
STATUTORY INSTRUMENTS

1997 No. 1060

DATA PROTECTION

**The Data Protection (Regulation of Financial Services etc.)
(Subject Access Exemption) (Amendment) Order 1997**

Made - - - - 22nd March 1997
Coming into force - - 6th April 1997

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred upon him by section 30(2) of the Data Protection Act 1984⁽¹⁾ and after consultation with the Data Protection Registrar in accordance with section 40(3) of the Act of 1984, the Secretary of State hereby makes the following Order:

1. This Order may be cited as the Data Protection (Regulation of Financial Services etc.) (Subject Access Exemption) (Amendment) Order 1997 and shall come into force on 6th April 1997.

2. Schedule 1 to the Data Protection (Regulation of Financial Services etc.) (Subject Access Exemption) Order 1987⁽²⁾ (functions designated for the purposes of section 30 of the Data Protection Act 1984 which are conferred by or under any enactment) shall have effect subject to the amendments specified in the Schedule to this Order.

Home Office
22nd March 1997

Tom Sackville
Parliamentary Under-Secretary of State

(1) 1984 c. 35.

(2) S.I. 1987/1905, to which there are amendments not relevant to the subject matter of this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

AMENDMENTS TO SCHEDULE 1 TO THE DATA PROTECTION (REGULATION OF FINANCIAL SERVICES ETC.) (SUBJECT ACCESS EXEMPTION) ORDER 1987

At the end of the Schedule insert—

“Pensions Act 1995(3)	Functions of the Occupational Pensions Regulatory Authority (“the Authority”) under: section 3 (prohibition of trustees) section 4 (suspension of trustees) section 5 (removal of trustees: notices) section 8(3) and (4) (appointment of trustees, consequences) section 10 (civil penalties) section 11 (powers to wind up schemes) section 13 (injunctions and interdicts) section 14 (restitution) section 48 (receipt of information from professional advisers and others to pension schemes) section 98 (receipt of documents from trustees, managers, professional advisers, employers and others at the request of the Authority) section 99 (inspection of premises and documents) section 100 (provision of information by the Authority in relation to application for warrants) section 106 (disclosure of information for facilitating discharge of functions by the Authority) section 109 (disclosure of information by the Inland Revenue) Functions of auditors, actuaries, other professional advisers and all those persons concerned with the management of pension schemes under: section 48 (provision of information to the Authority by professional advisers and others).”
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(3) 1995 c. 26.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 30 of the Data Protection Act 1984 provides that personal data held for the purpose of discharging statutory functions which are designated by the Secretary of State by an order made under that section shall be exempt from the subject access provisions of the Act in any case in which the application of those provisions to the data would be likely to prejudice the proper discharge of those functions. The functions that may be designated are those conferred by or under any enactment appearing to the Secretary of State to be designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons concerned in the provision of banking, insurance, investment or other financial services or in the management of companies or to the conduct of discharged or undischarged bankrupts.

Schedule 1 to the Data Protection (Regulation of Financial Services etc.) (Subject Access Exemption) Order 1987 (“the 1987 Order”) designates functions for the purposes of section 30. The Schedule to this Order contains amendments to the 1987 Order which are consequential upon the implementation of the Pensions Act 1995 (“the 1995 Act”). The Schedule, which comes into force on 6th April 1997, designates functions under sections 3, 4, 5, 8, 10, 11, 13, 14, 48, 98, 99, 100, 106 and 109 (powers exercisable by the new statutory body entitled the Occupational Pensions Regulatory Authority) and functions under section 48 (functions of professional advisers and others connected with the management of pension schemes in respect of the Authority).