

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Regulation (EU) 2016/679 of the European Parliament and of the Council, Section 2 is up to date with all changes known to be in force on or before 13 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Regulation (EU) 2016/679 of the European Parliament and of the Council  
of 27 April 2016 on the protection of natural persons with regard to the  
processing of personal data and on the free movement of such data (United  
Kingdom General Data Protection Regulation) (Text with EEA relevance)

CHAPTER VI

[<sup>F1</sup>The Commissioner]

Section 2

[<sup>F1</sup>Tasks] and powers

<sup>F2</sup>Article 55

**Competence**

**Textual Amendments**

- F2** Art. 55 omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 1 para. 50** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)

<sup>F3</sup>Article 56

**Competence of the lead supervisory authority**

**Textual Amendments**

- F3** Art. 56 omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 1 para. 51** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)

Article 57

**Tasks**

1 Without prejudice to other tasks set out under this Regulation, [<sup>F4</sup>the Commissioner must]:

- a monitor and enforce the application of this Regulation;

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- b promote public awareness and understanding of the risks, rules, safeguards and rights in relation to processing. Activities addressed specifically to children shall receive specific attention;
- c advise [<sup>F5</sup>Parliament], the government, and other institutions and bodies on legislative and administrative measures relating to the protection of natural persons' rights and freedoms with regard to processing;
- d promote the awareness of controllers and processors of their obligations under this Regulation;
- e upon request, provide information to any data subject concerning the exercise of their rights under this Regulation and, if appropriate, cooperate with [<sup>F6</sup>foreign designated authorities] to that end;
- f handle complaints lodged by a data subject, or by a body, organisation or association in accordance with Article 80, and investigate, to the extent appropriate, the subject matter of the complaint and inform the complainant of the progress and the outcome of the investigation within a reasonable period, in particular if further investigation or coordination with [<sup>F7</sup>a foreign designated authority] is necessary;
- <sup>F8</sup>g .....
- h conduct investigations on the application of this Regulation, including on the basis of information received from [<sup>F9</sup>a foreign designated authority] or other public authority;
- i monitor relevant developments, insofar as they have an impact on the protection of personal data, in particular the development of information and communication technologies and commercial practices;
- j adopt standard contractual clauses referred to in Article 28(8) and [<sup>F10</sup>issue standard data protection clauses referred to] in point (d) of Article 46(2);
- k establish and maintain a list in relation to the requirement for data protection impact assessment pursuant to Article 35(4);
- l give advice on the processing operations referred to in Article 36(2);
- m encourage the drawing up of codes of conduct pursuant to Article 40(1) and provide an opinion and approve such codes of conduct which provide sufficient safeguards, pursuant to Article 40(5);
- n encourage the establishment of data protection certification mechanisms and of data protection seals and marks pursuant to Article 42(1), and approve the criteria of certification pursuant to Article 42(5);
- o where applicable, carry out a periodic review of certifications issued in accordance with Article 42(7);
- [<sup>F11</sup>oa maintain a public register of certification mechanisms and data protection seals and marks pursuant to Article 42(8) and of controllers or processors established in third countries and certified pursuant to Article 42(7);]
- [<sup>XI</sup>p draft and publish the requirements for accreditation of a body for monitoring codes of conduct pursuant to Article 41 and of a certification body pursuant to Article 43;]
- q conduct the accreditation of a body for monitoring codes of conduct pursuant to Article 41 and of a certification body pursuant to Article 43;
- r authorise contractual clauses and provisions referred to in Article 46(3);
- s approve binding corporate rules pursuant to Article 47;
- <sup>F12</sup>t .....
- u keep internal records of infringements of this Regulation and of measures taken in accordance with Article 58(2); and
- v fulfil any other tasks related to the protection of personal data.

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2 [F13The Commissioner] shall facilitate the submission of complaints referred to in point (f) of paragraph 1 by measures such as a complaint submission form which can also be completed electronically, without excluding other means of communication.

3 The performance of [F14the Commissioner's tasks is to be] free of charge for the data subject and, where applicable, for the data protection officer.

4 Where requests are manifestly unfounded or excessive, in particular because of their repetitive character, the [F15Commissioner] may charge a reasonable fee based on administrative costs, or refuse to act on the request. The [F15Commissioner] shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request.

#### Editorial Information

- X1** Substituted by [Corrigendum to Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC \(General Data Protection Regulation\) \(Official Journal of the European Union L 119 of 4 May 2016\)](#).

