



# F1 Data Protection Act 1998

## 1998 CHAPTER 29

An Act to make new provision for the regulation of the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information.  
[16th July 1998]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Textual Amendments

- F1** Act repealed (except s. 62, Sch. 15 paras. 13, 15, 16, 18, 19) (25.5.2018) by [Data Protection Act 2018](#) (c. 12), s. 212(1), **Sch. 19 para. 44** (with ss. 117, 209, 210, Sch. 20 paras. 2-9, 17-25, 27-46, 53, 54, 58); S.I. 2018/625, reg. 2(1)(g)

### Modifications etc. (not altering text)

- C1** Act modified (25.5.2018) by [Data Protection Act 2018](#) (c. 12), s. 212(1), **Sch. 19 para. 432** (with ss. 117, 209, 210, Sch. 20 paras. 58, 59); S.I. 2018/625, reg. 2(1)(g)
- C2** Act: power to amend conferred (8.5.2008) by virtue of [Criminal Justice and Immigration Act 2008](#) (c. 4), ss. 77(5), 153
- Act: Crown status for the purposes of the Act extended (6.5.1999) by S.I. 1999/677, **art. 7(3)**
- Act applied (1.4.2000) by 1999 c. 28, s. 19(2) (with s. 38); S.I. 2000/1066, **art. 2**
- Act excluded (1.3.2000) by S.I. 2000/416, art. 2, **Sch.**
- Act: functions of the Secretary of State transferred to the Lord Chancellor (26.11.2001) by S.I. 2001/3500, arts. 3, 4, **Sch. 1 para. 11**
- Act applied by S.I. 1993/1813, **art. 4(2)** (as substituted by S.I. 2001/1544, **art. 3(5)(6)**) (the amendment coming into force in accordance with art. 1(2) of S.I. 2001/1544)
- Act (except ss. 6(4)(a)(b), 28, Sch. 5 para. 12(2) for certain purposes and Sch. 6 paras. 2, 3): functions of the Lord Chancellor transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Chancellor is entitled or subject to in connection with any such function transferred to the Secretary of State for Constitutional Affairs (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003](#) (S.I. 2003/1887), arts. 4, 5, **Sch. 1** (with art. 6)

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- Act restricted by [The Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) Order 2003 \(S.I. 2003/2818\), art. 8\(2\)](#) (the amendment coming into force in accordance with art. 1(2) of the amending S.I.)
- Act modified by [The Nationality, Immigration and Asylum Act 2002 \(Juxtaposed Controls\) Order 2003 \(S.I. 2003/2818\), art. 11\(4\)](#) (the amendment coming into force in accordance with art. 1(2) of the amending S.I.)
- Act modified by [The National Assembly for Wales Commission \(Crown Status\) Order 2007 \(S.I. 2007/1118\), art. 5](#) (the amendment coming into force in accordance with art. 1(2) of the amending S.I.)
- Act excluded (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\), regs. 1\(b\), 50\(1\)](#)
- Act applied (N.I.) (12.4.2016) by [Health and Social Care \(Control of Data Processing\) Act \(Northern Ireland\) 2016 \(c. 12\), s. 1\(8\)](#)
- Act applied (S.) (1.4.2018) by [The National Health Service \(General Medical Services Contracts\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/66\), reg. 1, sch. 6 para. 64](#) (with reg. 2)
- C3** Act applied in part (with modifications) in so far as still in force by [S.I. 2003/2426, Sch. 1 para. 8AA](#) (as amended) (17.12.2018) by [The Privacy and Electronic Communications \(Amendment\) Regulations 2018 \(S.I. 2018/1189\), regs. 1, 2\(2\)\(3\)](#)

<sup>F1</sup>**PART I**

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**<sup>F1</sup>PART III**

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**<sup>F1</sup> PART V**

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**PART VI**

MISCELLANEOUS AND GENERAL

**Modifications etc. (not altering text)**

C4 [Pt. VI](#) applied (with modifications) (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), **51(1)(b)**

*<sup>F1</sup> Functions of Commissioner*

**51 General duties of Commissioner.**

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**52 Reports and codes of practice to be laid before Parliament.**

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**52A Data-sharing code**

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**52AA Direct marketing code**

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**52C Alteration or replacement of data-sharing and direct marketing codes**

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**52D Publication of data-sharing and direct marketing codes**

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**52E Effect of data-sharing and direct marketing codes**

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**53 Assistance by Commissioner in cases involving processing for the special purposes.**

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**54 International co-operation.**

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*<sup>F1</sup> Unlawful obtaining et ceteralaetc. of personal data*

**55 Unlawful obtaining etc. of personal data.**

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*<sup>F1</sup> Monetary penalties*

**55A Power of Commissioner to impose monetary penalty**

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**55B Monetary penalty notices: procedural rights**

