



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 6

#### ENFORCEMENT

##### *Offences relating to personal data*

#### **172 Re-identification: effectiveness testing conditions**

- (1) For the purposes of section 171, in relation to a person who re-identifies information that is de-identified personal data, “the effectiveness testing conditions” means the conditions in subsections (2) and (3).
- (2) The first condition is that the person acted—
  - (a) with a view to testing the effectiveness of the de-identification of personal data,
  - (b) without intending to cause, or threaten to cause, damage or distress to a person, and
  - (c) in the reasonable belief that, in the particular circumstances, re-identifying the information was justified as being in the public interest.
- (3) The second condition is that the person notified the Commissioner or the controller responsible for de-identifying the personal data about the re-identification—
  - (a) without undue delay, and
  - (b) where feasible, not later than 72 hours after becoming aware of it.
- (4) Where there is more than one controller responsible for de-identifying personal data, the requirement in subsection (3) is satisfied if one or more of them is notified.