



Data Protection Act 1984

1984 CHAPTER 35

PART II

REGISTRATION AND SUPERVISION OF DATA USERS AND COMPUTER BUREAUX

Miscellaneous and supplementary

15 Unauthorised disclosure by computer bureau

- (1) Personal data in respect of which services are provided by a person carrying on a computer bureau shall not be disclosed by him without the prior authority of the person for whom those services are provided.
- (2) Subsection (1) above applies also to any servant or agent of a person carrying on a computer bureau.
- (3) Any person who knowingly or recklessly contravenes this section shall be guilty of an offence.

16 Powers of entry and inspection

Schedule 4 to this Act shall have effect for the detection of offences under this Act and contraventions of the data protection principles.

17 Disclosure of information

- (1) No enactment or rule of law prohibiting or restricting the disclosure of information shall preclude a person from furnishing the Registrar or the Tribunal with any information necessary for the discharge of their functions under this Act.
- (2) For the purposes of section 2 of the Official Secrets Act 1911 (wrongful communication of information)—
 - (a) the Registrar and his officers and servants ;
 - (b) the members of the Tribunal; and

Status: This is the original version (as it was originally enacted).

(c) any officers or servants of the Tribunal who are not in the service of the Crown, shall be deemed to hold office under Her Majesty.

(3) The said section 2 shall not be construed as precluding the disclosure of information by any person mentioned in subsection (2)(a) or (b) above or by any officer or servant of the Tribunal where the disclosure is made for the purpose of discharging his duties under this Act or for the purpose of proceedings under or arising out of this Act, including proceedings before the Tribunal.

18 Service of notices

(1) Any notice or notification authorised or required by this Act to be served on or given to any person by the Registrar may—

- (a) if that person is an individual, be served on him—
 - (i) by delivering it to him; or
 - (ii) by sending it to him by post addressed to him at his usual or last-known place of residence or business; or
 - (iii) by leaving it for him at that place;
- (b) if that person is a body corporate or unincorporate, be served on that body—
 - (i) by sending it by post to the proper officer of the body at its principal office; or
 - (ii) by addressing it to the proper officer of the body and leaving it at that office.

(2) In subsection (1)(b) above " principal office ", in relation to a registered company, means its registered office and " proper officer ", in relation to any body, means the secretary or other executive officer charged with the conduct of its general affairs.

(3) This section is without prejudice to any other lawful method of serving or giving a notice or notification.

19 Prosecutions and penalties

(1) No proceedings for an offence under this Act shall be instituted—

- (a) in England or Wales except by the Registrar or by or with the consent of the Director of Public Prosecutions ;
- (b) in Northern Ireland except by the Registrar or by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(2) A person guilty of an offence under any provision of this Act other than section 6 or paragraph 12 of Schedule 4 shall be liable—

- (a) on conviction on indictment, to a fine; or
- (b) on summary conviction, to a fine not exceeding the statutory maximum (as defined in section 74 of the Criminal Justice Act 1982).

(3) A person guilty of an offence under section 6 above or the said paragraph 12 shall be liable on summary conviction to a fine not exceeding the fifth level on the standard scale (as defined in section 75 of the said Act of 1982).

(4) Subject to subsection (5) below, the court by or before which a person is convicted of an offence under section 5, 10, 12 or 15 above may order any data material appearing to

the court to be connected with the commission of the offence to be forfeited, destroyed or erased.

- (5) The court shall not make an order under subsection (4) above in relation to any material where a person (other than the offender) claiming to be the owner or otherwise interested in it applies to be heard by the court unless an opportunity is given to him to show cause why the order should not be made.

20 Liability of directors etc.

- (1) Where an offence under this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.