisable.

*Return of warrants*

- 11 A warrant issued under this Schedule shall be returned to the court from which it was issued—
- (a) after being executed, or
  - (b) if not executed within the time authorised for its execution;
- and the person by whom any such warrant is executed shall make an endorsement on it stating what powers have been exercised by him under the warrant.

*Offences*

- 12 Any person who—
- (a) intentionally obstructs a person in the execution of a warrant issued under this Schedule, or

- (b) fails without reasonable excuse to give any person executing such a warrant such assistance as he may reasonably require for the execution of the warrant,  
is guilty of an offence.

*Vessels, vehicles etc.*

- 13 In this Schedule “premises” includes any vessel, vehicle, aircraft or hovercraft, and references to the occupier of any premises include references to the person in charge of any vessel, vehicle, aircraft or hovercraft.

*Scotland and Northern Ireland*

- 14 In the application of this Schedule to Scotland—  
 (a) for any reference to a circuit judge there is substituted a reference to the sheriff, and  
 (b) for any reference to information on oath there is substituted a reference to evidence on oath.
- 15 In the application of this Schedule to Northern Ireland—  
 (a) for any reference to a circuit judge there is substituted a reference to a county court judge, and  
 (b) for any reference to information on oath there is substituted a reference to a complaint on oath.

## SCHEDULE 4

Section 61(1).

## APPEAL PROCEEDINGS: AMENDMENTS OF SCHEDULE 6 TO DATA PROTECTION ACT 1998

*Constitution of Tribunal in national security cases*

- 1 In paragraph 2(1) of Schedule 6 to the Data Protection Act 1998 (constitution of Tribunal in national security cases), at the end there is inserted “or under section 60(1) or (4) of the Freedom of Information Act 2000”.
- 2 For paragraph 3 of that Schedule there is substituted—  
 “3 The Tribunal shall be duly constituted—  
 (a) for an appeal under section 28(4) or (6) in any case where the application of paragraph 6(1) is excluded by rules under paragraph 7, or  
 (b) for an appeal under section 60(1) or (4) of the Freedom of Information Act 2000,  
 if it consists of three of the persons designated under paragraph 2(1), of whom one shall be designated by the Lord Chancellor to preside.”

*Constitution of Tribunal in other cases*

- 3 (1) Paragraph 4 of that Schedule (constitution of Tribunal in other cases) is amended as follows.

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

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

“(1A) Subject to any rules made under paragraph 7, the Tribunal shall be duly constituted for an appeal under section 57(1) or (2) of the Freedom of Information Act 2000 if it consists of—

- (a) the chairman or a deputy chairman (who shall preside), and
- (b) an equal number of the members appointed respectively in accordance with paragraphs (aa) and (bb) of section 6(6).”

(3) In sub-paragraph (2), after “(1)” there is inserted “or (1A)”.

#### *Rules of procedure*

4 (1) Paragraph 7 of that Schedule (rules of procedure) is amended as follows.

(2) In sub-paragraph (1), for the words from “regulating” onwards there is substituted “regulating—

- (a) the exercise of the rights of appeal conferred—
  - (i) by sections 28(4) and (6) and 48, and
  - (ii) by sections 57(1) and (2) and section 60(1) and (4) of the Freedom of Information Act 2000, and
- (b) the practice and procedure of the Tribunal.”

(3) In sub-paragraph (2), after paragraph (a) there is inserted—

- “(aa) for the joinder of any other person as a party to any proceedings on an appeal under the Freedom of Information Act 2000,
- (ab) for the hearing of an appeal under this Act with an appeal under the Freedom of Information Act 2000.”

## SCHEDULE 5

Section 67.

### AMENDMENTS OF PUBLIC RECORDS LEGISLATION

#### PART I

#### AMENDMENTS OF PUBLIC RECORDS ACT 1958

##### *Functions of Advisory Council on Public Records*

1 In section 1 of the Public Records Act 1958 (general responsibility of the Lord Chancellor for public records), after subsection (2) there is inserted—

“(2A) The matters on which the Advisory Council on Public Records may advise the Lord Chancellor include matters relating to the application of the Freedom of Information Act 2000 to information contained in public records which are historical records within the meaning of Part VI of that Act.”

