



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 5

#### THE INFORMATION COMMISSIONER

##### *Codes of practice*

#### **127 Effect of codes issued under section 125(4)**

- (1) A failure by a person to act in accordance with a provision of a code issued under section 125(4) does not of itself make that person liable to legal proceedings in a court or tribunal.
- (2) A code issued under section 125(4), including an amendment or replacement code, is admissible in evidence in legal proceedings.
- (3) In any proceedings before a court or tribunal, the court or tribunal must take into account a provision of a code issued under section 125(4) in determining a question arising in the proceedings if—
  - (a) the question relates to a time when the provision was in force, and
  - (b) the provision appears to the court or tribunal to be relevant to the question.
- (4) Where the Commissioner is carrying out a function described in subsection (5), the Commissioner must take into account a provision of a code issued under section 125(4) in determining a question arising in connection with the carrying out of the function if—
  - (a) the question relates to a time when the provision was in force, and
  - (b) the provision appears to the Commissioner to be relevant to the question.
- (5) Those functions are functions under—
  - (a) the data protection legislation, or
  - (b) the Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426).