



# Freedom of Information Act 2000

## 2000 CHAPTER 36

### PART VII

#### AMENDMENTS OF DATA PROTECTION ACT 1998

##### *Amendments relating to personal information held by public authorities*

#### **70 Exemptions applicable to certain manual data held by public authorities.**

(1) After section 33 of the <sup>M1</sup>Data Protection Act 1998 there is inserted—

##### **“33A Manual data held by public authorities.**

(1) Personal data falling within paragraph (e) of the definition of “data” in section 1(1) are exempt from—

- (a) the first, second, third, fifth, seventh and eighth data protection principles,
- (b) the sixth data protection principle except so far as it relates to the rights conferred on data subjects by sections 7 and 14,
- (c) sections 10 to 12,
- (d) section 13, except so far as it relates to damage caused by a contravention of section 7 or of the fourth data protection principle and to any distress which is also suffered by reason of that contravention,
- (e) Part III, and
- (f) section 55.

(2) Personal data which fall within paragraph (e) of the definition of “data” in section 1(1) and relate to appointments or removals, pay, discipline, superannuation or other personnel matters, in relation to—

- (a) service in any of the armed forces of the Crown,

*Changes to legislation: There are currently no known outstanding effects for the Freedom of Information Act 2000, Section 70. (See end of Document for details)*

- (b) service in any office or employment under the Crown or under any public authority, or
  - (c) service in any office or employment, or under any contract for services, in respect of which power to take action, or to determine or approve the action taken, in such matters is vested in Her Majesty, any Minister of the Crown, the National Assembly for Wales, any Northern Ireland Minister (within the meaning of the Freedom of Information Act 2000) or any public authority,
- are also exempt from the remaining data protection principles and the remaining provisions of Part II.”
- (2) In section 55 of that Act (unlawful obtaining etc. of personal data) in subsection (8) after “section 28” there is inserted “ or 33A ”.
- (3) In Part III of Schedule 8 to that Act (exemptions available after 23rd October 2001 but before 24th October 2007) after paragraph 14 there is inserted—
- “14A (1) This paragraph applies to personal data which fall within paragraph (e) of the definition of “data” in section 1(1) and do not fall within paragraph 14(1)(a), but does not apply to eligible manual data to which the exemption in paragraph 16 applies.
- (2) During the second transitional period, data to which this paragraph applies are exempt from—
- (a) the fourth data protection principle, and
  - (b) section 14(1) to (3).”
- (4) In Schedule 13 to that Act (modifications of Act having effect before 24th October 2007) in subsection (4)(b) of section 12A to that Act as set out in paragraph 1, after “paragraph 14” there is inserted “ or 14A ”.

#### Commencement Information

- II** [S. 70](#) wholly in force at 1.1.2005; [s. 70](#) not in force at Royal Assent, see [s. 87\(3\)](#); [s. 70](#) in force for certain purposes at 1.1.2005 by [S.I. 2002/1909](#), [art. 2](#) and otherwise in force at 1.1.2005 by [S.I. 2004/3122](#), [art. 2](#)

#### Marginal Citations

- M1** [1998 c. 29](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Freedom of Information Act 2000, Section 70.