

Status: Point in time view as at 25/05/2018.

Changes to legislation: Data Protection Act 2018, Cross Heading: Contents of notice of intent is up to date with all changes known to be in force on or before 17 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 16

PENALTIES

Modifications etc. (not altering text)

- C1** Sch. 16 applied (with modifications) by S.I. 2016/696, Sch. 2 (as substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), Sch. 19 para. 406 (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g) (with reg. 4))

Contents of notice of intent

- 3 (1) A notice of intent must contain the following information—
- (a) the name and address of the person to whom the Commissioner proposes to give a penalty notice;
 - (b) the reasons why the Commissioner proposes to give a penalty notice (see sub-paragraph (2));
 - (c) an indication of the amount of the penalty the Commissioner proposes to impose, including any aggravating or mitigating factors that the Commissioner proposes to take into account.
- (2) The information required under sub-paragraph (1)(b) includes—
- (a) a description of the circumstances of the failure, and
 - (b) where the notice is given in respect of a failure described in section 149(2), the nature of the personal data involved in the failure.
- (3) A notice of intent must also—
- (a) state that the person may make written representations about the Commissioner's intention to give a penalty notice, and
 - (b) specify the period within which such representations may be made.
- (4) The period specified for making written representations must be a period of not less than 21 days beginning when the notice of intent is given.
- (5) If the Commissioner considers that it is appropriate for the person to have an opportunity to make oral representations about the Commissioner's intention to give a penalty notice, the notice of intent must also—
- (a) state that the person may make such representations, and
 - (b) specify the arrangements for making such representations and the time at which, or the period within which, they may be made.

Commencement Information

- I1** Sch. 16 para. 3 in force at 25.5.2018 by S.I. 2018/625, reg. 2(1)(f)

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