

## SCHEDULES

### SCHEDULE 20

#### TRANSITIONAL PROVISION ETC

#### PART 6

#### THE INFORMATION COMMISSIONER

##### *Appointment etc*

- 19 (1) On and after the relevant day, the individual who was the Commissioner immediately before that day—
- (a) continues to be the Commissioner,
  - (b) is to be treated as having been appointed under Schedule 12 to this Act, and
  - (c) holds office for the period—
    - (i) beginning with the relevant day, and
    - (ii) lasting for 7 years less a period equal to the individual's pre-commencement term.
- (2) On and after the relevant day, a resolution passed by the House of Commons for the purposes of paragraph 3 of Schedule 5 to the 1998 Act (salary and pension of Commissioner), and not superseded before that day, is to be treated as having been passed for the purposes of paragraph 4 of Schedule 12 to this Act.
- (3) In this paragraph—
- “pre-commencement term”, in relation to an individual, means the period during which the individual was the Commissioner before the relevant day;
  - “the relevant day” means the day on which Schedule 12 to this Act comes into force.

##### *Accounts*

- 20 (1) The repeal of paragraph 10 of Schedule 5 to the 1998 Act does not affect the duties of the Commissioner and the Comptroller and Auditor General under that paragraph in respect of the Commissioner's statement of account for the financial year beginning with 1 April 2017.
- (2) The Commissioner's duty under paragraph 11 of Schedule 12 to this Act to prepare a statement of account for each financial year includes a duty to do so for the financial year beginning with 1 April 2018.

##### *Annual report*

- 21 (1) The repeal of section 52(1) of the 1998 Act (annual report) does not affect the Commissioner's duty under that subsection to produce a general report on the

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*Status: This is the original version (as it was originally enacted).*

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exercise of the Commissioner’s functions under the 1998 Act during the period of 1 year beginning with 1 April 2017 and to lay it before Parliament.

- (2) The repeal of section 49 of the Freedom of Information Act 2000 (annual report) does not affect the Commissioner’s duty under that section to produce a general report on the exercise of the Commissioner’s functions under that Act during the period of 1 year beginning with 1 April 2017 and to lay it before Parliament.
- (3) The first report produced by the Commissioner under section 139 of this Act must relate to the period of 1 year beginning with 1 April 2018.

#### *Fees etc received by the Commissioner*

- 22 (1) The repeal of Schedule 5 to the 1998 Act (Information Commissioner) does not affect the application of paragraph 9 of that Schedule after the relevant time to amounts received by the Commissioner before the relevant time.
- (2) In this paragraph, “the relevant time” means the time when the repeal of Schedule 5 to the 1998 Act comes into force.
- 23 Paragraph 10 of Schedule 12 to this Act applies only to amounts received by the Commissioner after the time when that Schedule comes into force.

#### *Functions in connection with the Data Protection Convention*

- 24 (1) The repeal of section 54(2) of the 1998 Act (functions to be discharged by the Commissioner for the purposes of Article 13 of the Data Protection Convention), and the revocation of the Data Protection (Functions of Designated Authority) Order 2000 (S.I. 2000/186), do not affect the application of articles 1 to 5 of that Order after the relevant time in relation to a request described in those articles which was made before that time.
- (2) The references in paragraph 9 of Schedule 14 to this Act (Data Protection Convention: restrictions on use of information) to requests made or received by the Commissioner under paragraph 6 or 7 of that Schedule include a request made or received by the Commissioner under article 3 or 4 of the Data Protection (Functions of Designated Authority) Order 2000 (S.I. 2000/186).
- (3) The repeal of section 54(7) of the 1998 Act (duty to notify the European Commission of certain approvals and authorisations) does not affect the application of that provision after the relevant time in relation to an approval or authorisation granted before the relevant time.
- (4) In this paragraph, “the relevant time” means the time when the repeal of section 54 of the 1998 Act comes into force.

#### *Co-operation with the European Commission: transfers of personal data outside the EEA*

- 25 (1) The repeal of section 54(3) of the 1998 Act (co-operation by the Commissioner with the European Commission etc), and the revocation of the Data Protection (International Co-operation) Order 2000 (S.I. 2000/190), do not affect the application of articles 1 to 4 of that Order after the relevant time in relation to transfers that took place before the relevant time.
- (2) In this paragraph—

“the relevant time” means the time when the repeal of section 54 of the 1998 Act comes into force;

“transfer” has the meaning given in article 2 of the Data Protection (International Co-operation) Order 2000 (S.I. 2000/190).

#### *Charges payable to the Commissioner by controllers*

- 26 (1) The Data Protection (Charges and Information) Regulations 2018 (S.I. 2018/480) have effect after the relevant time (until revoked) as if they were made under section 137 of this Act.
- (2) In this paragraph, “the relevant time” means the time when section 137 of this Act comes into force.

#### *Requests for assessment*

- 27 (1) The repeal of section 42 of the 1998 Act (requests for assessment) does not affect the application of that section after the relevant time in a case in which the Commissioner received a request under that section before the relevant time, subject to subparagraph (2).
- (2) The Commissioner is only required to make an assessment of acts and omissions that took place before the relevant time.
- (3) In this paragraph, “the relevant time” means the time when the repeal of section 42 of the 1998 Act comes into force.

#### *Codes of practice*

- 28 (1) The repeal of section 52E of the 1998 Act (effect of codes of practice) does not affect the application of that section after the relevant time in relation to legal proceedings or to the exercise of the Commissioner’s functions under the 1998 Act as it has effect by virtue of this Schedule.
- (2) In section 52E of the 1998 Act, as it has effect by virtue of this paragraph, the references to the 1998 Act include that Act as it has effect by virtue of this Schedule.
- (3) For the purposes of subsection (3) of that section, as it has effect by virtue of this paragraph, the data-sharing code and direct marketing code in force immediately before the relevant time are to be treated as having continued in force after that time.
- (4) In this paragraph—
- “the data-sharing code” and “the direct marketing code” mean the codes respectively prepared under sections 52A and 52AA of the 1998 Act and issued under section 52B(5) of that Act;
- “the relevant time” means the time when the repeal of section 52E of the 1998 Act comes into force.