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

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*Access to public records*

- 2 (1) Section 5 of that Act (access to public records) is amended in accordance with this paragraph.
- (2) Subsections (1) and (2) are omitted.
- (3) For subsection (3) there is substituted—
- “(3) It shall be the duty of the Keeper of Public Records to arrange that reasonable facilities are available to the public for inspecting and obtaining copies of those public records in the Public Record Office which fall to be disclosed in accordance with the Freedom of Information Act 2000.”
- (4) Subsection (4) and, in subsection (5), the words from “and subject to” to the end are omitted.
- 3 Schedule 2 of that Act (enactments prohibiting disclosure of information obtained from the public) is omitted.

*Power to extend meaning of “public records”*

- 4 In Schedule 1 to that Act (definition of public records) after the Table at the end of paragraph 3 there is inserted—
- “3A (1) Her Majesty may by Order in Council amend the Table at the end of paragraph 3 of this Schedule by adding to either Part of the Table an entry relating to any body or establishment—
- (a) which, at the time when the Order is made, is specified in Schedule 2 to the Parliamentary Commissioner Act 1967 (departments, etc. subject to investigation), or
- (b) in respect of which an entry could, at that time, be added to Schedule 2 to that Act by an Order in Council under section 4 of that Act (which confers power to amend that Schedule).
- (2) An Order in Council under this paragraph may relate to a specified body or establishment or to bodies or establishments falling within a specified description.
- (3) An Order in Council under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

**PART II**

AMENDMENT OF PUBLIC RECORDS ACT (NORTHERN IRELAND) 1923

- 5 After section 5 of the Public Records Act (Northern Ireland) 1923 (deposit of documents in Record Office by trustees or other persons) there is inserted—

**“5A Access to public records**

It shall be the duty of the Deputy Keeper of the Records of Northern Ireland to arrange that reasonable facilities are available to the public for inspecting and obtaining copies of those public records in the Public Record Office of

Northern Ireland which fall to be disclosed in accordance with the Freedom of Information Act 2000.”

## SCHEDULE 6

Section 73.

### FURTHER AMENDMENTS OF DATA PROTECTION ACT 1998

#### *Request by data controller for further information*

1 In section 7 of the Data Protection Act 1998 (right of access to personal data), for subsection (3) there is substituted—

“(3) Where a data controller—

- (a) reasonably requires further information in order to satisfy himself as to the identity of the person making a request under this section and to locate the information which that person seeks, and
- (b) has informed him of that requirement,

the data controller is not obliged to comply with the request unless he is supplied with that further information.”

#### *Parliament*

2 After section 35 of that Act there is inserted—

#### “35A Parliamentary privilege

Personal data are exempt from—

- (a) the first data protection principle, except to the extent to which it requires compliance with the conditions in Schedules 2 and 3,
- (b) the second, third, fourth and fifth data protection principles,
- (c) section 7, and
- (d) sections 10 and 14(1) to (3),

if the exemption is required for the purpose of avoiding an infringement of the privileges of either House of Parliament.”

3 After section 63 of that Act there is inserted—

#### “63A Application to Parliament

- (1) Subject to the following provisions of this section and to section 35A, this Act applies to the processing of personal data by or on behalf of either House of Parliament as it applies to the processing of personal data by other persons.
- (2) Where the purposes for which and the manner in which any personal data are, or are to be, processed are determined by or on behalf of the House of Commons, the data controller in respect of those data for the purposes of this Act shall be the Corporate Officer of that House.
- (3) Where the purposes for which and the manner in which any personal data are, or are to be, processed are determined by or on behalf of the House of

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

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Lords, the data controller in respect of those data for the purposes of this Act shall be the Corporate Officer of that House.

