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## SCHEDULES

PROSPECTIVE

### SCHEDULE 20

#### TRANSITIONAL PROVISION ETC

#### PART 9

##### OTHER ENACTMENTS

##### *Powers to disclose information to the Commissioner*

- 47 (1) The following provisions (as amended by Schedule 19 to this Act) have effect after the relevant time as if the matters they refer to included a matter in respect of which the Commissioner could exercise a power conferred by a provision of Part 5 of the 1998 Act, as it has effect by virtue of this Schedule—
- (a) section 11AA(1)(a) of the Parliamentary Commissioner Act 1967 (disclosure of information by Parliamentary Commissioner);
  - (b) sections 33A(1)(a) and 34O(1)(a) of the Local Government Act 1974 (disclosure of information by Local Commissioner);
  - (c) section 18A(1)(a) of the Health Service Commissioners Act 1993 (disclosure of information by Health Service Commissioner);
  - (d) paragraph 1 of the entry for the Information Commissioner in Schedule 5 to the Scottish Public Services Ombudsman Act 2002 (asp 11) (disclosure of information by the Ombudsman);
  - (e) section 34X(3)(a) of the Public Services Ombudsman (Wales) Act 2005 (disclosure of information by the Ombudsman);
  - (f) section 18(6)(a) of the Commissioner for Older People (Wales) Act 2006 (disclosure of information by the Commissioner);
  - (g) section 22(3)(a) of the Welsh Language (Wales) Measure 2011 (nawm 1) (disclosure of information by the Welsh Language Commissioner);
  - (h) section 49(3)(a) of the Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4 (N.I.)) (disclosure of information by the Ombudsman);
  - (i) section 44(3)(a) of the Justice Act (Northern Ireland) 2016 (c. 21 (N.I.)) (disclosure of information by the Prison Ombudsman for Northern Ireland).
- (2) The following provisions (as amended by Schedule 19 to this Act) have effect after the relevant time as if the offences they refer to included an offence under any provision of the 1998 Act other than paragraph 12 of Schedule 9 to that Act (obstruction of execution of warrant)—
- (a) section 11AA(1)(b) of the Parliamentary Commissioner Act 1967;
  - (b) sections 33A(1)(b) and 34O(1)(b) of the Local Government Act 1974;

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- (c) section 18A(1)(b) of the Health Service Commissioners Act 1993;
- (d) paragraph 2 of the entry for the Information Commissioner in Schedule 5 to the Scottish Public Services Ombudsman Act 2002 (asp 11);
- (e) section 34X(5) of the Public Services Ombudsman (Wales) Act 2005 (disclosure of information by the Ombudsman);
- (f) section 18(8) of the Commissioner for Older People (Wales) Act 2006;
- (g) section 22(5) of the Welsh Language (Wales) Measure 2011 (nawm 1);
- (h) section 49(5) of the Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4 (N.I.));
- (i) section 44(3)(b) of the Justice Act (Northern Ireland) 2016 (c. 21 (N.I.)).

(3) In this paragraph, “the relevant time”, in relation to a provision of a section or Schedule listed in sub-paragraph (1) or (2), means the time when the amendment of the section or Schedule by Schedule 19 to this Act comes into force.

*Codes etc required to be consistent with the Commissioner's data-sharing code*

- 48 (1) This paragraph applies in relation to the code of practice issued under each of the following provisions—
- (a) section 19AC of the Registration Service Act 1953 (code of practice about disclosure of information by civil registration officials);
  - (b) section 43 of the Digital Economy Act 2017 (code of practice about disclosure of information to improve public service delivery);
  - (c) section 52 of that Act (code of practice about disclosure of information to reduce debt owed to the public sector);
  - (d) section 60 of that Act (code of practice about disclosure of information to combat fraud against the public sector);
  - (e) section 70 of that Act (code of practice about disclosure of information for research purposes).
- (2) During the relevant period, the code of practice does not have effect to the extent that it is inconsistent with the code of practice prepared under section 121 of this Act (data-sharing code) and issued under section 125(4) of this Act (as altered or replaced from time to time).
- (3) In this paragraph, “the relevant period”, in relation to a code issued under a section mentioned in sub-paragraph (1), means the period—
- (a) beginning when the amendments of that section in Schedule 19 to this Act come into force, and
  - (b) ending when the code is first reissued under that section.
- 49 (1) This paragraph applies in relation to the original statement published under section 45E of the Statistics and Registration Service Act 2007 (statement of principles and procedures in connection with access to information by the Statistics Board).
- (2) During the relevant period, the statement does not have effect to the extent that it is inconsistent with the code of practice prepared under section 121 of this Act (data-sharing code) and issued under section 125(4) of this Act (as altered or replaced from time to time).
- (3) In this paragraph, “the relevant period” means the period—

