

*Status: Point in time view as at 26/11/2001. This version of this provision has been superseded.*

*Changes to legislation: Data Protection Act 1998, Paragraph 7 is up to date with all changes known to be in force on or before 17 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 6

#### APPEAL PROCEEDINGS

##### Modifications etc. (not altering text)

- C1** Sch. 6 applied (with modifications) (1.3.2000) by S.I. 1999/2093, **reg. 32(8)(a)**  
Sch. 6 applied (30.11.2002) by 2000 c. 36, ss. 61(2), 87(3) (with ss. 7(1)(7), 56, 78); S.I. 2002/2812, **art. 2**  
Sch. 6 applied (with modifications) (11.12.2003) by The Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426), **reg. 28(8)(b)** (with regs. 4, 15(3), 28, 29)
- C1** Sch. 6 extended (with modifications) (11.12.2003) by the Privacy and Electronic Communications (EC Directive) Regulations (S.I. 2003/2426), {reg. 31}, Sch. 1 (with regs. 4, 15(3), 28, 29) (Sch. 1 amended (26.5.2011) by The Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011 (S.I. 2011/1208), reg. {14})
- C1** Sch. 6 applied (6.4.2010) by The Data Protection (Monetary Penalties) Order 2010 (S.I. 2010/910), **art. 7**
- C1** Sch. 6 applied (with modifications) (26.5.2011) by The Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426), reg. 31B, **Sch. 1** (reg. 31B being inserted and Sch. 1 amended (26.5.2011) by The Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011 (S.I. 2011/1208), regs. {12}{14})

##### *Rules of procedure*

- 7 (1) The [<sup>F1</sup>Lord Chancellor] may make rules for [<sup>F2</sup>regulating—
- (a) the exercise of the rights of appeal conferred—
    - (i) by sections 28(4) and (6) and 48, and
    - (ii) by sections 57(1) and (2) and section 60(1) and (4) of the Freedom of Information Act 2000, and
  - (b) the practice and procedure of the Tribunal.]
- (2) Rules under this paragraph may in particular make provision—
- (a) with respect to the period within which an appeal can be brought and the burden of proof on an appeal,
  - [<sup>F3</sup>(aa) for the joinder of any other person as a party to any proceedings on an appeal under the Freedom of Information Act 2000,
  - (ab) for the hearing of an appeal under this Act with an appeal under the Freedom of Information Act 2000,]
  - (b) for the summoning (or, in Scotland, citation) of witnesses and the administration of oaths,
  - (c) for securing the production of documents and material used for the processing of personal data,
  - (d) for the inspection, examination, operation and testing of any equipment or material used in connection with the processing of personal data,

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- (e) for the hearing of an appeal wholly or partly in camera,
- (f) for hearing an appeal in the absence of the appellant or for determining an appeal without a hearing,
- (g) for enabling an appeal under section 48(1) against an information notice to be determined by the chairman or a deputy chairman,
- (h) for enabling any matter preliminary or incidental to an appeal to be dealt with by the chairman or a deputy chairman,
- (i) for the awarding of costs or, in Scotland, expenses,
- (j) for the publication of reports of the Tribunal's decisions, and
- (k) for conferring on the Tribunal such ancillary powers as the [<sup>F1</sup>Lord Chancellor] thinks necessary for the proper discharge of its functions.

- (3) In making rules under this paragraph which relate to appeals under section 28(4) or (6) the [<sup>F1</sup>Lord Chancellor] shall have regard, in particular, to the need to secure that information is not disclosed contrary to the public interest.

#### Textual Amendments

- F1** Words in Sch. 6 para. 7(1)(2)(k)(3) substituted (26.11.2001) by S.I. 2001/3500, art. 8, Sch. 2 Pt. I para. 6(1)(cc)
- F2** Word and Sch. 6 para. 7(1)(a)(b) substituted for words in Sch. 6 para. 7(1) (14.5.2001) by 2000 c. 36, s. 61(1), Sch. 4 para. 4(2) (with ss. 7(1)(7), 56, 78); S.I. 2001/1637, art. 2(c)
- F3** Sch. 6 para. 7(2)(aa)(ab) inserted (14.5.2001) by 2000 c. 36, s. 61(1), Sch. 4 para. 4(3) (with ss. 7(1)(7), 56, 78); S.I. 2001/1637, art. 2(c)

#### Commencement Information

- I1** Sch. 6 para. 7 wholly in force at 1.3.2000; Sch. 6 para. 7 in force for certain purposes at Royal Assent see s. 75(2)(i); Sch. 6 para. 7 in force at 1.3.2000 insofar as not already in force by S.I. 2000/183, art. 2(1)

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