

2011 No. 601 (C. 21)

DATA PROTECTION

**The Data Protection Act 1998 (Commencement No. 3) Order
2011**

Made - - - -

2nd March 2011

The Secretary of State for Education makes the following Order in exercise of the powers conferred by section 75(3) of the Data Protection Act 1998(a):

Citation

1. This Order may be cited as the Data Protection Act 1998 (Commencement No. 3) Order 2011.

Partial commencement of section 56 of the Data Protection Act 1998

2. The day after the day on which this Order is made is the day appointed for the coming into force of section 56 of the Data Protection Act 1998 (prohibition of requirement as to production of certain records)(b) insofar as it relates to a record containing information relating to the Scottish Ministers' functions under Parts 1 and 2 of the Protection of Vulnerable Groups (Scotland) Act 2007(c).

Tim Loughton
Parliamentary Under Secretary of State
Department for Education

2nd March 2011

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- (a) 1998 c. 29. Section 75 was amended by paragraph 9(1)(a) of Schedule 2 to the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), paragraph 15(1) and (3) of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c. 47), and paragraph 4(2)(a) and (b) of Schedule 7 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)).
- (b) Section 56(6) has been amended by section 78(2)(a) of the Police (Northern Ireland) Act 2000 (c. 32); paragraph 112 of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15); paragraph 191 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6); section 63(1) of, and paragraph 15(1), (2)(a) and (2)(b) of Part 2 of Schedule 9 to, the Safeguarding Vulnerable Groups Act 2006 (c. 47); article 60(1) of, and paragraph 4(1) of Schedule 7 to the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (S.I. 2007/1351 (N.I. 11)); section 81(2) and (3)(i) of the Policing and Crime Act 2009 (c. 26); and article 3(2) of The Protection of Vulnerable Groups (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/565).
- (c) 2007 asp 14.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the third Commencement Order made under the Data Protection Act 1998.

Article 2 of this Order provides for the partial commencement of section 56 of the Data Protection Act 1998 (c. 29) (“DPA”) on the day after the day on which this Order is made. Section 56 prohibits a person, A, from requiring an individual, B, or a third party, C, to provide A with information obtained by means of a subject access request under section 7 of the DPA. The prohibition applies in circumstances specified in section 56, for example where B is seeking employment with A. However, Article 2 commences section 56 only in relation to information held by the Scottish Ministers pursuant to their functions under Parts 1 and 2 of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp. 14).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
sections 4 to 6	1st March 2000	2000/183 (C.4)
section 7 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 8 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 9 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 10 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 11	1st March 2000	2000/183 (C.4)
section 12 in so far as not already in force	1st March 2000	2000/183 (C.4)
sections 13 to 16	1st March 2000	2000/183 (C.4)
section 17 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 18 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 19 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 20 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 21	1st March 2000	2000/183 (C.4)
section 22 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 23 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 24	1st March 2000	2000/183 (C.4)
section 25(2) and (3)	1st March 2000	2000/183 (C.4)
sections 27 to 29	1st March 2000	2000/183 (C.4)
section 30 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 31	1st March 2000	2000/183 (C.4)
section 32 in so far as not already in force	1st March 2000	2000/183 (C.4)
sections 33 to 37	1st March 2000	2000/183 (C.4)
section 38 in so far as not already in force	1st March 2000	2000/183 (C.4)
sections 39 to 50	1st March 2000	2000/183 (C.4)
section 51 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 52	1st March 2000	2000/183 (C.4)
section 53	1st March 2000	2000/183 (C.4)
section 54 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 55	1st March 2000	2000/183 (C.4)
section 56 partially	7th July 2008	2008/1592 (C.71)
sections 57 to 63	1st March 2000	2000/183 (C.4)
section 64 in so far as not already in force	1st March 2000	2000/183 (C.4)
section 65	1st March 2000	2000/183 (C.4)
section 66	1st March 2000	2000/183 (C.4)
sections 72 to 74	1st March 2000	2000/183 (C.4)
Schedules 1 to 4 in so far as not already in	1st March 2000	2000/183 (C.4)

force		
Paragraphs 1 to 16 of Schedule 5	1st March 2000	2000/183 (C.4)
Schedule 6	1st March 2000	2000/183 (C.4)
Schedule 7 in so far as not already in force	1st March 2000	2000/183 (C.4)
Schedules 8 to 10	1st March 2000	2000/183 (C.4)
Schedules 13 to 16	1st March 2000	2000/183 (C.4)

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STATUTORY INSTRUMENTS

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