

SCHEDULE 4

Regulation 36(1)

MODIFICATIONS TO PART V OF THE DATA PROTECTION ACT 1998 AND SCHEDULES 6 AND 9 THERETO AS EXTENDED BY REGULATION 36

1. In section 40—
 - (a) in subsection (1), for the words “data controller” there shall be substituted the word “person”, for the words “data protection principles” there shall be substituted the words “requirements of the Telecommunications (Data Protection and Privacy) Regulations 1999 (in this Part referred to as “the relevant requirements”)” and for the words “principle or principles” there shall be substituted the words “requirement or requirements”;
 - (b) in subsection (2), the words “or distress” shall be omitted;
 - (c) subsections (3), (4), (5), (9) and (10) shall be omitted; and
 - (d) in subsection (6)(a), for the words “data protection principle or principles” there shall be substituted the words “relevant requirement or requirements”.
2. In section 41, for the words “data protection principle or principles”, in both places where they occur, there shall be substituted the words “relevant requirement or requirements”.
3. Section 42 shall be omitted.
4. In section 43—
 - (a) for subsections (1) and (2) there shall be substituted the following provisions—
 - “(1) If the Commissioner reasonably requires any information for the purpose of determining whether a person has complied or is complying with the relevant requirements, he may serve that person with a notice (in this Act referred to as “an information notice”) requiring him, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to compliance with the relevant requirements as is so specified.
 - (2) An information notice must contain a statement that the Commissioner regards the specified information as relevant for the purpose of determining whether the person has complied, or is complying, with the relevant requirements and his reason for regarding it as relevant for that purpose.”;
 - (b) in subsection (6)(a), after the word “under” there shall be inserted the words “the Telecommunications (Data Protection and Privacy) Regulations 1999 or”;
 - (c) in subsection (6)(b), after the words “arising out of” there shall be inserted the words “the said Regulations or”;
 - (d) subsection (10) shall be omitted.
5. Sections 44, 45 and 46 shall be omitted.
6. In section 47(1) and (2), for the words “an information notice or a special information notice”, in both places where they occur, there shall be substituted the words “or an information notice”.
7. In section 48—
 - (a) in subsections (1) and (3), for the words “an information notice or a special information notice”, in both places where they occur, there shall be substituted the words “or an information notice”;
 - (b) in subsection (3) for the words “43(5) or 44(6)” there shall be substituted the words “or 43(5)”;
 - (c) subsection (4) shall be omitted.

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8. In section 49, subsection (5) shall be omitted.
9. In paragraph 4(1) of Schedule 6, for the words “(2) or (4)” there shall be substituted the words “or (2)”.
10. In paragraph 1 of Schedule 9–
 - (a) for sub-paragraph (1)(a) there shall be substituted the following provision–
 - “(a) that a person has contravened or is contravening any of the requirements of the Telecommunications (Data Protection and Privacy) Regulations 1999 (in this Schedule referred to as “the 1999 Regulations”), or”, and
 - (b) sub-paragraph (2) shall be omitted.
11. In paragraph 9 of Schedule 9–
 - (a) in sub-paragraph (1)(a), after the words “rights under” there shall be inserted the words “the 1999 Regulations or”, and
 - (b) in sub-paragraph (1)(b), after the words “arising out of” there shall be inserted the words “the 1999 Regulations or”.