

Draft Order laid before Parliament under section 67(4) of the Data Protection Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

DATA PROTECTION

**The Data Protection (Subject Access Modification)
(Social Work) (Amendment) Order 2005**

Made - - - - 2005
Coming into force - - 7th March 2005

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament;

Whereas the Secretary of State considers that the application of the subject information provisions (or those provisions without modification) in the circumstances and to the extent specified in this Order would be likely to prejudice the carrying out of social work:

Now, therefore, the Secretary of State, in exercise of the powers conferred ((1) on him by sections 30(3) and (4) and 67(2) of the Data Protection Act 1998(2), and after consulting the Information Commissioner in accordance with section 67(3) of that Act(3), hereby makes the following Order:

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- (1) The functions of the Secretary of State under sections 30 and 67 were transferred to the Lord Chancellor by the Transfer of Functions (Miscellaneous) Order 2001 (S.I. 2001/3500), which Order amended those sections accordingly. The functions of the Lord Chancellor under sections 30 and 67 as amended were transferred back to the Secretary of State by the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), which Order amended those sections accordingly.
 - (2) 1998 c.29.
 - (3) The Data Protection Commissioner became the Information Commissioner on 30th January 2001 by virtue of sections 18(1) and 87(2)(a) of the Freedom of Information Act 2000 (c. 36). The consultation requirement in section 67(3) of the Data Protection Act 1998 now refers to the Information Commissioner as the definitions of "the Commissioner" in sections 6(1) and 70(1) of that Act have been amended by paragraphs 13(2) and 14(a) of Schedule 2 to the Freedom of Information Act 2000.