

*Status: Point in time view as at 30/11/2000.*

**Changes to legislation:** Data Protection Act 1998, Cross Heading: Officers and staff is up to date with all changes known to be in force on or before 26 May 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)

## SCHEDULES

### SCHEDULE 5

#### THE DATA PROTECTION COMMISSIONER AND THE DATA PROTECTION TRIBUNAL

##### PART I

##### THE COMMISSIONER

##### *Officers and staff*

- 4 (1) The Commissioner—
- (a) shall appoint a deputy commissioner [<sup>F1</sup>or two deputy commissioners], and
  - (b) may appoint such number of other officers and staff as he may determine.
- [<sup>F2</sup>(1A) The Commissioner shall, when appointing any second deputy commissioner, specify which of the Commissioner's functions are to be performed, in the circumstances referred to in paragraph 5(1), by each of the deputy commissioners.]
- (2) The remuneration and other conditions of service of the persons appointed under this paragraph shall be determined by the Commissioner.
  - (3) The Commissioner may pay such pensions, allowances or gratuities to or in respect of the persons appointed under this paragraph, or make such payments towards the provision of such pensions, allowances or gratuities, as he may determine.
  - (4) The references in sub-paragraph (3) to pensions, allowances or gratuities to or in respect of the persons appointed under this paragraph include references to pensions, allowances or gratuities by way of compensation to or in respect of any of those persons who suffer loss of office or employment.
  - (5) Any determination under sub-paragraph (1)(b), (2) or (3) shall require the approval of the Secretary of State.
  - (6) The <sup>M1</sup>Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Commissioner.

##### Textual Amendments

- F1** Words in Sch. 5 para. 4(1)(a) inserted (30.11.2000) by 2000 c. 36, ss. 18(4), 87(1)(i), Sch. 2 Pt. II para. 20(2) (with ss. 7(1)(7), 56, 78)
- F2** Sch. 5 para. 4(1A) inserted (30.11.2000) by 2000 c. 36, ss. 18(4), 87(1)(i), Sch. 2 Pt. II para. 20(3) (with s. 7(1)(7), 56, 78)

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#### Marginal Citations

**M1** 1969 c. 57.

- 5 (1) The deputy commissioner [<sup>F3</sup>or deputy commissioners] shall perform the functions conferred by this Act [<sup>F4</sup>or the Freedom of Information Act 2000] on the Commissioner during any vacancy in that office or at any time when the Commissioner is for any reason unable to act.
- (2) Without prejudice to sub-paragraph (1), any functions of the Commissioner under this Act [<sup>F5</sup>or the Freedom of Information Act 2000] may, to the extent authorised by him, be performed by any of his officers or staff.

#### Textual Amendments

- F3** Words in Sch. 5 para. 5(1) inserted (30.11.2000) by 2000 c. 36, ss. 18(4), 87(1)(i), **Sch. 2 Pt. II para. 21(2)(a)** (with ss. 7(1)(7), 56, 78)
- F4** Words in Sch. 5 para. 5(1) inserted (30.11.2000) by 2000 c. 36, ss. 18(4), 87(1)(i), **Sch. 2 Pt. II para. 21(2)(b)** (with ss. 7(1)(7), 56, 78)
- F5** Words in Sch. 5 para. 5(2) inserted (30.11.2000) by 2000 c. 36, ss. 18(4), 87(1)(i), **Sch. 2 Pt. II para. 21(3)** (with ss. 7(1)(7), 56, 78)

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