(4) Nothing in subsection (2) or (3) is to be taken to render the Corporate Officer of the House of Commons or the Corporate Officer of the House of Lords liable to prosecution under this Act, but section 55 and paragraph 12 of Schedule 9 shall apply to a person acting on behalf of either House as they apply to any other person.”

4 In Schedule 2 to that Act (conditions relevant for the purposes of the first data protection principle: processing of any personal data) in paragraph 5 after paragraph (a) there is inserted—

“(aa) for the exercise of any functions of either House of Parliament.”

5 In Schedule 3 to that Act (conditions relevant for the purposes of the first data protection principle: processing of sensitive personal data) in paragraph 7 after paragraph (a) there is inserted—

“(aa) for the exercise of any functions of either House of Parliament.”

#### *Honours*

6 In Schedule 7 to that Act (miscellaneous exemptions) in paragraph 3(b) (honours) after “honour” there is inserted “or dignity”.

#### *Legal professional privilege*

7 In paragraph 10 of that Schedule (legal professional privilege), for the words “or, in Scotland, to confidentiality as between client and professional legal adviser,” there is substituted “or, in Scotland, to confidentiality of communications”.

#### *Extension of transitional exemption*

8 In Schedule 14 to that Act (transitional provisions), in paragraph 2(1) (which confers transitional exemption from the prohibition on processing without registration on those registered under the Data Protection Act 1984) the words “or, if earlier, 24th October 2001” are omitted.

## SCHEDULE 7

Section 76(2).

### DISCLOSURE OF INFORMATION BY OMBUDSMEN

#### *The Parliamentary Commissioner for Administration*

1 At the end of section 11 of the Parliamentary Commissioner Act 1967 (provision for secrecy of information) there is inserted—

“(5) Information obtained from the Information Commissioner by virtue of section 76(1) of the Freedom of Information Act 2000 shall be treated for the purposes of subsection (2) of this section as obtained for the purposes of an investigation under this Act and, in relation to such information, the reference in paragraph (a) of that subsection to the investigation shall have effect as a reference to any investigation.”

2 After section 11A of that Act there is inserted—

**“11AA Disclosure of information by Parliamentary Commissioner to Information Commissioner**

- (1) The Commissioner may disclose to the Information Commissioner any information obtained by, or furnished to, the Commissioner under or for the purposes of this Act if the information appears to the Commissioner to relate to—
- (a) a matter in respect of which the Information Commissioner could exercise any power conferred by—
    - (i) Part V of the Data Protection Act 1998 (enforcement),
    - (ii) section 48 of the Freedom of Information Act 2000 (practice recommendations), or
    - (iii) Part IV of that Act (enforcement), or
  - (b) the commission of an offence under—
    - (i) any provision of the Data Protection Act 1998 other than paragraph 12 of Schedule 9 (obstruction of execution of warrant), or
    - (ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc. records with intent to prevent disclosure).
- (2) Nothing in section 11(2) of this Act shall apply in relation to the disclosure of information in accordance with this section.”

*The Commissions for Local Administration in England and Wales*

3 In section 32 of the Local Government Act 1974 (law of defamation, and disclosure of information) after subsection (6) there is inserted—

“(7) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of subsection (2) above as obtained for the purposes of an investigation under this Part of this Act and, in relation to such information, the reference in paragraph (a) of that subsection to the investigation shall have effect as a reference to any investigation.”

4 After section 33 of that Act there is inserted—

**“33A Disclosure of information by Local Commissioner to Information Commissioner**

- (1) A Local Commissioner may disclose to the Information Commissioner any information obtained by, or furnished to, the Local Commissioner under or for the purposes of this Part of this Act if the information appears to the Local Commissioner to relate to—
- (a) a matter in respect of which the Information Commissioner could exercise any power conferred by—
    - (i) Part V of the Data Protection Act 1998 (enforcement),
    - (ii) section 48 of the Freedom of Information Act 2000 (practice recommendations), or
    - (iii) Part IV of that Act (enforcement), or

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- (b) the commission of an offence under—
  - (i) any provision of the Data Protection Act 1998 other than paragraph 12 of Schedule 9 (obstruction of execution of warrant), or
  - (ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc. records with intent to prevent disclosure).

