

SCHEDULES

SCHEDULE 16

PENALTIES

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.