



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART VI

#### MISCELLANEOUS AND GENERAL

##### Modifications etc. (not altering text)

- C1** Pt. VI applied (with modifications) (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), **51(1)(b)**

##### *<sup>F1</sup> Functions of Commissioner*

##### Textual Amendments

- F1** Act repealed (except s. 62, Sch. 15 paras. 13, 15, 16, 18, 19) (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 44** (with ss. 117, 209, 210, Sch. 20 paras. 2-9, 17-25, 27-46, 53, 54, 58); S.I. 2018/625, reg. 2(1)(g)

**51** **General duties of Commissioner.**

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**52** **Reports and codes of practice to be laid before Parliament.**

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**52A** **Data-sharing code**

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*Status: Point in time view as at 17/12/2018.*

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**52AA Direct marketing code**

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**52B data-sharing and direct marketing codes: procedure**

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**52C Alteration or replacement of data-sharing and direct marketing codes**

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**52D Publication of data-sharing and direct marketing codes**

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**52E Effect of data-sharing and direct marketing codes**

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**53 Assistance by Commissioner in cases involving processing for the special purposes.**

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**54 International co-operation.**

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**54A Inspection of overseas information systems**

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*<sup>F1</sup> Unlawful obtaining et ceteralaetc. of personal data*

**55 Unlawful obtaining etc. of personal data.**

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*<sup>F1</sup> Monetary penalties*

**55A Power of Commissioner to impose monetary penalty**

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**55B Monetary penalty notices: procedural rights**

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**55C Guidance about monetary penalty notices**

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**55D Monetary penalty notices: enforcement**

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**55E Notices under sections 55A and 55B: supplemental**

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*<sup>F1</sup> Records obtained under data subject's right of access*

**56 Prohibition of requirement as to production of certain records.**

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**57 Avoidance of certain contractual terms relating to health records.**

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*<sup>F1</sup> Information provided to Commissioner or Tribunal*

**58 Disclosure of information.**

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**59 Confidentiality of information.**

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*<sup>F1</sup> General provisions relating to offences*

**60 Prosecutions and penalties.**

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**61 Liability of directors etc.**

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*Amendments of Consumer Credit Act 1974*

**62 Amendments of Consumer Credit Act 1974.**

(1) In section 158 of the <sup>M1</sup>Consumer Credit Act 1974 (duty of agency to disclose filed information)—

(a) in subsection (1)—

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- (i) in paragraph (a) for “individual” there is substituted “ partnership or other unincorporated body of persons not consisting entirely of bodies corporate ”, and
  - (ii) for “him” there is substituted “ it ”,
  - (b) in subsection (2), for “his” there is substituted “ the consumer’s ”, and
  - (c) in subsection (3), for “him” there is substituted “ the consumer ”.
- (2) In section 159 of that Act (correction of wrong information) for subsection (1) there is substituted—
- “(1) Any individual (the “objector”) given—
    - (a) information under section 7 of the Data Protection Act 1998 by a credit reference agency, or
    - (b) information under section 158,
 who considers that an entry in his file is incorrect, and that if it is not corrected he is likely to be prejudiced, may give notice to the agency requiring it either to remove the entry from the file or amend it.”
- (3) In subsections (2) to (6) of that section—
- (a) for “consumer”, wherever occurring, there is substituted “ objector ”, and
  - (b) for “Director”, wherever occurring, there is substituted “ the relevant authority ”.
- (4) After subsection (6) of that section there is inserted—
- “(7) The Data Protection Commissioner may vary or revoke any order made by him under this section.
- (8) In this section “the relevant authority” means—
- (a) where the objector is a partnership or other unincorporated body of persons, the Director, and
  - (b) in any other case, the Data Protection Commissioner.”
- (5) In section 160 of that Act (alternative procedure for business consumers)—
- (a) in subsection (4)—
    - (i) for “him” there is substituted “ to the consumer ”, and
    - (ii) in paragraphs (a) and (b) for “he” there is substituted “ the consumer ” and for “his” there is substituted “ the consumer’s ”, and
  - (b) after subsection (6) there is inserted—
    - “(7) In this section “consumer” has the same meaning as in section 158.”

**Marginal Citations**

**M1** 1974 c. 39.

*F1 General*

**63 Application to Crown.**

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**63A Application to Parliament.**

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**64 Transmission of notices etc. by electronic or other means.**

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**65 Service of notices by Commissioner.**

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**66 Exercise of rights in Scotland by children.**

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**67 Orders, regulations and rules.**

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**68 Meaning of “accessible record”.**

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**69 Meaning of “health professional”.**

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**70 Supplementary definitions.**

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**71 Index of defined expressions.**

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**72 Modifications of Act.**

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**73 Transitional provisions and savings.**

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**74 Minor and consequential amendments and repeals and revocations.**

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**75 Short title, commencement and extent.**

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