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**55C Guidance about monetary penalty notices**

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**55E Notices under sections 55A and 55B: supplemental**

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*<sup>FI</sup> Records obtained under data subject's right of access*

**56 Prohibition of requirement as to production of certain records.**

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**57 Avoidance of certain contractual terms relating to health records.**

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*<sup>FI</sup> Information provided to Commissioner or Tribunal*

**58 Disclosure of information.**

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**59 Confidentiality of information.**

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*<sup>FI</sup> General provisions relating to offences*

**60 Prosecutions and penalties.**

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**61 Liability of directors etc.**

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*Amendments of Consumer Credit Act 1974*

**62 Amendments of Consumer Credit Act 1974.**

(1) In section 158 of the <sup>M1</sup>Consumer Credit Act 1974 (duty of agency to disclose filed information)—

(a) in subsection (1)—

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- (i) in paragraph (a) for “individual” there is substituted “ partnership or other unincorporated body of persons not consisting entirely of bodies corporate ”, and
  - (ii) for “him” there is substituted “ it ”,
  - (b) in subsection (2), for “his” there is substituted “ the consumer’s ”, and
  - (c) in subsection (3), for “him” there is substituted “ the consumer ”.
- (2) In section 159 of that Act (correction of wrong information) for subsection (1) there is substituted—
- “(1) Any individual (the “objector”) given—
- (a) information under section 7 of the Data Protection Act 1998 by a credit reference agency, or
  - (b) information under section 158,
- who considers that an entry in his file is incorrect, and that if it is not corrected he is likely to be prejudiced, may give notice to the agency requiring it either to remove the entry from the file or amend it.”
- (3) In subsections (2) to (6) of that section—
- (a) for “consumer”, wherever occurring, there is substituted “ objector ”, and
  - (b) for “Director”, wherever occurring, there is substituted “ the relevant authority ”.
- (4) After subsection (6) of that section there is inserted—
- “(7) The Data Protection Commissioner may vary or revoke any order made by him under this section.
- (8) In this section “the relevant authority” means—
- (a) where the objector is a partnership or other unincorporated body of persons, the Director, and
  - (b) in any other case, the Data Protection Commissioner.”
- (5) In section 160 of that Act (alternative procedure for business consumers)—
- (a) in subsection (4)—
    - (i) for “him” there is substituted “ to the consumer ”, and
    - (ii) in paragraphs (a) and (b) for “he” there is substituted “ the consumer ” and for “his” there is substituted “ the consumer’s ”, and
  - (b) after subsection (6) there is inserted—
 

“(7) In this section “consumer” has the same meaning as in section 158.”

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**Marginal Citations**

**M1** 1974 c. 39.

*FI General*

**63 Application to Crown.**

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- 67 Orders, regulations and rules.**  
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- 68 Meaning of “accessible record”.**  
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- 69 Meaning of “health professional”.**  
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- 70 Supplementary definitions.**  
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- 71 Index of defined expressions.**  
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- 72 Modifications of Act.**  
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- 73 Transitional provisions and savings.**  
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- 74 Minor and consequential amendments and repeals and revocations.**  
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## SCHEDULES

<sup>F1</sup>SCHEDULE 1 Section 4(1) and (2).

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<sup>F1</sup>SCHEDULE 2 Section 4(3).

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<sup>F1</sup>SCHEDULE 3 Section 4(3).

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<sup>F1</sup>SCHEDULE 4 Section 4(3).

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<sup>F1</sup>SCHEDULE 5 Section 6(7).

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<sup>F1</sup> SCHEDULE 6 Sections 28(12), 48(5).

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<sup>F1</sup>SCHEDULE 7 Section 37.

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<sup>F1</sup>SCHEDULE 8 Section 39.

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<sup>F1</sup> SCHEDULE 9 Section 50.

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<sup>F1</sup> SCHEDULE 10 Section 53(6).

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<sup>F1</sup> SCHEDULE 11 Section 68(1)(6).

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<sup>F1</sup> SCHEDULE 12 Section 68(1)(c).

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<sup>F1</sup> SCHEDULE 13 Section 72.

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<sup>F1</sup> SCHEDULE 14 Section 73.

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SCHEDULE 15 Section 74(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

<sup>F1</sup> *Public Records Act 1958 (c. 51)*

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<sup>F1</sup> *Parliamentary Commissioner Act 1967 (c. 13)*

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*F1*Superannuation Act 1972 (c. 11)

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*F1*House of Commons Disqualification Act 1975 (c. 24)

5 .....

*F1*Northern Ireland Assembly Disqualification Act 1975 (c. 25)

6 .....

*F1*Representation of the People Act 1983 (c. 2)

7 .....

*F1* Access to Medical Reports Act 1988 (c. 28)

8 .....

