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**Changes to legislation:** Data Protection Act 2018, Paragraph 4 is up to date with all changes known to be in force on or before 18 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

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## SCHEDULES

### SCHEDULE 5

#### ACCREDITATION OF CERTIFICATION PROVIDERS: REVIEWS AND APPEALS

##### *Appeal panel*

- 4 (1) If the applicant makes a request in accordance with paragraph 3, an appeal panel must be established in accordance with this paragraph.
- (2) An appeal panel must consist of a chair and at least two other members.
- (3) Where the request relates to a decision of the Commissioner—
- (a) the Secretary of State may appoint one person to be a member of the appeal panel other than the chair, and
  - (b) subject to paragraph (a), the Commissioner must appoint the members of the appeal panel.
- (4) Where the request relates to a decision of the [F1UK national accreditation body]—
- (a) the Secretary of State—
    - (i) may appoint one person to be a member of the appeal panel other than the chair, or
    - (ii) may direct the Commissioner to appoint one person to be a member of the appeal panel other than the chair, and
  - (b) subject to paragraph (a), the chair of the [F1UK national accreditation body] must appoint the members of the appeal panel.
- (5) A person may not be a member of an appeal panel if the person—
- (a) has a commercial interest in the decision referred to the panel,
  - (b) has had any prior involvement in any matters relating to the decision, or
  - (c) is an employee or officer of the accreditation authority.
- (6) The Commissioner may not be a member of an appeal panel to which a decision of the Commissioner is referred.
- (7) The applicant may object to all or any of the members of the appeal panel appointed under sub-paragraph (3) or (4).
- (8) If the applicant objects to a member of the appeal panel under sub-paragraph (7), the person who appointed that member must appoint a replacement.
- (9) The applicant may not object to a member of the appeal panel appointed under sub-paragraph (8).

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### **Textual Amendments**

- F1** Words in **Sch. 5 para. 4(4)** substituted (31.12.2020) by **The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419)**, reg. 1(2), **Sch. 2 para. 95(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

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**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):

- s. 204(1)(l) inserted by [S.I. 2024/374 Sch. 5 para. 7](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)