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- (a) beginning when the amendments of section 45E of the Statistics and Registration Service Act 2007 in Schedule 19 to this Act come into force, and
- (b) ending when the first revised statement is published under that section.

*Consumer Credit Act 1974*

- 50 In section 159(1)(a) of the Consumer Credit Act 1974 (correction of wrong information) (as amended by Schedule 19 to this Act), the reference to information given under Article 15(1) to (3) of the GDPR includes information given at any time under section 7 of the 1998 Act.

*Freedom of Information Act 2000*

- 51 Paragraphs 52 to 55 make provision about the Freedom of Information Act 2000 (“the 2000 Act”).

- 52 (1) This paragraph applies where a request for information was made to a public authority under the 2000 Act before the relevant time.

- (2) To the extent that the request is dealt with after the relevant time, the amendments of sections 2 and 40 of the 2000 Act in Schedule 19 to this Act have effect for the purposes of determining whether the authority deals with the request in accordance with Part 1 of the 2000 Act.

- (3) To the extent that the request was dealt with before the relevant time—

- (a) the amendments of sections 2 and 40 of the 2000 Act in Schedule 19 to this Act do not have effect for the purposes of determining whether the authority dealt with the request in accordance with Part 1 of the 2000 Act, but
- (b) the powers of the Commissioner and the Tribunal, on an application or appeal under the 2000 Act, do not include power to require the authority to take steps which it would not be required to take in order to comply with Part 1 of the 2000 Act as amended by Schedule 19 to this Act.

- (4) In this paragraph—

“public authority” has the same meaning as in the 2000 Act;

“the relevant time” means the time when the amendments of sections 2 and 40 of the 2000 Act in Schedule 19 to this Act come into force.

- 53 (1) Tribunal Procedure Rules made under paragraph 7(1)(b) of Schedule 6 to the 1998 Act (appeal rights under the 2000 Act) and in force immediately before the relevant time have effect after that time as if they were also made under section 61 of the 2000 Act (as inserted by Schedule 19 to this Act).

- (2) In this paragraph, “the relevant time” means the time when the repeal of paragraph 7(1)(b) of Schedule 6 to the 1998 Act comes into force.

- 54 (1) The repeal of paragraph 8 of Schedule 6 to the 1998 Act (obstruction etc in proceedings before the Tribunal) does not affect the application of that paragraph after the relevant time in relation to an act or omission before that time in relation to an appeal under the 2000 Act.

- (2) In this paragraph, “the relevant time” means the time when the repeal of paragraph 8 of Schedule 6 to the 1998 Act comes into force.

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- 55 (1) The amendment of section 77 of the 2000 Act in Schedule 19 to this Act (offence of altering etc record with intent to prevent disclosure: omission of reference to section 7 of the 1998 Act) does not affect the application of that section after the relevant time in relation to a case in which—
- (a) the request for information mentioned in section 77(1) of the 2000 Act was made before the relevant time, and
  - (b) when the request was made, section 77(1)(b) of the 2000 Act was satisfied by virtue of section 7 of the 1998 Act.
- (2) In this paragraph, “the relevant time” means the time when the repeal of section 7 of the 1998 Act comes into force.

*Freedom of Information (Scotland) Act 2002*

- 56 (1) This paragraph applies where a request for information was made to a Scottish public authority under the Freedom of Information (Scotland) Act 2002 (“the 2002 Act”) before the relevant time.
- (2) To the extent that the request is dealt with after the relevant time, the amendments of the 2002 Act in Schedule 19 to this Act have effect for the purposes of determining whether the authority deals with the request in accordance with Part 1 of the 2002 Act.
- (3) To the extent that the request was dealt with before the relevant time—
- (a) the amendments of the 2002 Act in Schedule 19 to this Act do not have effect for the purposes of determining whether the authority dealt with the request in accordance with Part 1 of the 2002 Act, but
  - (b) the powers of the Scottish Information Commissioner and the Court of Session, on an application or appeal under the 2002 Act, do not include power to require the authority to take steps which it would not be required to take in order to comply with Part 1 of the 2002 Act as amended by Schedule 19 to this Act.
- (4) In this paragraph—
- “Scottish public authority” has the same meaning as in the 2002 Act;
  - “the relevant time” means the time when the amendments of the 2002 Act in Schedule 19 to this Act come into force.

