Protection of Freedoms Act 2012

2012 CHAPTER 9

PART 6

FREEDOM OF INFORMATION AND DATA PROTECTION

The Information Commissioner

106   Alteration of role of Secretary of State in relation to guidance powers

(1) For section 41C(7) of the Data Protection Act 1998 (code of practice about assessment notices: requirement for approval of Secretary of State) substitute—

"(7) The Commissioner must consult the Secretary of State before issuing the code (or an altered or replacement code)."

(2) In section 52B of that Act (data-sharing code: approval by the Secretary of State)—
  (a)   for subsections (1) to (3) substitute—

"(1) When a code is prepared under section 52A, the Commissioner must—
    (a)   consult the Secretary of State, and
    (b)   submit the final version of the code to the Secretary of State.

(2) The Secretary of State must lay the code before Parliament.", and"
  (b)   in subsection (6) for the words from the beginning to "the Commissioner" substitute "Where such a resolution is passed, the Commissioner".

(3) For section 55C(5) of that Act (guidance about monetary penalty notices: requirement for approval of Secretary of State) substitute—

"(5) The Commissioner must consult the Secretary of State before issuing any guidance under this section."