*F1*Football Spectators Act 1989 (c. 37)

9 .....

*F1*Education (Student Loans) Act 1990 (c. 6)

10 .....

*F1*Access to Health Records Act 1990 (c. 23)

<sup>F1</sup>11 .....

<sup>F1</sup>12 .....

13 In section 5(3) of that Act (cases where right of access may be partially excluded) for the words from the beginning to “record” in the first place where it occurs there is substituted “ Access shall not be given under section 3(2) to any part of a health record ”.

*F1*Access to Personal Files and Medical Reports  
 (Northern Ireland) Order 1991 (1991/1707 (N.I. 14))

<sup>F1</sup>14 .....

15 In Article 6(1) of that Order (interpretation), in the definition of “health professional”, for “the Data Protection (Subject Access Modification) (Health) Order 1987” there is substituted “ the Data Protection Act 1998 ”.

*Tribunals and Inquiries Act 1992 (c. 53)*

16 In Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals under direct supervision of Council on Tribunals), for paragraph 14 there is substituted—

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“Data protection	14. (a) The Data Protection Commissioner appointed under section 6 of the Data Protection Act 1998; (b) the Data Protection Tribunal constituted under that section, in respect of its jurisdiction under section 48 of that Act.”
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<sup>F1</sup>*Access to Health Records (Northern Ireland) Order 1993 (1993/1250 (N.I. 4))*

- <sup>F1</sup>17 .....  
18 In Article 5(4) of that Order (cases where fee may be required) in sub-paragraph (a), for “the maximum prescribed under section 21 of the Data Protection Act 1984” there is substituted “ such maximum as may be prescribed for the purposes of this Article by regulations under section 7 of the Data Protection Act 1998 ”.  
19 In Article 7 of that Order (cases where right of access may be partially excluded) for the words from the beginning to “record” in the first place where it occurs there is substituted “ Access shall not be given under Article 5(2) to any part of a health record ”.

<sup>F1</sup>SCHEDULE 16

Section 74(2).

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**Changes and effects yet to be applied to :**

- Pt. 3 omitted by [2017 c. 30 s. 111\(2\)](#)
- s. 20(2) words repealed by [2009 c. 25 Sch. 20 para. 4\(a\)](#)[Sch. 23 Pt. 8](#)
- s. 20(2)(a) words inserted by [2009 c. 25 Sch. 20 para. 4\(b\)](#)
- s. 20(2)(b) words inserted by [2009 c. 25 Sch. 20 para. 4\(d\)](#)
- s. 31(6) words inserted by [2006 c. 44 s. 14\(10\)](#)
- s. 33A(1)(e) omitted by [2017 c. 30 s. 111\(3\)](#)
- s. 69(1)(h) words omitted by [2017 c. 16 Sch. 5 para. 6](#) (This amendment not applied to legislation.gov.uk. The Act was repealed at 25.5.2018 by Data Protection Act 2018 (c. 12), s. 212(1), Sch. 19 para. 44 (with ss. 117, 209, 210, Sch. 20 paras. 2-9, 17-25, 27-46, 53, 54, 58); S.I. 2018/625, reg. 2(1)(g))
- s. 69(1)(h) words substituted by [2017 c. 16 Sch. 5 para. 47\(g\)](#) (This amendment not applied to legislation.gov.uk. The Act was repealed at 25.5.2018 by Data Protection Act 2018 (c. 12), s. 212(1), Sch. 19 para. 44 (with ss. 117, 209, 210, Sch. 20 paras. 2-9, 17-25, 27-46, 53, 54, 58); S.I. 2018/625, reg. 2(1)(g))
- s. 69(3)(f) words omitted by [2012 c. 7 Sch. 14 para. 74](#)
- s. 71 words omitted by [2017 c. 30 s. 111\(4\)](#)
- Sch. 5 para. 9(1) words inserted by [2017 c. 30 s. 111\(6\)](#)
- Sch. 9 para. 1(1) words inserted by [2003 c. 39 Sch. 4 para. 8](#)
- Sch. 12 para. 4 Table words repealed by [2001 asp 10 Sch. 10 para. 26](#)
- Sch. 12 para. 5(3) words repealed by [2001 asp 10 Sch. 10 para. 26](#)
- Sch. 14 para. 2 omitted by [2017 c. 30 s. 111\(7\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(2)(aa) inserted by [2009 c. 25 Sch. 20 para. 4\(c\)](#)
- s. 31(4)(a)(va) inserted by [2016 c. 21 \(N.I.\) Sch. 3 para. 13](#)
- s. 55(2)(ca) inserted by [2008 c. 4 s. 78](#)
- Sch. 1 Pt. 2 para. 5(b) and word omitted by [2017 c. 30 s. 111\(5\)](#)