

*Status: Point in time view as at 14/05/2001.*

*Changes to legislation: Data Protection Act 1998, Cross Heading: Rules of procedure is up to date with all changes known to be in force on or before 17 May 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)*

## SCHEDULES

### SCHEDULE 6

#### APPEAL PROCEEDINGS

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

- C1** Sch. 6 applied (with modifications) (1.3.2000) by S.I. 1999/2093, **reg. 32(8)(a)**  
Sch. 6 applied (30.11.2002) by 2000 c. 36, ss. 61(2), 87(3) (with ss. 7(1)(7), 56, 78); S.I. 2002/2812, **art. 2**  
Sch. 6 applied (with modifications) (11.12.2003) by The Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426), **reg. 28(8)(b)** (with regs. 4, 15(3), 28, 29)
- C1** Sch. 6 extended (with modifications) (11.12.2003) by the Privacy and Electronic Communications (EC Directive) Regulations (S.I. 2003/2426), {reg. 31}, Sch. 1 (with regs. 4, 15(3), 28, 29) (Sch. 1 amended (26.5.2011) by The Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011 (S.I. 2011/1208), reg. {14})
- C1** Sch. 6 applied (6.4.2010) by The Data Protection (Monetary Penalties) Order 2010 (S.I. 2010/910), **art. 7**
- C1** Sch. 6 applied (with modifications) (26.5.2011) by The Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426), reg. 31B, **Sch. 1** (reg. 31B being inserted and Sch. 1 amended (26.5.2011) by The Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011 (S.I. 2011/1208), regs. {12}{14})

##### *Rules of procedure*

- 7 (1) The Secretary of State may make rules for <sup>F1</sup>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.]
- (2) Rules under this paragraph may in particular make provision—
- (a) with respect to the period within which an appeal can be brought and the burden of proof on an appeal,
  - <sup>F2</sup>(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,]
  - (b) for the summoning (or, in Scotland, citation) of witnesses and the administration of oaths,
  - (c) for securing the production of documents and material used for the processing of personal data,
  - (d) for the inspection, examination, operation and testing of any equipment or material used in connection with the processing of personal data,

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- (e) for the hearing of an appeal wholly or partly in camera,
- (f) for hearing an appeal in the absence of the appellant or for determining an appeal without a hearing,
- (g) for enabling an appeal under section 48(1) against an information notice to be determined by the chairman or a deputy chairman,
- (h) for enabling any matter preliminary or incidental to an appeal to be dealt with by the chairman or a deputy chairman,
- (i) for the awarding of costs or, in Scotland, expenses,
- (j) for the publication of reports of the Tribunal's decisions, and
- (k) for conferring on the Tribunal such ancillary powers as the Secretary of State thinks necessary for the proper discharge of its functions.

- (3) In making rules under this paragraph which relate to appeals under section 28(4) or (6) the Secretary of State shall have regard, in particular, to the need to secure that information is not disclosed contrary to the public interest.

#### Textual Amendments

- F1** Word and Sch. 6 para. 7(1)(a)(b) substituted for words in Sch. 6 para. 7(1) (14.5.2001) by 2000 c. 36, s. 61(1), **Sch. 4 para. 4(2)** (with ss. 7(1)(7), 56, 78); S.I. 2001/1637, **art. 2(c)**
- F2** Sch. 6 para. 7(2)(aa)(ab) inserted (14.5.2001) by 2000 c. 36, s. 61(1), **Sch. 4 para. 4(3)** (with ss. 7(1)(7), 56, 78); S.I. 2001/1637, **art. 2(c)**

#### Commencement Information

- I1** Sch. 6 para. 7 wholly in force at 1.3.2000; Sch. 6 para. 7 in force for certain purposes at Royal Assent see s. 75(2)(i); Sch. 6 para. 7 in force at 1.3.2000 insofar as not already in force by S.I. 2000/183, **art. 2(1)**

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