
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Data Protection (Subject Access) (Fees and Miscellaneous Provisions) Regulations 2000 (“the 2000 Regulations”).

Regulation 6 of the 2000 Regulations makes transitional provisions in relation to certain requests relating to accessible records which are health records (as defined in section 68 of the Data Protection Act 1998) and which are not exclusively automated or intended for automation within the meaning of paragraphs (a) and (b) of the definition of “data” in section 1(1) of the Act.

By regulation 6(1)(c) of the 2000 Regulations, the cut-off date for the transitional provisions was to be the 24th October 2001. These Regulations delete regulation 6(1)(c) so as to remove the 24th October 2001 as the cut off date. In particular, therefore, in a case to which regulation 6 applies, where a permanent copy of the information is to be provided, the maximum fee which may be charged by the data controller for access in the case of such requests will continue to be £50 in accordance with regulation 6(2) of the 2000 Regulations.

The 2000 Regulations contribute to the implementation of Directive [95/46/EC](#) (OJ L 281, 23/11/1995; pp 0031-0050) 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 now 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.