*Access to Health Records (Northern Ireland) Order 1993 (S.I. 1993/1250 (N.I. 4))*

- 57 Until the first regulations under Article 5(4)(a) of the Access to Health Records (Northern Ireland) Order 1993 (as amended by Schedule 19 to this Act) come into force, the maximum amount of a fee that may be required for giving access under that Article is £10.

*Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2450)*

- 58 (1) The repeal of a provision of the 1998 Act does not affect its operation for the purposes of the Privacy and Electronic Communications (EC Directive) Regulations 2003 (“the PECR 2003”) (see regulations 2, 31 and 31B of, and Schedule 1 to, those Regulations).

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- (2) Where subordinate legislation made under a provision of the 1998 Act is in force immediately before the repeal of that provision, neither the revocation of the subordinate legislation nor the repeal of the provision of the 1998 Act affect the application of the subordinate legislation for the purposes of the PECR 2003 after that time.
- (3) Part 3 of Schedule 19 to this Act (modifications) does not have effect in relation to the PECR 2003.
- (4) Part 7 of this Schedule does not have effect in relation to the provisions of the 1998 Act as applied by the PECR 2003.

*Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))*

- 59 Part 3 of Schedule 19 to this Act (modifications) does not have effect in relation to the reference to an accessible record within the meaning of section 68 of the 1998 Act in Article 43 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

*Environmental Information Regulations 2004 (S.I. 2004/3391)*

- 60 (1) This paragraph applies where a request for information was made to a public authority under the Environmental Information Regulations 2004 (“the 2004 Regulations”) before the relevant time.
- (2) To the extent that the request is dealt with after the relevant time, the amendments of the 2004 Regulations in Schedule 19 to this Act have effect for the purposes of determining whether the authority deals with the request in accordance with Parts 2 and 3 of those Regulations.
  - (3) To the extent that the request was dealt with before the relevant time—
    - (a) the amendments of the 2004 Regulations in Schedule 19 to this Act do not have effect for the purposes of determining whether the authority dealt with the request in accordance with Parts 2 and 3 of those Regulations, but
    - (b) the powers of the Commissioner and the Tribunal, on an application or appeal under the 2000 Act (as applied by the 2004 Regulations), do not include power to require the authority to take steps which it would not be required to take in order to comply with Parts 2 and 3 of those Regulations as amended by Schedule 19 to this Act.
  - (4) In this paragraph—

“public authority” has the same meaning as in the 2004 Regulations;  
“the relevant time” means the time when the amendments of the 2004 Regulations in Schedule 19 to this Act come into force.

*Environmental Information (Scotland) Regulations 2004 (S.S.I. 2004/520)*

- 61 (1) This paragraph applies where a request for information was made to a Scottish public authority under the Environmental Information (Scotland) Regulations 2004 (“the 2004 Regulations”) before the relevant time.

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- (2) To the extent that the request is dealt with after the relevant time, the amendments of the 2004 Regulations in Schedule 19 to this Act have effect for the purposes of determining whether the authority deals with the request in accordance with those Regulations.
- (3) To the extent that the request was dealt with before the relevant time—
- (a) the amendments of the 2004 Regulations in Schedule 19 to this Act do not have effect for the purposes of determining whether the authority dealt with the request in accordance with those Regulations, but
  - (b) the powers of the Scottish Information Commissioner and the Court of Session, on an application or appeal under the 2002 Act (as applied by the 2004 Regulations), do not include power to require the authority to take steps which it would not be required to take in order to comply with those Regulations as amended by Schedule 19 to this Act.
- (4) In this paragraph—
- “Scottish public authority” has the same meaning as in the 2004 Regulations;
  - “the relevant time” means the time when the amendments of the 2004 Regulations in Schedule 19 to this Act come into force.

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