



Identity Cards Act 2006 (repealed)

2006 CHAPTER 15

Supervision of operation of Act

22 Appointment of National Identity Scheme Commissioner

- (1) The Secretary of State must appoint a Commissioner to be known as the National Identity Scheme Commissioner.
- (2) It shall be the function of the Commissioner (subject to subsection (4)) to keep under review—
 - (a) the arrangements for the time being maintained by the Secretary of State for the purposes of his functions under this Act or the subordinate legislation made under it;
 - (b) the arrangements for the time being maintained by designated documents authorities for the purposes of their functions under this Act or that subordinate legislation;
 - (c) the arrangements made, by persons to whom information may be provided, for obtaining the information available to them under this Act or that subordinate legislation and for recording and using it; and
 - (d) the uses to which ID cards are being put.
- (3) Where the Commissioner reviews any arrangements in accordance with subsection (2), his review must include, in particular, a review of the extent to which the arrangements make appropriate provision—
 - (a) for securing the confidentiality and integrity of information recorded in the Register; and
 - (b) for dealing with complaints made to the Secretary of State or a designated documents authority about the carrying out of the functions mentioned in that subsection.
- (4) The matters to be kept under review by the Commissioner do not include—
 - (a) the exercise of powers which under this Act are exercisable by statutory instrument or by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12));

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- (b) appeals against civil penalties;
 - (c) the operation of so much of this Act or of any subordinate legislation as imposes or relates to criminal offences;
 - (d) the provision of information to the Director-General of the Security Service, the Chief of the Secret Intelligence Service or the Director of the Government Communications Headquarters;
 - (e) the provision to another member of the intelligence services, in accordance with regulations under section 21(5), of information that may be provided to that Director-General, Chief or Director;
 - (f) the exercise by the Secretary of State of his powers under section 38; or
 - (g) arrangements made for the purposes of anything mentioned in paragraphs (a) to (f).
- (5) It shall be the duty of every official of the Secretary of State's department to provide the Commissioner with all such information (including information recorded in the Register) as he may require for the purpose of carrying out his functions under this Act.
- (6) The Commissioner is to hold office in accordance with the terms of his appointment; and there shall be paid to him out of money provided by Parliament such allowances as the Treasury may determine.
- (7) The Secretary of State—
- (a) after consultation with the Commissioner, and
 - (b) subject to the approval of the Treasury as to numbers,
- must provide the Commissioner with such staff as the Secretary of State considers necessary for the carrying out of the Commissioner's functions.
- (8) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities for the purposes of that Act), at the appropriate place, insert— “ The National Identity Scheme Commissioner. ”
- (9) In this section “intelligence service” has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23).

23 Reports by Commissioner

- (1) As soon as practicable after the end of each calendar year, the Commissioner must make a report to the Secretary of State about the carrying out of the Commissioner's functions.
- (2) The Commissioner may also, at any other time, make such report to the Secretary of State on any matter relating to the carrying out of those functions as the Commissioner thinks fit.
- (3) The Secretary of State must lay before Parliament a copy of every report made to him under this section.
- (4) If it appears to the Secretary of State, after consultation with the Commissioner, that the publication of a particular matter contained in a report under this section would be prejudicial to—
 - (a) national security, or
 - (b) the prevention or detection of crime,

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the Secretary of State may exclude that matter from the copy of the report that he lays before Parliament.

- (5) Where a matter is excluded under subsection (4) from a copy of a report laid before Parliament, the Secretary of State must, when he lays that copy of the report, also lay before Parliament a statement that a matter has been excluded from the report under that subsection.

24 Jurisdiction of Intelligence Services Commissioner and Tribunal

- (1) The Regulation of Investigatory Powers Act 2000 (c. 23) is amended as follows.
- (2) In section 59 (functions of Intelligence Services Commissioner), after subsection (2) insert—
- “(2A) The Intelligence Services Commissioner shall also keep under review—
- (a) the acquisition, storage and use by the intelligence services of information recorded in the National Identity Register;
 - (b) the provision of such information to members of the intelligence services in accordance with any provision made by or under the Identity Cards Act 2006;
 - (c) arrangements made by the Secretary of State or any of the intelligence services for the purposes of anything mentioned in paragraph (a) or (b).”
- (3) In section 65(2)(b) (complaints in relation to which Tribunal has jurisdiction), after “subsection (4)” insert “ or (4A) ”.
- (4) In section 65(3) (proceedings in relation to which the Tribunal has jurisdiction), for the “or” at the end of paragraph (c) substitute—
- “(ca) they are proceedings relating to the provision to a member of any of the intelligence services of information recorded in an individual's entry in the National Identity Register;
- (cb) they are proceedings relating to the acquisition, storage or use of such information by any of the intelligence services; or”.
- (5) After section 65(4) insert—
- “(4A) The Tribunal is also the appropriate forum for a complaint if it is a complaint by an individual about what he believes to be—
- (a) the provision to a member of any of the intelligence services of information recorded in that individual's entry in the National Identity Register; or
 - (b) the acquisition, storage or use of such information by any of the intelligence services.”

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