
STATUTORY INSTRUMENTS

2014 No. 3141

The Criminal Justice and Data Protection
(Protocol No. 36) Regulations 2014

PART 4

Data Protection in relation to Police and Judicial Cooperation in Criminal Matters

CHAPTER 2

Duties of competent authorities and rights of data subjects

Right to compensation

45.—(1) An individual who suffers damage by reason of any contravention by a UK competent authority of any of the requirements of this Part is entitled to compensation from that authority—

- (a) for that damage; and
- (b) for any distress suffered in addition to that damage.

(2) In proceedings brought by virtue of paragraph (1), it is not a defence to prove that any data transmitted or made available were inaccurate.

(3) If—

- (a) a UK competent authority incorrectly transmits personal data to a non-UK competent authority; and
- (b) the latter authority is required, in accordance with the Data Protection Framework Decision, to pay compensation to the data subject for damage caused by use of the incorrectly transmitted data,

the former must pay to the latter, on request and the provision of satisfactory evidence, an amount not exceeding the sum awarded in respect of that damage.