



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART VI U.K.

#### MISCELLANEOUS AND GENERAL

##### *Functions of Commissioner*

#### **[<sup>F1</sup>52C Alteration or replacement of [<sup>F2</sup>data-sharing and direct marketing codes] U.K.]**

- (1) The Commissioner—
  - (a) must keep the data-sharing code [<sup>F3</sup>and the direct marketing code] under review, and
  - (b) [<sup>F4</sup>in either case, may prepare an alteration to the code] or a replacement code.
- (2) Where, by virtue of a review under subsection (1)(a) or otherwise, the Commissioner becomes aware that the terms of the code could result in the United Kingdom being in breach of any of its [<sup>F5</sup>EU] obligations or any other international obligation, the Commissioner must exercise the power under subsection (1)(b) with a view to remedying the situation.
- (3) Before an alteration or replacement code is prepared under subsection (1), the Commissioner must consult such of the following as the Commissioner considers appropriate—
  - (a) trade associations (within the meaning of section 51);
  - (b) data subjects;
  - (c) persons who appear to the Commissioner to represent the interests of data subjects.
- (4) Section 52B (other than subsection (6)) applies to an alteration or replacement code prepared under this section as it applies to the code as first prepared under section 52A [<sup>F6</sup>or 52AA].

*Status: Point in time view as at 27/06/2017. This version of this provision has been superseded.*

*Changes to legislation: Data Protection Act 1998, Section 52C is up to date with all changes known to be in force on or before 15 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)*

- (5) In this section “the data-sharing code” <sup>F7</sup>and “the direct marketing code” mean the codes respectively prepared under sections 52A and 52AA and] issued under section 52B(5) (as altered or replaced from time to time).]

#### Textual Amendments

- F1** Ss. 52A-52E inserted (1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), **ss. 174(1)**, 175, 182 (with s. 180); [S.I. 2010/145](#), **art. 2**, Sch. para. 16
- F2** Words in s. 52C heading substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 96(4)**, 118(2)
- F3** Words in s. 52C(1)(a) inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 96(6)(a)**, 118(2)
- F4** Words in s. 52C(1)(b) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 96(6)(b)**, 118(2)
- F5** Word in s. 52C(2) substituted (22.4.2011) by virtue of [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), **art. 6(1)** (with application as mentioned in art. 3(3))
- F6** Words in s. 52C(4) inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 96(6)(c)**, 118(2)
- F7** Words in s. 52C(5) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 96(6)(d)**, 118(2)

**Status:**

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