

Status: Point in time view as at 01/06/2004.

Changes to legislation: Data Protection Act 1998, SCHEDULE 13 is up to date with all changes known to be in force on or before 24 June 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)

SCHEDULES

SCHEDULE 13

Section 72.

MODIFICATIONS OF ACT HAVING EFFECT BEFORE 24TH OCTOBER 2007

1 After section 12 there is inserted—

“12A Rights of data subjects in relation to exempt manual data.

- (1) A data subject is entitled at any time by notice in writing—
 - (a) to require the data controller to rectify, block, erase or destroy exempt manual data which are inaccurate or incomplete, or
 - (b) to require the data controller to cease holding exempt manual data in a way incompatible with the legitimate purposes pursued by the data controller.
- (2) A notice under subsection (1)(a) or (b) must state the data subject’s reasons for believing that the data are inaccurate or incomplete or, as the case may be, his reasons for believing that they are held in a way incompatible with the legitimate purposes pursued by the data controller.
- (3) If the court is satisfied, on the application of any person who has given a notice under subsection (1) which appears to the court to be justified (or to be justified to any extent) that the data controller in question has failed to comply with the notice, the court may order him to take such steps for complying with the notice (or for complying with it to that extent) as the court thinks fit.
- (4) In this section “exempt manual data” means—
 - (a) in relation to the first transitional period, as defined by paragraph 1(2) of Schedule 8, data to which paragraph 3 or 4 of that Schedule applies, and
 - (b) in relation to the second transitional period, as so defined, data to which paragraph 14 of that Schedule applies.
- (5) For the purposes of this section personal data are incomplete if, and only if, the data, although not inaccurate, are such that their incompleteness would constitute a contravention of the third or fourth data protection principles, if those principles applied to the data.”

2 In section 32—

- (a) in subsection (2) after “section 12” there is inserted—

“(dd) section 12A,” and
- (b) in subsection (4) after “12(8)” there is inserted “ , 12A(3) ”.

3 In section 34 for “section 14(1) to (3)” there is substituted “ sections 12A and 14(1) to (3). ”

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- 4 In section 53(1) after “12(8)” there is inserted “ , 12A(3) ”.
- 5 In paragraph 8 of Part II of Schedule 1, the word “or” at the end of paragraph (c) is omitted and after paragraph (d) there is inserted “or
- (e) he contravenes section 12A by failing to comply with a notice given under subsection (1) of that section to the extent that the notice is justified.”

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