(2) Nothing in section 32(2) of this Act shall apply in relation to the disclosure of information in accordance with this section.”

#### *The Health Service Commissioners*

5 At the end of section 15 of the Health Service Commissioners Act 1993 (confidentiality of information) there is inserted—

“(4) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of subsection (1) as obtained for the purposes of an investigation and, in relation to such information, the reference in paragraph (a) of that subsection to the investigation shall have effect as a reference to any investigation.”

6 After section 18 of that Act there is inserted—

#### **“18A Disclosure of information to Information Commissioner**

(1) The Health Service Commissioner for England or the Health Service Commissioner for Wales may disclose to the Information Commissioner any information obtained by, or furnished to, the Health Service Commissioner under or for the purposes of this Act if the information appears to the Health Service Commissioner to relate to—

- (a) a matter in respect of which the Information Commissioner could exercise any power conferred by—
  - (i) Part V of the Data Protection Act 1998 (enforcement),
  - (ii) section 48 of the Freedom of Information Act 2000 (practice recommendations), or
  - (iii) Part IV of that Act (enforcement), or
- (b) the commission of an offence under—
  - (i) any provision of the Data Protection Act 1998 other than paragraph 12 of Schedule 9 (obstruction of execution of warrant), or
  - (ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc. records with intent to prevent disclosure).

(3) Nothing in section 15 (confidentiality of information) applies in relation to the disclosure of information in accordance with this section.”

#### *The Welsh Administration Ombudsman*

7 In Schedule 9 to the Government of Wales Act 1998 (the Welsh Administration Ombudsman), at the end of paragraph 25 (confidentiality of information) there is inserted—

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

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“(5) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of sub-paragraph (1) as obtained for the purposes of an investigation and, in relation to such information, the reference in paragraph (a) of that subsection to the investigation shall have effect as a reference to any investigation.”

8 After paragraph 27 of that Schedule there is inserted—

*“Disclosure of information to Information Commissioner*

28 (1) The Welsh Administration Ombudsman may disclose to the Information Commissioner any information obtained by, or furnished to, the Welsh Administration Ombudsman under or for the purposes of this Schedule if the information appears to the Welsh Administration Ombudsman to relate to—

(a) a matter in respect of which the Information Commissioner could exercise any power conferred by—

- (i) Part V of the Data Protection Act 1998 (enforcement),
- (ii) section 48 of the Freedom of Information Act 2000 (practice recommendations), or
- (iii) Part IV of that Act (enforcement), or

(b) the commission of an offence under—

- (i) any provision of the Data Protection Act 1998 other than paragraph 12 of Schedule 9 (obstruction of execution of warrant), or
- (ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc. records with intent to prevent disclosure).

(2) Nothing in paragraph 25(1) applies in relation to the disclosure of information in accordance with this paragraph.”

*The Northern Ireland Commissioner for Complaints*

9 At the end of Article 21 of the Commissioner for Complaints (Northern Ireland) Order 1996 (disclosure of information by Commissioner) there is inserted—

“(5) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of paragraph (1) as obtained for the purposes of an investigation under this Order and, in relation to such information, the reference in paragraph (1)(a) to the investigation shall have effect as a reference to any investigation.”

