

# FREEDOM OF INFORMATION ACT 2000

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Schedules*

#### *Schedule 6: Further amendments of Data Protection Act 1998*

288. *Paragraph 1* makes a drafting amendment of subsection (3) of section 7 of the 1998 Act, so that the wording of that subsection is consistent with that of the equivalent provision in section 1(3) of this Act.
289. *Paragraph 2* inserts a new section 35A into the 1998 Act conferring exemptions from certain provisions of the 1998 Act where required to avoid infringing parliamentary privilege.
290. *Paragraph 3* inserts a new section 63A into the 1998 Act providing that the provisions of the 1998 Act shall apply to personal data processed by or on behalf of either House of Parliament, designating the data controllers for each House and providing an exemption from prosecution under the Act to the designated data controllers. Similar provision is unnecessary for the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly as the Data Protection Act 1998 already applies to them.
291. *Paragraphs 4 and 5* amend Schedules 2 and 3 to the 1998 Act. Those Schedules set out conditions which apply to the processing of personal data and sensitive personal data respectively, and one of which must be met in order to comply with the first data protection principle. The amendments have the effect that processing necessary for the exercise of any functions of Parliament will satisfy the requirements of Schedule 2 and 3 to the 1998 Act.
292. *Paragraph 6* amends the exemption relating to honours in paragraph 3(b) of Schedule 7 to the 1998 Act so as to add a reference to a dignity. The award of peerage may be regarded as a dignity rather than an honour.
293. *Paragraph 7* amends the reference in paragraph 10 of Schedule 7 to the 1998 Act to the Scottish equivalent of legal professional privilege.
294. *Paragraph 8* amends paragraph 2(1) of Schedule 14 to the 1998 Act to provide that the transitional exemption from notification for those data controllers already registered under the Data Protection Act 1984 at the time when Part III of the 1998 Act is brought into force is to extend until the normal date of expiry of their registered entry.