

EXPLANATORY NOTE

(This note is not part of the Order)

This is the third Commencement Order made under the Data Protection Act 1998.

Article 2 of this Order provides for the partial commencement of section 56 of the Data Protection Act 1998 (c. 29) (“DPA”) on the day after the day on which this Order is made. Section 56 prohibits a person, A, from requiring an individual, B, or a third party, C, to provide A with information obtained by means of a subject access request under section 7 of the DPA. The prohibition applies in circumstances specified in section 56, for example where B is seeking employment with A. However, Article 2 commences section 56 only in relation to information held by the Scottish Ministers pursuant to their functions under Parts 1 and 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp. 14).