2000 No. 184

DATA PROTECTION

The Data Protection (Corporate Finance Exemption) Order 2000

Made - - -	*31st January 2000*
Laid before Parliament	*7th February 2000*
Coming into force	*1st March 2000*

The Secretary of State, in exercise of the powers conferred on him by section 67(2) of, and paragraph 6(2) of Schedule 7 to, the Data Protection Act 1998**(a)**, and after consultation with the Data Protection Commissioner in accordance with section 67(3) of that Act, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Data Protection (Corporate Finance Exemption) Order 2000 and shall come into force on 1st March 2000.

(2) In this Order, "the Act" means the Data Protection Act 1998.

Matters to be taken into account

2.—(1) The matter set out in paragraph (2) below is hereby specified for the purposes of paragraph 6(1)(b) of Schedule 7 to the Act (matters to be taken into account in determining whether exemption from the subject information provisions is required for the purpose of safeguarding an important economic or financial interest of the United Kingdom).

(2) The matter referred to in paragraph (1) above is the inevitable prejudicial effect on–

(a) the orderly functioning of financial markets, or

(b) the efficient allocation of capital within the economy,

which will result from the application (whether on an occasional or regular basis) of the subject information provisions to data to which paragraph (3) below applies.

(3) This paragraph applies to any personal data to which the application of the subject information provisions could, in the reasonable belief of the relevant person within the meaning of paragraph 6 of Schedule 7 to the Act, affect–

(a) any decision of any person whether or not to–

(i) deal in,

(ii) subscribe for, or

(iii) issue,

any instrument which is already in existence or is to be, or may be, created; or

(b) any decision of any person to act or not to act in a way that is likely to have an effect on any business activity including, in particular, an effect on–

(i) the industrial strategy of any person (whether the strategy is, or is to be, pursued independently or in association with others),

(ii) the capital structure of an undertaking, or

(iii) the legal or beneficial ownership of a business or asset.

Home Office
31st January 2000

Mike O'Brien
Parliamentary Under-Secretary of State

(a) 1998 c. 29.

EXPLANATORY NOTE

(This note is not part of the Order)

The Data Protection Act 1998 imposes certain obligations on data controllers to give data subjects information about the processing of personal data and to give access to personal data. By virtue of section 27(2) of that Act, the provisions imposing these obligations are referred to as "the subject information provisions". Paragraph 6 of Schedule 7 to the Act creates an exemption from these provisions where, inter alia, the exemption is required for the purpose of safeguarding an important economic or financial interest of the United Kingdom.

This Order provides that the inevitable prejudicial effect on the orderly functioning of financial markets or the efficient allocation of capital within the economy resulting from the occasional or regular application of the subject information provisions to certain data is a matter to be taken into account in determining whether exemption from the subject information provisions is required for the purpose of safeguarding an important economic or financial interest of the United Kingdom. The data in question are data to which the application of the subject information provisions could, in the reasonable belief of the relevant person as defined, affect decisions whether to deal in, subscribe for or issue instruments or decisions which are likely to affect any business activity.

This Order contributes to the implementation of Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

A Regulatory Impact Assessment was prepared for the Data Protection Bill as it was then and the statutory instruments to be made under it, and was placed in the libraries of both Houses of Parliament. The Regulatory Impact Assessment is now available on the internet at *www.homeoffice.gov.uk.* Alternatively, copies can be obtained by post from the Home Office, LGDP Unit, 50 Queen Anne's Gate, London, SW1H 9AT.

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