



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART VI

#### MISCELLANEOUS AND GENERAL

#### *[<sup>F1</sup>Monetary penalties]*

#### **[<sup>F1</sup>55A Power of Commissioner to impose monetary penalty**

- (1) The Commissioner may serve a data controller with a monetary penalty notice if the Commissioner is satisfied that—
  - (a) there has been a serious contravention of section 4(4) by the data controller,
  - (b) the contravention was of a kind likely to cause substantial damage or substantial distress, and
  - (c) subsection (2) or (3) applies.
- (2) This subsection applies if the contravention was deliberate.
- (3) This subsection applies if the data controller—
  - (a) knew or ought to have known —
    - (i) that there was a risk that the contravention would occur, and
    - (ii) that such a contravention would be of a kind likely to cause substantial damage or substantial distress, but
  - (b) failed to take reasonable steps to prevent the contravention.

- [ The Commissioner may not be satisfied as mentioned in subsection (1) by virtue of
- <sup>F2</sup>(3A) any matter which comes to the Commissioner's attention as a result of anything done in pursuance of—
- (a) an assessment notice;
  - (b) an assessment under section 51(7).]

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*Status: Point in time view as at 01/04/2017. This version of this provision has been superseded.*

*Changes to legislation: Data Protection Act 1998, Section 55A is up to date with all changes known to be in force on or before 09 May 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)*

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- (4) A monetary penalty notice is a notice requiring the data controller to pay to the Commissioner a monetary penalty of an amount determined by the Commissioner and specified in the notice.
- (5) The amount determined by the Commissioner must not exceed the prescribed amount.
- (6) The monetary penalty must be paid to the Commissioner within the period specified in the notice.
- (7) The notice must contain such information as may be prescribed.
- (8) Any sum received by the Commissioner by virtue of this section must be paid into the Consolidated Fund.
- (9) In this section—

“data controller” does not include the Crown Estate Commissioners [<sup>F3</sup>, a relevant person] or a person who is a data controller by virtue of section 63(3);

“prescribed” means prescribed by regulations made by the Secretary of State.][<sup>F4</sup>; and

“relevant person” means a person who is discharging functions in relation to the management of any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies.]

#### Textual Amendments

- F1** S. 55A inserted (1.10.2009 for certain purposes and 6.4.2010 to the extent that it is not already in force) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 144\(1\), 153](#); [S.I. 2009/2606](#), [art. 2\(n\)](#); [S.I. 2010/712](#), [art. 4](#)
- F2** S. 55(3A) inserted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 175, 182](#), [Sch. 20 para. 13](#) (with s. 180); [S.I. 2010/816](#), [art. 2](#), [Sch. para. 19](#)
- F3** Words in s. 55A(9) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), [art. 1\(2\)](#), [Sch. 5 para. 30\(a\)](#)
- F4** Words in s. 55A(9) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), [art. 1\(2\)](#), [Sch. 5 para. 30\(b\)](#)

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