



Data Protection Act 2018

2018 CHAPTER 12

PART 4

INTELLIGENCE SERVICES PROCESSING

CHAPTER 3

RIGHTS OF THE DATA SUBJECT

Rights

100 Rights to rectification and erasure

- (1) If a court is satisfied on the application of a data subject that personal data relating to the data subject is inaccurate, the court may order the controller to rectify that data without undue delay.
- (2) If a court is satisfied on the application of a data subject that the processing of personal data relating to the data subject would infringe any of sections 86 to 91, the court may order the controller to erase that data without undue delay.
- (3) If personal data relating to the data subject must be maintained for the purposes of evidence, the court may (instead of ordering the controller to rectify or erase the personal data) order the controller to restrict its processing without undue delay.
- (4) If—
 - (a) the data subject contests the accuracy of personal data, and
 - (b) the court is satisfied that the controller is not able to ascertain whether the data is accurate or not,the court may (instead of ordering the controller to rectify or erase the personal data) order the controller to restrict its processing without undue delay.

Status: This is the original version (as it was originally enacted).

- (5) A court may make an order under this section in relation to a joint controller whose responsibilities are determined in an arrangement under section 104 only if the controller is responsible for carrying out the rectification, erasure or restriction of processing that the court proposes to order.
- (6) The jurisdiction conferred on a court by this section is exercisable by the High Court or, in Scotland, by the Court of Session.