



# Protection of Freedoms Act 2012

## 2012 CHAPTER 9

### PART 6

#### FREEDOM OF INFORMATION AND DATA PROTECTION

##### *Other amendments relating to freedom of information*

#### **103 Meaning of “publicly-owned company”**

(1) Section 6 of the Freedom of Information Act 2000 (publicly-owned companies) is amended as follows.

(2) In subsection (1)—

- (a) omit “or” at the end of paragraph (a),
- (b) in paragraph (b) for the words from “any public authority” to “particular information” substitute “the wider public sector”, and
- (c) after paragraph (b) insert “, or  
(c) it is wholly owned by the Crown and the wider public sector.”

(3) For subsection (2) substitute—

“(2) For the purposes of this section—

- (a) a company is wholly owned by the Crown if, and only if, every member is a person falling within sub-paragraph (i) or (ii)—
  - (i) a Minister of the Crown, government department or company wholly owned by the Crown, or
  - (ii) a person acting on behalf of a Minister of the Crown, government department or company wholly owned by the Crown,
- (b) a company is wholly owned by the wider public sector if, and only if, every member is a person falling within sub-paragraph (i) or (ii)—
  - (i) a relevant public authority or a company wholly owned by the wider public sector, or

**Changes to legislation:** Protection of Freedoms Act 2012, Section 103 is up to date with all changes known to be in force on or before 13 April 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) View outstanding changes

- (ii) a person acting on behalf of a relevant public authority or of a company wholly owned by the wider public sector, and
- (c) a company is wholly owned by the Crown and the wider public sector if, and only if, condition A, B or C is met.

(2A) In subsection (2)(c)—

- (a) condition A is met if—
  - (i) at least one member is a person falling within subsection (2)(a)(i) or (ii),
  - (ii) at least one member is a person falling within subsection (2)(b)(i) or (ii), and
  - (iii) every member is a person falling within subsection (2)(a)(i) or (ii) or (b)(i) or (ii),
- (b) condition B is met if—
  - (i) at least one member is a person falling within subsection (2)(a)(i) or (ii) or (b)(i) or (ii),
  - (ii) at least one member is a company wholly owned by the Crown and the wider public sector, and
  - (iii) every member is a person falling within subsection (2)(a)(i) or (ii) or (b)(i) or (ii) or a company wholly owned by the Crown and the wider public sector, and
- (c) condition C is met if every member is a company wholly owned by the Crown and the wider public sector.”

(4) In subsection (3), at the end, insert—

““relevant public authority” means any public authority listed in Schedule 1 other than—

- (a) a government department, or
- (b) any authority which is listed only in relation to particular information”.

#### Commencement Information

**II** S. 103 in force at 1.9.2013 by [S.I. 2013/1906](#), [art. 3\(b\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/2234 art. 13 by [S.I. 2014/831 art. 2\(2\)](#)
- specified provision(s) transitional provisions and savings for commencing S.I. 2013/1814 by [S.I. 2013/1813 art. 2-9](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)