



Data Protection Act 2018

2018 CHAPTER 12

PART 3

LAW ENFORCEMENT PROCESSING

CHAPTER 3

RIGHTS OF THE DATA SUBJECT

Automated individual decision-making

49 Right not to be subject to automated decision-making

- (1) A controller may not take a significant decision based solely on automated processing unless that decision is required or authorised by law.
- (2) A decision is a “significant decision” for the purpose of this section if, in relation to a data subject, it—
 - (a) produces an adverse legal effect concerning the data subject, or
 - (b) significantly affects the data subject.

50 Automated decision-making authorised by law: safeguards

- (1) A decision is a “qualifying significant decision” for the purposes of this section if—
 - (a) it is a significant decision in relation to a data subject, and
 - (b) it is required or authorised by law.
- (2) Where a controller takes a qualifying significant decision in relation to a data subject based solely on automated processing—
 - (a) the controller must, as soon as reasonably practicable, notify the data subject in writing that a decision has been taken based solely on automated processing, and

Status: This is the original version (as it was originally enacted).

- (b) the data subject may, before the end of the period of 1 month beginning with receipt of the notification, request the controller to—
 - (i) reconsider the decision, or
 - (ii) take a new decision that is not based solely on automated processing.
- (3) If a request is made to a controller under subsection (2), the controller must, before the end of the period of 1 month beginning with receipt of the request—
 - (a) consider the request, including any information provided by the data subject that is relevant to it,
 - (b) comply with the request, and
 - (c) by notice in writing inform the data subject of—
 - (i) the steps taken to comply with the request, and
 - (ii) the outcome of complying with the request.
- (4) The Secretary of State may by regulations make such further provision as the Secretary of State considers appropriate to provide suitable measures to safeguard a data subject's rights, freedoms and legitimate interests in connection with the taking of qualifying significant decisions based solely on automated processing.
- (5) Regulations under subsection (4)—
 - (a) may amend this section, and
 - (b) are subject to the affirmative resolution procedure.
- (6) In this section “significant decision” has the meaning given by section 49(2).