

# THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4643 of 12 December, 2019

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B. 39/19

## BILL

FOR

**AN ACT** to amend the Freedom of Information Act 2018.

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Act may be cited as the Freedom of Information (Amendment) Act 2019.

**Commencement.**

2. This Act shall come into operation on the day of publication.

**Amendment to the Freedom of Information Act 2018.**

3.(1) The Freedom of Information Act 2018 is amended in accordance with this section.

(2) In section 2(2) for paragraphs (a), (b) and (c) substitute the following-

“(a) “data subject”;

(b) “personal data”; and

(c) “the GDPR””.

(3) Section 14(2) is amended-

(a) in the frontispiece by deleting “the information falls within the definition of “data” in section 2 of the Data Protection Act 2004, and”;

(b) in paragraph (a) by inserting “or in the GDPR” after “Data Protection Act 2004”; and

(c) in paragraph (b) by substituting “section 16 of that Act” with “Article 21 of the GDPR”.

(4) Section 14(3) is amended-

- (a) by deleting “Part II of” after “any provision of”;
- (b) by substituting “section 14” with “section 54”; and
- (c) by inserting “or Article 15 of the GDPR” after “that Act”.

(5) Section 14(4) is amended-

- (a) in paragraph (a)-
  - (i) by inserting “Article 21 of the GDPR or” after “would contravene”;
  - (ii) by deleting “or section 16”; and
  - (iii) by inserting “or of the GDPR” after “Data Protection Act 2004”.
- (b) in paragraph (b)-
  - (i) by deleting “Part II of” after “any provision of”;
  - (ii) by substituting “section 14” with “section 54”;
  - (iii) by inserting “or Article 15 of the GDPR” after “that Act”.

(6) Section 23 is amended by-

- (a) deleting subsection (2); and
- (b) inserting the following subsection after subsection (4)-

“(5) In any other Act or subsidiary legislation for “Data Protection Commissioner” substitute “Information Commissioner” wherever it occurs.”.

## **EXPLANATORY MEMORANDUM**

This Bill amends the Freedom of Information Act 2018 in order to amend references to the Data Protection Act 2004 and include references to the General Data Protection Regulation (Regulation (EU) 2016/679). It also amends the consequential amendments made by the Act.

