



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 3

#### LAW ENFORCEMENT PROCESSING

### CHAPTER 4

#### CONTROLLER AND PROCESSOR

##### *Obligations relating to personal data breaches*

#### **67 Notification of a personal data breach to the Commissioner**

- (1) If a controller becomes aware of a personal data breach in relation to personal data for which the controller is responsible, the controller must notify the breach to the Commissioner—
  - (a) without undue delay, and
  - (b) where feasible, not later than 72 hours after becoming aware of it.
- (2) Subsection (1) does not apply if the personal data breach is unlikely to result in a risk to the rights and freedoms of individuals.
- (3) Where the notification to the Commissioner is not made within 72 hours, the notification must be accompanied by reasons for the delay.
- (4) Subject to subsection (5), the notification must include—
  - (a) a description of the nature of the personal data breach including, where possible, the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned;
  - (b) the name and contact details of the data protection officer or other contact point from whom more information can be obtained;
  - (c) a description of the likely consequences of the personal data breach;

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*Status: Point in time view as at 25/05/2018. This version of this provision has been superseded.*

*Changes to legislation: Data Protection Act 2018, Section 67 is up to date with all changes known to be in force on or before 22 July 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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- (d) a description of the measures taken or proposed to be taken by the controller to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.
- (5) Where and to the extent that it is not possible to provide all the information mentioned in subsection (4) at the same time, the information may be provided in phases without undue further delay.
- (6) The controller must record the following information in relation to a personal data breach—
  - (a) the facts relating to the breach,
  - (b) its effects, and
  - (c) the remedial action taken.
- (7) The information mentioned in subsection (6) must be recorded in such a way as to enable the Commissioner to verify compliance with this section.
- (8) Where a personal data breach involves personal data that has been transmitted by or to a person who is a controller under the law of another member State, the information mentioned in subsection (6) must be communicated to that person without undue delay.
- (9) If a processor becomes aware of a personal data breach (in relation to personal data processed by the processor), the processor must notify the controller without undue delay.

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**Commencement Information**

**II** S. 67 in force at 25.5.2018 by S.I. 2018/625, reg. 2(1)(c)

**Status:**

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