

## SCHEDULES

### SCHEDULE 20

#### TRANSITIONAL PROVISION ETC

#### PART 7

#### ENFORCEMENT ETC UNDER THE 1998 ACT

##### *Monetary penalties*

- 38 (1) The repeal of sections 55A, 55B, 55D and 55E of the 1998 Act (monetary penalties) does not affect the application of those provisions after the relevant time in a case in which—
- (a) the Commissioner served a monetary penalty notice under section 55A of the 1998 Act before the relevant time,
  - (b) the Commissioner served a notice of intent under section 55B of the 1998 Act before the relevant time, or
  - (c) the Commissioner considers it appropriate, after the relevant time, to serve a notice mentioned in paragraph (a) or (b) in respect of—
    - (i) a contravention of section 4(4) of the 1998 Act before the relevant time, or
    - (ii) a contravention of the sixth data protection principle sections after the relevant time.
- (2) The revocation of the relevant subordinate legislation, and the repeals mentioned in sub-paragraph (1), do not affect the application of the relevant subordinate legislation (or of provisions of the 1998 Act applied by them) after the relevant time in a case described in sub-paragraph (1).
- (3) Guidance issued under section 55C of the 1998 Act (guidance about monetary penalty notices) which is in force immediately before the relevant time continues in force after that time for the purposes of the Commissioner’s exercise of functions under sections 55A and 55B of the 1998 Act as they have effect by virtue of this paragraph.
- (4) In this paragraph—
- “the relevant subordinate legislation” means—
    - (a) the Data Protection (Monetary Penalties) (Maximum Penalty and Notices) Regulations 2010 ([S.I. 2010/31](#));
    - (b) the Data Protection (Monetary Penalties) Order 2010 ([S.I. 2010/910](#));
  - “the relevant time” means the time when the repeal of section 55A of the 1998 Act comes into force.