



# Protection of Freedoms Act 2012

## 2012 CHAPTER 9

### PART 6

#### FREEDOM OF INFORMATION AND DATA PROTECTION

##### *The Information Commissioner*

VALID FROM 01/09/2013

#### **106 Alteration of role of Secretary of State in relation to guidance powers**

(1) For section 41C(7) of the Data Protection Act 1998 (code of practice about assessment notices: requirement for approval of Secretary of State) substitute—

“(7) The Commissioner must consult the Secretary of State before issuing the code (or an altered or replacement code).”

(2) In section 52B of that Act (data-sharing code: approval by the Secretary of State)—

(a) for subsections (1) to (3) substitute—

“(1) When a code is prepared under section 52A, the Commissioner must—

- (a) consult the Secretary of State, and
- (b) submit the final version of the code to the Secretary of State.

(2) The Secretary of State must lay the code before Parliament.”, and”

(b) in subsection (6) for the words from the beginning to “the Commissioner” substitute “ Where such a resolution is passed, the Commissioner ”.

(3) For section 55C(5) of that Act (guidance about monetary penalty notices: requirement for approval of Secretary of State) substitute—

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*Status: Point in time view as at 10/09/2012. This version of this provision is not valid for this point in time.*

*Changes to legislation: Protection of Freedoms Act 2012, Section 106 is up to date with all changes known to be in force on or before 18 June 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)*

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“(5) The Commissioner must consult the Secretary of State before issuing any guidance under this section.”

**Status:**

Point in time view as at 10/09/2012. This version of this provision is not valid for this point in time.

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