#### Textual Amendments

- F4** Words in Art. 57(1) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 52(2)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in Art. 57(1)(c) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 52(2)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 57(1)(e) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 52(2)(c)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 57(1)(f) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 52(2)(d)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Art. 57(1)(g) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 52(2)(e)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 57(1)(h) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 52(2)(f)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 57(1)(j) inserted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 52(2)(g)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Art. 57(1)(oa) inserted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 52(2)(h)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Art. 57(1)(t) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 52(2)(i)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 57(2) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 52(3)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 57(3) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 52(4)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

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**F15** Word in Art. 57(4) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), Sch. 1 para. 52(5) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

## Article 58

### Powers

- 1 <sup>[F16]</sup>The Commissioner has] all of the following investigative powers:
  - a to order the controller and the processor, and, where applicable, the controller's or the processor's representative to provide any information it requires for the performance of its tasks;
  - b to carry out investigations in the form of data protection audits;
  - c to carry out a review on certifications issued pursuant to Article 42(7);
  - d to notify the controller or the processor of an alleged infringement of this Regulation;
  - e to obtain, from the controller and the processor, access to all personal data and to all information necessary for the performance of <sup>[F17]</sup>the Commissioner's] tasks;
  - f to obtain access to any premises of the controller and the processor, including to any data processing equipment and means, in accordance with <sup>[F18]</sup>domestic law].
- 2 <sup>[F19]</sup>The Commissioner has] all of the following corrective powers:
  - a to issue warnings to a controller or processor that intended processing operations are likely to infringe provisions of this Regulation;
  - b to issue reprimands to a controller or a processor where processing operations have infringed provisions of this Regulation;
  - c to order the controller or the processor to comply with the data subject's requests to exercise his or her rights pursuant to this Regulation;
  - d to order the controller or processor to bring processing operations into compliance with the provisions of this Regulation, where appropriate, in a specified manner and within a specified period;
  - e to order the controller to communicate a personal data breach to the data subject;
  - f to impose a temporary or definitive limitation including a ban on processing;
  - g to order the rectification or erasure of personal data or restriction of processing pursuant to Articles 16, 17 and 18 and the notification of such actions to recipients to whom the personal data have been disclosed pursuant to Article 17(2) and Article 19;
  - h to withdraw a certification or to order the certification body to withdraw a certification issued pursuant to Articles 42 and 43, or to order the certification body not to issue certification if the requirements for the certification are not or are no longer met;
  - i to impose an administrative fine pursuant to Article 83, in addition to, or instead of measures referred to in this paragraph, depending on the circumstances of each individual case;
  - j to order the suspension of data flows to a recipient in a third country or to an international organisation.
- 3 <sup>[F20]</sup>The Commissioner has] all of the following authorisation and advisory powers:
  - a to advise the controller in accordance with the prior consultation procedure referred to in Article 36;

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b to issue, on [<sup>F21</sup>the Commissioner's] own initiative or on request, opinions to [<sup>F22</sup>Parliament, the government or] other institutions and bodies as well as to the public on any issue related to the protection of personal data;

<sup>F23</sup>c

d to issue an opinion and approve draft codes of conduct pursuant to Article 40(5);

e to accredit certification bodies pursuant to Article 43;

f to issue certifications and approve criteria of certification in accordance with Article 42(5);

g to adopt standard data protection clauses referred to in Article 28(8) and in point (d) of Article 46(2);

h to authorise contractual clauses referred to in point (a) of Article 46(3);

i to authorise administrative arrangements referred to in point (b) of Article 46(3);

j to approve binding corporate rules pursuant to Article 47.

[<sup>F24</sup>3A. In the 2018 Act, section 115(4) to (9) provide that the Commissioner's functions under this Article are subject to certain safeguards.]

<sup>F25</sup>4

<sup>F25</sup>5

<sup>F25</sup>6

#### Textual Amendments

- F16** Words in Art. 58(1) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 53(2)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 58(1)(e) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 53(2)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 58(1)(f) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 53(2)(c)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 58(2) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 53(3)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in Art. 58(3) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 53(4)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in Art. 58(3)(b) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 53(4)(b)(i)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in Art. 58(3)(b) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 53(4)(b)(ii)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Art. 58(3)(c) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 53(4)(c)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Art. 58(3A) inserted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 53(5)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

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**F25** Art. 58(4)(5)(6) omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 1 para. 53(6)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)

## Article 59

### Activity reports

[<sup>F26</sup>The Commissioner] shall draw up an annual report on [<sup>F27</sup>the Commissioner's] activities, which may include a list of types of infringement notified and types of measures taken in accordance with Article 58(2). [<sup>F28</sup>The Commissioner must arrange for those reports to be laid before Parliament and send a copy to the Secretary of State.] They shall be made available to the public <sup>F29</sup>... .

#### Textual Amendments

- F26** Words in Art. 59 substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 1 para. 54(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in Art. 59 substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 1 para. 54(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in Art. 59 substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 1 para. 54(c)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in Art. 59 omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 1 para. 54(d)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)

#### Textual Amendments

- F1** Word in Ch. 6 section 2 heading substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 1 para. 49** (with reg. 5); 2020 c. 1, **Sch. 5 para. 1(1)**

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