



Freedom of Information Act 2000

2000 CHAPTER 36

PART V

APPEALS

[^{F1}61] Appeal proceedings

- (1) Tribunal Procedure Rules may make provision for regulating the exercise of rights of appeal conferred by sections 57(1) and (2) and 60(1) and (4).
- (2) In relation to appeals under those provisions, Tribunal Procedure Rules may make provision about—
 - (a) securing the production of material used for the processing of personal data, and
 - (b) the inspection, examination, operation and testing of equipment or material used in connection with the processing of personal data.
- (3) Subsection (4) applies where—
 - (a) a person does something, or fails to do something, in relation to proceedings before the First-tier Tribunal on an appeal under those provisions, and
 - (b) if those proceedings were proceedings before a court having power to commit for contempt, the act or omission would constitute contempt of court.
- (4) The First-tier Tribunal may certify the offence to the Upper Tribunal.
- (5) Where an offence is certified under subsection (4), the Upper Tribunal may—
 - (a) inquire into the matter, and
 - (b) deal with the person charged with the offence in any manner in which it could deal with the person if the offence had been committed in relation to the Upper Tribunal.
- (6) Before exercising the power under subsection (5)(b), the Upper Tribunal must—
 - (a) hear any witness who may be produced against or on behalf of the person charged with the offence, and

Changes to legislation: There are currently no known outstanding effects for the Freedom of Information Act 2000, Section 61. (See end of Document for details)

(b) hear any statement that may be offered in defence.

(7) In this section, “personal data” and “processing” have the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(2), (4) and (14) of that Act).]

Textual Amendments

F1 S. 61 substituted (23.5.2018 for specified purposes, 25.5.2018 in so far as not already in force) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1)(2)(f), **Sch. 19 para. 60** (with ss. 117, 209, 210, [Sch. 20 para. 53](#)); S.I. 2018/625, reg. 2(1)(g)

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