



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 8

DATA PROTECTION ACT 1998

174 Data-sharing code of practice

(1) After section 52 of the Data Protection Act 1998 (c. 29) insert—

“52A Data-sharing code

- (1) The Commissioner must prepare a code of practice which contains—
 - (a) practical guidance in relation to the sharing of personal data in accordance with the requirements of this Act, and
 - (b) such other guidance as the Commissioner considers appropriate to promote good practice in the sharing of personal data.
- (2) For this purpose “good practice” means such practice in the sharing of personal data as appears to the Commissioner to be desirable having regard to the interests of data subjects and others, and includes (but is not limited to) compliance with the requirements of this Act.
- (3) Before a code is prepared under this section, 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) In this section a reference to the sharing of personal data is to the disclosure of the data by transmission, dissemination or otherwise making it available.

Status: Point in time view as at 12/04/2019.

Changes to legislation: Coroners and Justice Act 2009, Section 174 is up to date with all changes known to be in force on or before 30 August 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)

52B Data-sharing code: procedure

- (1) When a code is prepared under section 52A, it must be submitted to the Secretary of State for approval.
- (2) Approval may be withheld only if it appears to the Secretary of State that the terms of the code could result in the United Kingdom being in breach of any of its Community obligations or any other international obligation.
- (3) The Secretary of State must—
 - (a) if approval is withheld, publish details of the reasons for withholding it;
 - (b) if approval is granted, lay the code before Parliament.
- (4) If, within the 40-day period, either House of Parliament resolves not to approve the code, the code is not to be issued by the Commissioner.
- (5) If no such resolution is made within that period, the Commissioner must issue the code.
- (6) Where—
 - (a) the Secretary of State withholds approval, or
 - (b) such a resolution is passed,the Commissioner must prepare another code of practice under section 52A.
- (7) Subsection (4) does not prevent a new code being laid before Parliament.
- (8) A code comes into force at the end of the period of 21 days beginning with the day on which it is issued.
- (9) A code may include transitional provision or savings.
- (10) In this section “the 40-day period” means the period of 40 days beginning with the day on which the code is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the 2 days on which it is laid).
- (11) In calculating the 40-day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

52C Alteration or replacement of data-sharing code

- (1) The Commissioner—
 - (a) must keep the data-sharing code under review, and
 - (b) may prepare an alteration to that 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 Community obligations or any other international obligation, the Commissioner must exercise the power under subsection (1)(b) with a view to remedying the situation.

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- (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.
- (5) In this section “the data-sharing code” means the code issued under section 52B(5) (as altered or replaced from time to time).

52D Publication of data-sharing code

- (1) The Commissioner must publish the code (and any replacement code) issued under section 52B(5).
- (2) Where an alteration is so issued, the Commissioner must publish either—
 - (a) the alteration, or
 - (b) the code or replacement code as altered by it.

52E Effect of data-sharing code

- (1) A failure on the part of any person to act in accordance with any provision of the data-sharing code does not of itself render that person liable to any legal proceedings in any court or tribunal.
 - (2) The data-sharing code is admissible in evidence in any legal proceedings.
 - (3) If any provision of the data-sharing code appears to—
 - (a) the Tribunal or a court conducting any proceedings under this Act,
 - (b) a court or tribunal conducting any other legal proceedings, or
 - (c) the Commissioner carrying out any function under this Act,to be relevant to any question arising in the proceedings, or in connection with the exercise of that jurisdiction or the carrying out of those functions, in relation to any time when it was in force, that provision of the code must be taken into account in determining that question.
 - (4) In this section “the data-sharing code” means the code issued under section 52B(5) (as altered or replaced from time to time).”
- (2) In section 51 of the Data Protection Act 1998 (c. 29) (general duties of Commissioner), after subsection (5) insert—
- “(5A) In determining the action required to discharge the duties imposed by subsections (1) to (4), the Commissioner may take account of any action taken to discharge the duty imposed by section 52A (data-sharing code).”

Status: Point in time view as at 12/04/2019.

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Commencement Information

II S. 174 in force at 1.2.2010 by S.I. 2010/145, art. 2(2), **Sch. para. 16**

Status:

Point in time view as at 12/04/2019.

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