



# Data Protection Act 1984

## 1984 CHAPTER 35

### PART II

#### REGISTRATION AND SUPERVISION OF DATA USERS AND COMPUTER BUREAUX

##### *Supervision*

#### **10 Enforcement notices**

- (1) If the Registrar is satisfied that a registered person has contravened or is contravening any of the data protection principles he may serve him with a notice (" an enforcement notice ") requiring him to take, within such time as is specified in the notice, such steps as are so specified for complying with the principle or principles in question.
- (2) In deciding whether to serve an enforcement notice the Registrar shall consider whether the contravention has caused or is likely to cause any person damage or distress.
- (3) An enforcement notice in respect of a contravention of the fifth data protection principle may require the data user—
  - (a) to rectify or erase the data and any other data held by him and containing an expression of opinion which appears to the Registrar to be based on the inaccurate data; or
  - (b) in the case of such data as are mentioned in subsection (2) of section 22 below, either to take the steps mentioned in paragraph (a) above or to take such steps as are specified in the notice for securing compliance with the requirements specified in that subsection and, if the Registrar thinks fit, for supplementing the data with such statement of the true facts relating to the matters dealt with by the data as the Registrar may approve.
- (4) The Registrar shall not serve an enforcement notice requiring the person served with the notice to take steps for complying with paragraph (a) of the seventh data protection principle in respect of any data subject unless satisfied that the person has contravened

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*Status: This is the original version (as it was originally enacted).*

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section 21 below by failing to supply information to which the data subject is entitled and which has been duly requested in accordance with that section.

- (5) An enforcement notice shall contain—
- (a) a statement of the principle or principles which the Registrar is satisfied have been or are being contravened and his reasons for reaching that conclusion; and
  - (b) particulars of the rights of appeal conferred by section 13 below.
- (6) Subject to subsection (7) below, the time specified in an enforcement notice for taking the steps which it requires shall not expire before the end of the period within which an appeal can be brought against the notice and, if such an appeal is brought, those steps need not be taken pending the determination or withdrawal of the appeal.
- (7) If by reason of special circumstances the Registrar considers that the steps required by an enforcement notice should be taken as a matter of urgency he may include a statement to that effect in the notice; and in that event subsection (6) above shall not apply but the notice shall not require the steps to be taken before the end of the period of seven days beginning with the date on which the notice is served.
- (8) The Registrar may cancel an enforcement notice by written notification to the person on whom it was served.
- (9) Any person who fails to comply with an enforcement notice shall be guilty of an offence; but it shall be a defence for a person charged with an offence under this subsection to prove that he exercised all due diligence to comply with the notice in question.