

2001 No. 3223

DATA PROTECTION

The Data Protection (Subject Access) (Fees and Miscellaneous Provisions) (Amendment) Regulations 2001

Made - - - - - 23rd September 2001

Laid before Parliament 25th September 2001

Coming into force - - 23rd October 2001

The Secretary of State, in exercise of the powers conferred on him by sections 7(2) and (11) of the Data Protection Act 1998^(a) (having regard to the definitions of “prescribed” and “the prescribed maximum” (in section 7(10) and 67(2) of that Act)) and having consulted the Information Commissioner in accordance with section 67(3) of that Act^(b), hereby makes the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Data Protection (Subject Access) (Fees and Miscellaneous Provisions) (Amendment) Regulations 2001 and shall come into force on 23rd October 2001.

Amendment of regulation 6 of the Data Protection (Subject Access) (Fees and Miscellaneous Provisions) Regulations 2000(c)

2.—(1) The Data Protection (Subject Access) (Fees and Miscellaneous Provisions) Regulations 2000 shall be amended as follows.

(2) In the heading to regulation 6 (certain subject access requests in respect of health records) omit “—transitional provisions”.

(3) In regulation 6(1)—

(a) in sub-paragraph (a), after “Act,” add “and”;

(b) omit

“, and

(c) is made before 24th October 2001”.

23rd September 2001

Alan Milburn
One of Her Majesty’s Principal Secretaries of State,
Department of Health

(a) 1998 c. 29.

(b) The consultation requirement in section 67(3) now refers to the Information Commissioner as section 6(1) has been substituted by the Freedom of Information Act 2000 (c. 36).

(c) S.I. 2000/191.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Data Protection (Subject Access) (Fees and Miscellaneous Provisions) Regulations 2000 (“the 2000 Regulations”).

Regulation 6 of the 2000 Regulations makes transitional provisions in relation to certain requests relating to accessible records which are health records (as defined in section 68 of the Data Protection Act 1998) and which are not exclusively automated or intended for automation within the meaning of paragraphs (a) and (b) of the definition of “data” in section 1(1) of the Act.

By regulation 6(1)(c) of the 2000 Regulations, the cut-off date for the transitional provisions was to be the 24th October 2001. These Regulations delete regulation 6(1)(c) so as to remove the 24th October 2001 as the cut off date. In particular, therefore, in a case to which regulation 6 applies, where a permanent copy of the information is to be provided, the maximum fee which may be charged by the data controller for access in the case of such requests will continue to be £50 in accordance with regulation 6(2) of the 2000 Regulations.

The 2000 Regulations contribute to the implementation of Directive 95/46/EC (OJ L 281, 23/11/1995; pp 0031-0050) on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

A Regulatory Impact Assessment was prepared for the Data Protection Bill as it was then and the statutory instruments to be made under it, and was placed in the libraries of both Houses of Parliament. The Regulatory Impact Assessment is now available on the internet at www.lcd.gov.uk. Alternatively, copies can be obtained by post from the Lord Chancellor’s Department, Freedom of Information and Data Protection Division, 50 Queen Anne’s Gate, London SW1H 9AT.

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