10 After that Article there is inserted—

**Disclosure of information to Information Commissioner**

“21A(1) The Commissioner may disclose to the Information Commissioner any information obtained by, or furnished to, the Commissioner under or for the purposes of this Order if the information appears to the Commissioner to relate to—

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

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- (a) a matter in respect of which the Information Commissioner could exercise any power conferred by—
    - (i) Part V of the Data Protection Act 1998 (enforcement),
    - (ii) section 48 of the Freedom of Information Act 2000 (practice recommendations), or
    - (iii) Part IV of that Act (enforcement), or
  - (b) the commission of an offence under—
    - (i) any provision of the Data Protection Act 1998 other than paragraph 12 of Schedule 9 (obstruction of execution of warrant), or
    - (ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc. records with intent to prevent disclosure).
- (2) Nothing in Article 21(1) applies in relation to the disclosure of information in accordance with this Article.”

*The Assembly Ombudsman for Northern Ireland*

- 11 At the end of Article 19 of the Ombudsman (Northern Ireland) Order 1996 there is inserted—

“(5) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of paragraph (1) as obtained for the purposes of an investigation under this Order and, in relation to such information, the reference in paragraph (1)(a) to the investigation shall have effect as a reference to any investigation.”

- 12 After that Article there is inserted—

**Disclosure of information to Information Commissioner**

“19A(1) The Ombudsman may disclose to the Information Commissioner any information obtained by, or furnished to, the Ombudsman under or for the purposes of this Order if the information appears to the Ombudsman to relate to—

- (a) a matter in respect of which the Information Commissioner could exercise any power conferred by—
    - (i) Part V of the Data Protection Act 1998 (enforcement),
    - (ii) section 48 of the Freedom of Information Act 2000 (practice recommendations), or
    - (iii) Part IV of that Act (enforcement), or
  - (b) the commission of an offence under—
    - (i) any provision of the Data Protection Act 1998 other than paragraph 12 of Schedule 9 (obstruction of execution of warrant), or
    - (ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc. records with intent to prevent disclosure).
- (2) Nothing in Article 19(1) applies in relation to the disclosure of information in accordance with this Article.”

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

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*The Commissioner for Local Administration in Scotland*

13 In section 30 of the Local Government (Scotland) Act 1975 (limitation on disclosure of information), after subsection (5) there is inserted—

“(5A) Information obtained from the Information Commissioner by virtue of section 76 of the Freedom of Information Act 2000 shall be treated for the purposes of subsection (2) as obtained for the purposes of an investigation under this Part of this Act and, in relation to such information, the reference in subsection (2)(a) to the investigation shall have effect as a reference to any investigation.”

SCHEDULE 8

Section 86.

REPEALS

**PART I**

REPEAL COMING INTO FORCE ON PASSING OF ACT

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1998 c. 29.	The Data Protection Act 1998.	In Schedule 14, in paragraph 2(1), the words “or, if earlier, 24th October 2001”.

**PART II**

REPEALS COMING INTO FORCE IN ACCORDANCE WITH SECTION 87(2)

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1958 c. 51.	The Public Records Act 1958.	In Schedule 1, in Part II of the Table in paragraph 3, the entry relating to the Data Protection Commissioner.
1967 c. 13.	The Parliamentary Commissioner Act 1967.	In Schedule 2, the entry relating to the Data Protection Commissioner.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part III, the entry relating to the Data Protection Commissioner.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part III, the entry relating to the Data Protection Commissioner.
1998 c. 29.	The Data Protection Act 1998.	In Schedule 5, Part III.

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

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		In Schedule 15, paragraphs 1(1), 2, 4, 5(2) and 6(2)

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### PART III

#### REPEALS COMING INTO FORCE IN ACCORDANCE WITH SECTION 87(3)

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
<a href="#">1958 c. 51.</a>	The Public Records Act 1958.	In section 5, subsections (1), (2) and (4) and, in subsection (5), the words from “and subject to” to the end. Schedule 2.
<a href="#">1975 c. 24.</a>	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the Data Protection Tribunal.
<a href="#">1975 c. 25.</a>	The Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the Data Protection Tribunal.
<a href="#">1998 c. 29.</a>	The Data Protection Act 1998.	In section 1(1), in the definition of “data”, the word “or” at the end of paragraph (c). In Schedule 15, paragraphs 1(2) and (3), 3, 5(1) and 6(1).

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