



Data Protection Act 1998

1998 CHAPTER 29

PART V

ENFORCEMENT

43 Information notices

- (1) If the Commissioner—
- (a) has received a request under section 42 in respect of any processing of personal data, or
 - (b) reasonably requires any information for the purpose of determining whether the data controller has complied or is complying with the data protection principles,
- he may serve the data controller with a notice (in this Act referred to as “an information notice”) requiring the data controller, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the request or to compliance with the principles as is so specified.
- (2) An information notice must contain—
- (a) in a case falling within subsection (1)(a), a statement that the Commissioner has received a request under section 42 in relation to the specified processing, or
 - (b) in a case falling within subsection (1)(b), a statement that the Commissioner regards the specified information as relevant for the purpose of determining whether the data controller has complied, or is complying, with the data protection principles and his reasons for regarding it as relevant for that purpose.
- (3) An information notice must also contain particulars of the rights of appeal conferred by section 48.
- (4) Subject to subsection (5), the time specified in an information notice shall not expire before the end of the period within which an appeal can be brought against the notice

Status: This is the original version (as it was originally enacted).

- and, if such an appeal is brought, the information need not be furnished pending the determination or withdrawal of the appeal.
- (5) If by reason of special circumstances the Commissioner considers that the information is required as a matter of urgency, he may include in the notice a statement to that effect and a statement of his reasons for reaching that conclusion; and in that event subsection (4) shall not apply, but the notice shall not require the information to be furnished before the end of the period of seven days beginning with the day on which the notice is served.
- (6) A person shall not be required by virtue of this section to furnish the Commissioner with any information in respect of—
- (a) any communication between a professional legal adviser and his client in connection with the giving of legal advice to the client with respect to his obligations, liabilities or rights under this Act, or
 - (b) any communication between a professional legal adviser and his client, or between such an adviser or his client and any other person, made in connection with or in contemplation of proceedings under or arising out of this Act (including proceedings before the Tribunal) and for the purposes of such proceedings.
- (7) In subsection (6) references to the client of a professional legal adviser include references to any person representing such a client.
- (8) A person shall not be required by virtue of this section to furnish the Commissioner with any information if the furnishing of that information would, by revealing evidence of the commission of any offence other than an offence under this Act, expose him to proceedings for that offence.
- (9) The Commissioner may cancel an information notice by written notice to the person on whom it was served.
- (10) This section has effect subject to section 46(3).