



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART I

#### PRELIMINARY

#### 6 The Commissioner and the Tribunal.

[<sup>F1</sup>(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”).]

(2) The Commissioner shall be appointed by Her Majesty by Letters Patent.

[<sup>F2</sup>(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”).]

(4) The Tribunal shall consist of—

- (a) a chairman appointed by the Lord Chancellor after consultation with the Lord Advocate,
- (b) such number of deputy chairmen so appointed as the Lord Chancellor may determine, and
- (c) such number of other members appointed by the [<sup>F3</sup> Secretary of State] as he may determine.

(5) The members of the Tribunal appointed under subsection (4)(a) and (b) shall be—

- (a) persons who have a 7 year general qualification, within the meaning of section 71 of the <sup>M1</sup>Courts and Legal Services Act 1990,
- (b) advocates or solicitors in Scotland of at least 7 years’ standing, or
- (c) members of the bar of Northern Ireland or solicitors of the Supreme Court of Northern Ireland of at least 7 years’ standing.

(6) The members of the Tribunal appointed under subsection (4)(c) shall be—

- (a) persons to represent the interests of data subjects,

*Status: Point in time view as at 19/08/2003. This version of this provision has been superseded.*

*Changes to legislation: Data Protection Act 1998, Section 6 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- [<sup>F4</sup>(aa) persons to represent the interests of those who make requests for information under the Freedom of Information Act 2000.]
- (b) persons to represent the interests of data controllers [<sup>F5</sup>and
- (bb) persons to represent the interests of public authorities.]

(7) Schedule 5 has effect in relation to the Commissioner and the Tribunal.

#### Textual Amendments

- F1** S. 6(1) substituted (30.1.2001) by 2000 c. 36, ss. 18(4), 87(2)(c), **Sch. 2 Pt. I para. 13(2)** (with ss. 7(1)(7), 56, 78)
- F2** S. 6(3) substituted (14.5.2001) by 2000 c. 36, s. 18(2), **Sch. 2 Pt. I para. 13(3)** (with ss. 7(1)(7), 56, 78); S.I. 2001/1637, **art. 2(b)**
- F3** Words in s. 6(4)(c) substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), **art. 9, Sch. 2 para. 9(1)(a)**
- F4** S. 6(6)(aa) substituted for word in s. 6(6)(a) (14.5.2001) by 2000 c. 36, s. 18(4), **Sch. 2 Pt. II para. 16(a)** (with ss. 7(1)(7), 56, 78); S.I. 2001/1637, **art. 2(b)**
- F5** S. 6(6)(bb) and the preceding word inserted (14.5.2001) by 2000 c. 36, s. 18(4), **Sch. 2 Pt. II para. 16(b)** (with ss. 7(1)(7), 56, 78); S.I. 2001/1637, **art. 2(b)**

#### Modifications etc. (not altering text)

- C1** S. 6(4)(a)(b): transfer of certain functions (1.7.1999) by 1999/1750, arts. 1, 2, Sch. 1 (with art. 7); S.I. 1998/3178, **art. 3**  
S. 6(4)(a)(b) modified (30.6.1999) by S.I. 1999/1748, **art. 3, Sch. 1 para. 20**
- C2** S. 6(4)(a): functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by S.I. 1999/678, **arts. 2, 3, Sch.** (with art. 7)

#### Marginal Citations

- M1** 1990 c. 41.

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