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STATUTORY INSTRUMENTS

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**2004 No. 3089**

**The Freedom of Information (Scotland) Act  
2002 (Consequential Modifications) Order 2004**

**Data Protection Act 1998**

2.—(1) The Data Protection Act 1998(1) is amended as follows.

(2) In section 1 (basic interpretative provisions)—

(a) in subsection (1)(2), for the definition of “public authority” substitute—

““public authority” means a public authority as defined by the Freedom of Information Act 2000(3) or a Scottish public authority as defined by the Freedom of Information (Scotland) Act 2002(4);”;

(b) in subsection (5)(5), at the end add “or section 3(2), (4) and (5) of the Freedom of Information (Scotland) Act 2002”; and

(c) in subsection (6)(6) the existing words “section 7 of the Freedom of Information Act 2000 prevents Parts 1 to 5 of that Act” become paragraph (a) and after that paragraph insert the word “or” and the following paragraph:—

“(b) section 7(1) of the Freedom of Information (Scotland) Act 2002 prevents that Act.”.

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(1) 1998 c. 29.

(2) Subsection (1) was amended by the insertion of the definition of “public authority” by the Freedom of Information Act 2000 (c. 36), section 68(2).

(3) 2000 c. 36.

(4) 2002 asp 13.

(5) Subsection (5) was inserted by the Freedom of Information Act 2000 (c. 36), section 68(3).

(6) Subsection (6) was inserted by the Freedom of Information Act 2000 (c. 36), section 68(3).