



Data Protection Act 1998

1998 CHAPTER 29

PART III

NOTIFICATION BY DATA CONTROLLERS

22 Preliminary assessment by Commissioner

- (1) In this section “assessable processing” means processing which is of a description specified in an order made by the Secretary of State as appearing to him to be particularly likely—
 - (a) to cause substantial damage or substantial distress to data subjects, or
 - (b) otherwise significantly to prejudice the rights and freedoms of data subjects.
- (2) On receiving notification from any data controller under section 18 or under notification regulations made by virtue of section 20 the Commissioner shall consider—
 - (a) whether any of the processing to which the notification relates is assessable processing, and
 - (b) if so, whether the assessable processing is likely to comply with the provisions of this Act.
- (3) Subject to subsection (4), the Commissioner shall, within the period of twenty-eight days beginning with the day on which he receives a notification which relates to assessable processing, give a notice to the data controller stating the extent to which the Commissioner is of the opinion that the processing is likely or unlikely to comply with the provisions of this Act.
- (4) Before the end of the period referred to in subsection (3) the Commissioner may, by reason of special circumstances, extend that period on one occasion only by notice to the data controller by such further period not exceeding fourteen days as the Commissioner may specify in the notice.
- (5) No assessable processing in respect of which a notification has been given to the Commissioner as mentioned in subsection (2) shall be carried on unless either—

Status: This is the original version (as it was originally enacted).

- (a) the period of twenty-eight days beginning with the day on which the notification is received by the Commissioner (or, in a case falling within subsection (4), that period as extended under that subsection) has elapsed, or
 - (b) before the end of that period (or that period as so extended) the data controller has received a notice from the Commissioner under subsection (3) in respect of the processing.
- (6) Where subsection (5) is contravened, the data controller is guilty of an offence.
- (7) The Secretary of State may by order amend subsections (3), (4) and (5) by substituting for the number of days for the time being specified there a different number specified in the order.