

SCHEDULES

SCHEDULE 20

TRANSITIONAL PROVISION ETC

PART 2

RIGHTS OF DATA SUBJECTS

Right of access to personal data under the 1998 Act

- 2 (1) The repeal of sections 7 to 9A of the 1998 Act (right of access to personal data) does not affect the application of those sections after the relevant time in a case in which a data controller received a request under section 7 of that Act (right of access to personal data) before the relevant time.
- (2) The repeal of sections 7 and 8 of the 1998 Act and the revocation of regulation 44 of the 2014 Regulations (which applies those sections with modifications) do not affect the application of those sections and that regulation after the relevant time in a case in which a UK competent authority received a request under section 7 of the 1998 Act (as applied by that regulation) before the relevant time.
- (3) The revocation of the relevant regulations, or their amendment by Schedule 19 to this Act, and the repeals and revocation mentioned in sub-paragraphs (1) and (2), do not affect the application of the relevant regulations after the relevant time in a case described in those sub-paragraphs.
- (4) In this paragraph—
- “the relevant regulations” means—
 - (a) the Data Protection (Subject Access) (Fees and Miscellaneous Provisions) Regulations 2000 (S.I. 2000/191);
 - (b) regulation 4 of, and Schedule 1 to, the Consumer Credit (Credit Reference Agency) Regulations 2000 (S.I. 2000/290);
 - (c) regulation 3 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (S.I. 2004/3244);
- “the relevant time” means the time when the repeal of section 7 of the 1998 Act comes into force;
- “UK competent authority” has the same meaning as in Part 4 of the 2014 Regulations (see regulation 27 of those Regulations).

Right to prevent processing likely to cause damage or distress under the 1998 Act

- 3 (1) The repeal of section 10 of the 1998 Act (right to prevent processing likely to cause damage or distress) does not affect the application of that section after the relevant time in a case in which an individual gave notice in writing to a data controller under that section before the relevant time.

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- (2) In this paragraph, “the relevant time” means the time when the repeal of section 10 of the 1998 Act comes into force.

Right to prevent processing for purposes of direct marketing under the 1998 Act

- 4 (1) The repeal of section 11 of the 1998 Act (right to prevent processing for purposes of direct marketing) does not affect the application of that section after the relevant time in a case in which an individual gave notice in writing to a data controller under that section before the relevant time.
- (2) In this paragraph, “the relevant time” means the time when the repeal of section 11 of the 1998 Act comes into force.

Automated processing under the 1998 Act

- 5 (1) The repeal of section 12 of the 1998 Act (rights in relation to automated decision-taking) does not affect the application of that section after the relevant time in relation to a decision taken by a person before that time if—
- (a) in taking the decision the person failed to comply with section 12(1) of the 1998 Act, or
 - (b) at the relevant time—
 - (i) the person had not taken all of the steps required under section 12(2) or (3) of the 1998 Act, or
 - (ii) the period specified in section 12(2)(b) of the 1998 Act (for an individual to require a person to reconsider a decision) had not expired.
- (2) In this paragraph, “the relevant time” means the time when the repeal of section 12 of the 1998 Act comes into force.

Compensation for contravention of the 1998 Act or Part 4 of the 2014 Regulations

- 6 (1) The repeal of section 13 of the 1998 Act (compensation for failure to comply with certain requirements) does not affect the application of that section after the relevant time in relation to damage or distress suffered at any time by reason of an act or omission before the relevant time.
- (2) The revocation of regulation 45 of the 2014 Regulations (right to compensation) does not affect the application of that regulation after the relevant time in relation to damage or distress suffered at any time by reason of an act or omission before the relevant time.
- (3) “The relevant time” means—
- (a) in sub-paragraph (1), the time when the repeal of section 13 of the 1998 Act comes into force;
 - (b) in sub-paragraph (2), the time when the revocation of regulation 45 of the 2014 Regulation comes into force.

Rectification, blocking, erasure and destruction under the 1998 Act

- 7 (1) The repeal of section 14(1) to (3) and (6) of the 1998 Act (rectification, blocking, erasure and destruction of inaccurate personal data) does not affect the application of

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those provisions after the relevant time in a case in which an application was made under subsection (1) of that section before the relevant time.

- (2) The repeal of section 14(4) to (6) of the 1998 Act (rectification, blocking, erasure and destruction: risk of further contravention in circumstances entitling data subject to compensation under section 13 of the 1998 Act) does not affect the application of those provisions after the relevant time in a case in which an application was made under subsection (4) of that section before the relevant time.
- (3) In this paragraph, “the relevant time” means the time when the repeal of section 14 of the 1998 Act comes into force.

Jurisdiction and procedure under the 1998 Act

- 8 The repeal of section 15 of the 1998 Act (jurisdiction and procedure) does not affect the application of that section in connection with sections 7 to 14 of the 1998 Act as they have effect by virtue of this Schedule.

Exemptions under the 1998 Act

- 9 (1) The repeal of Part 4 of the 1998 Act (exemptions) does not affect the application of that Part after the relevant time in connection with a provision of Part 2 of the 1998 Act as it has effect after that time by virtue of paragraphs 2 to 7 of this Schedule.
- (2) The revocation of the relevant Orders, and the repeal mentioned in sub-paragraph (1), do not affect the application of the relevant Orders after the relevant time in connection with a provision of Part 2 of the 1998 Act as it has effect as described in sub-paragraph (1).
- (3) In this paragraph—
 - “the relevant Orders” means—
 - (a) the Data Protection (Corporate Finance Exemption) Order 2000 ([S.I. 2000/184](#));
 - (b) the Data Protection (Subject Access Modification) (Health) Order 2000 ([S.I. 2000/413](#));
 - (c) the Data Protection (Subject Access Modification) (Education) Order 2000 ([S.I. 2000/414](#));
 - (d) the Data Protection (Subject Access Modification) (Social Work) Order 2000 ([S.I. 2000/415](#));
 - (e) the Data Protection (Crown Appointments) Order 2000 ([S.I. 2000/416](#));
 - (f) Data Protection (Miscellaneous Subject Access Exemptions) Order 2000 ([S.I. 2000/419](#));
 - (g) Data Protection (Designated Codes of Practice) (No. 2) Order 2000 ([S.I. 2000/1864](#));
 - “the relevant time” means the time when the repeal of the provision of Part 2 of the 1998 Act in question comes into force.
- (4) As regards certificates issued under section 28(2) of the 1998 Act, see Part 5 of this Schedule.

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Prohibition by this Act of requirement to produce relevant records

- 10 (1) In Schedule 18 to this Act, references to a record obtained in the exercise of a data subject access right include a record obtained at any time in the exercise of a right under section 7 of the 1998 Act.
- (2) In section 184 of this Act, references to a “relevant record” include a record which does not fall within the definition in Schedule 18 to this Act (read with subparagraph (1)) but which, immediately before the relevant time, was a “relevant record” for the purposes of section 56 of the 1998 Act.
- (3) In this paragraph, “the relevant time” means the time when the repeal of section 56 of the 1998 Act comes into force.

Avoidance under this Act of certain contractual terms relating to health records

- 11 In section 185 of this Act, references to a record obtained in the exercise of a data subject access right include a record obtained at any time in the exercise of a right under section 7 of the 1998 Act.