

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes further provision in relation to monetary penalty notices and notices of intent served under section 55A and section 55B of the Data Protection Act 1998.

Article 2 requires the Information Commissioner to consider any written representations made by a data controller in relation to a notice of intent, when deciding whether or not to serve a monetary penalty notice.

Article 3 sets out the minimum period the Information Commissioner may set for a data controller to make written representations about a notice of intent (21 days), and the minimum period after service of the monetary penalty notice within which the penalty must be paid (28 days). It also provides that the Information Commissioner may not serve a monetary penalty notice more than six months after the service of a notice of intent.

Article 4 gives the Information Commissioner power to vary monetary penalty notices.

Article 5 gives the Information Commissioner power to cancel monetary penalty notices.

Article 6 provides for the conditions that must be met before the Information Commissioner can enforce a monetary penalty notice.

Article 7 makes provision about appeals against monetary penalty notices and variation notices.

The full Impact Assessment is available at the Ministry of Justice website ([www.justice.gov.uk](http://www.justice.gov.uk)). For more details please contact Belinda Lewis at 0203 334 4550 or to [Belinda.Lewis@justice.gov.gsi.uk](mailto:Belinda.Lewis@justice.gov.gsi.uk)