
STATUTORY INSTRUMENTS

2001 No. 3214

DATA PROTECTION

The Data Protection (Notification and Notification Fees) (Amendment) Regulations 2001

Made - - - - *20th September 2001*
Laid before Parliament *1st October 2001*
Coming into force - - *23rd October 2001*

The Secretary of State, in exercise of the powers conferred upon him by sections 19(5) and 67(2) of, and paragraph 2(8) of Schedule 14 to, the Data Protection Act 1998⁽¹⁾, and after consultation with the Information Commissioner⁽²⁾ in accordance with section 25(4)(b) of that Act, hereby makes the following Regulations:

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

2.—(1) The Data Protection (Notification and Notification Fees) Regulations 2000⁽³⁾ shall be amended as follows.

(2) In regulation 15(3), in section 19(4) of the Data Protection Act 1998 as modified by that regulation, omit—

“24th October 2001, or”.

(c)

Home Office
20th September 2001

Angela Eagle
Parliamentary Under-Secretary of State

(1) 1998 c. 29.

(2) The Data Protection Commissioner became the Information Commissioner on 30th January 2001 by virtue of sections 18(1) and 87(2)(a) of the Freedom of Information Act 2000 (c. 36). The consultation requirement in section 25(4)(b) of the Data Protection Act 1998 now refers to the Information Commissioner as the definitions of “the Commissioner” in sections 6(1) and 70(1) of that Act have been amended by paragraphs 13(2) and 14(a) of Schedule 2 to the Freedom of Information Act 2000.

(3) S.I.2000/188.

Status: This is the original version (as it was originally made).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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Data Protection (Notification and Notification Fees) Regulations 2000 (“the 2000 Regulations”).

The 2000 Regulations set out a number of arrangements in respect of the giving of notifications to the Information Commissioner by data controllers under Part III of the Data Protection Act 1998 (“the Act”). (The Data Protection Commissioner became the Information Commissioner on 30th January 2001 by virtue of sections 18(1) and 87(2)(a) of the Freedom of Information Act 2000.)

Section 19 of the Act requires the Commissioner to maintain a register of persons who have given notification under section 18 of the Act. Paragraph 2(6) of Schedule 14 to the Act provides that a person registered or treated as registered under Part II of the Data Protection Act 1984 is to be included in the register maintained under section 19 of the Act. Under regulation 15 of the 2000 Regulations, such an entry is to be retained on the register until the end of the registration period (as defined), or the 24th October 2001, or the date on which notification is given under section 18 of the Act, whichever occurs first. The 24th October 2001 would therefore operate as the cut-off date for such entries.

These Regulations amend regulation 15 of the 2000 Regulations so as to remove the 24th October 2001 as the cut-off date. An entry to which regulation 15 (as amended) applies is therefore to be retained on the register until the end of the registration period (as defined) or the date on which notification is given under section 18 of the Act, whichever occurs first.

The 2000 Regulations contribute to the implementation of Directive [95/46/EC](#) 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 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.