

FREEDOM OF INFORMATION ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedules

Schedule 4: Appeal Proceedings – Amendments of Schedule 6 to Data Protection Act 1998

Constitution of Tribunal in national security cases

281. *Paragraph 1* amends paragraph 2(1) of Schedule 6 to the Data Protection Act 1998 to enable the Lord Chancellor to designate, from the chairmen and deputy chairmen of the Tribunal, those who can hear appeals in national security cases under section 60(1) or (4) of this Act.
282. *Paragraph 2* amends paragraph 3 of Schedule 6 to the Data Protection Act 1998 to provide that in appeals in national security cases the Tribunal shall consist of three members designated under paragraph 2(1), of whom the Lord Chancellor is to designate one to preside.

Constitution of Tribunal in other cases

283. *Paragraph 3* amends paragraph 4 of Schedule 6 to the Data Protection Act 1998 to provide for the constitution of the Tribunal in other than national security cases to be similar to that for data protection, that is, it shall consist of a chairman or deputy chairman (who shall preside) and an equal number of members appointed respectively to represent the interests of applicants for information and public authorities under the Act (see section 6(6) of the 1998 Act, as amended by paragraph 16 of Schedule 2 to the Freedom of Information Act).

Rules of procedure

284. *Paragraph 4* amends the provision conferring power to make rules of procedure for the Tribunal so that the rules may extend to appeals under sections 57(1) and (2) and 60(1) and (4) of the Freedom of Information Act.