STATUTORY INSTRUMENTS

1990 No. 310

DATA PROTECTION

The Data Protection (Regulation of Financial Services etc.) (Subject Access Exemption) (Amendment) Order 1990

Made - - - - 20th February 1990

Coming into force in accordance with article 1(2)

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred upon me by section 30(2) of the Data Protection Act 1984(a) and after consultation with the Data Protection Registrar in accordance with section 40(3) of the Act of 1984, I hereby make the following Order:

1.—(1) This Order may be cited as the Data Protection (Regulation of Financial Services etc.) (Subject Access Exemption) (Amendment) Order 1990.

(2) This Order shall come into force –

(a) on 21st February 1990 for the purposes of article 2 insofar as it relates to Part I of the Schedule to this Order;

(b) on 15th March 1990 for the purposes of article 2 insofar as it relates to Part II of that Schedule.

2. Schedule 1 to the Data Protection (Regulation of Financial Services etc.) (Subject Access Exemption) Order 1987(b) (functions designated for the purposes of section 30 of the Data Protection Act 1984 which are conferred by or under any enactment) shall have effect subject to the amendments specified in Parts I and II of the Schedule to this Order.

David Waddington

Home Office
20th February 1990

One of Her Majesty's Principal Secretaries of State

(a) 1984 c.35.

(b) S.I. 1987/1905.

SCHEDULE

Article 2

PART I

AMENDMENTS TO SCHEDULE 1 TO THE DATA PROTECTION (REGULATION OF FINANCIAL SERVICES ETC.) (SUBJECT ACCESS EXEMPTION) ORDER 1987 COMING INTO FORCE ON 21ST FEBRUARY 1990

1. In the entry relating to the functions under Part XIV of the Companies Act 1985(a), for "or officer authorised by him under section 447" substitute ", officer or other competent person authorised by the Secretary of State under section 447".

2. At the end of the Schedule insert –

"Companies Act 1989(b)	Functions of following persons in assisting overseas regulatory authorities –
	Secretary of State under section 83 to require information, documents or other assistance;
	officer or other competent person authorised by Secretary of State under section 84 to exercise powers conferred by section 83;
	Department of Economic Development authorised by Secretary of State under section 88 to exercise powers conferred by section 83 in Northern Ireland.".

PART II

Article 2

AMENDMENTS TO SCHEDULE 1 TO THE DATA PROTECTION (REGULATION OF FINANCIAL SERVICES ETC.) (SUBJECT ACCESS EXEMPTION) ORDER 1987 COMING INTO FORCE ON 15TH MARCH 1990

1. At the end of the entry relating to the functions under Chapter V of Part I of the Financial Services Act 1986(c) insert –

"(l) statements of principle issued under section 47A;

(m) codes of practice issued under section 63C.".

2. In the entry relating to the functions under section 107 of that Act for "section 107" substitute "sections 107 and 107A".

3. In the entry relating to the functions under Chapter XIV of Part I of that Act for "rules, guidance, arrangements or restrictions" substitute "rules, statements of principle, regulations, codes of practice, guidance, arrangements or practices".

4. After the entry relating to the functions under Chapter XIV of Part I of that Act insert –

"Functions of Secretary of State or designated agency under Chapter XV of Part I.".

5. For the entry relating to the functions under section 160 of that Act substitute –

"Functions of Secretary of State under section 160A in relation to exemption of advertisements from provisions of sections 159 and 160.".

(a) 1985 c. 6. (b) 1989 c. 40. (c) 1986 c. 60.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 30 of the Data Protection Act 1984 provides that personal data held for the purpose of discharging statutory functions which are designated by the Secretary of State by an order made under that section shall be exempt from the subject access provisions of the Act in any case in which the application of those provisions to the data would be likely to prejudice the proper discharge of those functions. The functions which may be designated include those conferred by or under any enactment appearing to the Secretary of State to be designed for protecting members of the public against financial loss due to dishonesty, incompetence or malpractice by persons concerned in the provision of banking, insurance, investment or other financial services or in the management of companies or to the conduct of discharged or undischarged bankrupts.

Schedule 1 to the Data Protection (Regulation of Financial Services etc.) (Subject Access Exemption) Order 1987 ("the 1987 Order") designates functions for the purposes of section 30. The Schedule to this Order contains amendments to the 1987 Order which are consequential upon the implementation of the Companies Act 1989 ("the 1989 Act"). Part I of the Schedule, which comes into force on 21st February 1990, amends the entry relating to section 447 of the Companies Act 1985 (Secretary of State's powers to require production of documents) and designates functions under sections 83, 84 and 88 of the 1989 Act (powers exercisable to assist overseas regulatory authorities). Part II of the Schedule to this Order, which comes into force on 15th March 1990, contains amendments relating to functions under the Financial Services Act 1986.