



# Data Protection Act 1984

## 1984 CHAPTER 35

### PART II

#### REGISTRATION AND SUPERVISION OF DATA USERS AND COMPUTER BUREAUX

##### *Registration*

#### **7 Acceptance and refusal of applications**

- (1) Subject to the provisions of this section, the Registrar shall as soon as practicable and in any case within the period of six months after receiving an application for registration or for the alteration of registered particulars notify the applicant in writing whether his application has been accepted or refused; and where the Registrar notifies an applicant that his application has been accepted the notification shall contain a statement of—
  - (a) the particulars entered in the register, or the alteration made, in pursuance of the application ; and
  - (b) the date on which the particulars were entered or the alteration was made.
- (2) The Registrar shall not refuse an application made in accordance with section 6 above unless—
  - (a) he considers that the particulars proposed for registration or, as the case may be, the particulars that would result from the proposed alteration, will not give sufficient information as to the matters to which they relate ; or
  - (b) he is satisfied that the applicant is likely to contravene any of the data protection principles ; or
  - (c) he considers that the information available to him is insufficient to satisfy him that the applicant is unlikely to contravene any of those principles.
- (3) Subsection (2)(a) above shall not be construed as precluding the acceptance by the Registrar of particulars expressed in general terms in cases where that is appropriate, and the Registrar shall accept particulars expressed in such terms in any case in which he is satisfied that more specific particulars would be likely to prejudice the purpose or purposes for which the data are to be held.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where the Registrar refuses an application under this section he shall give his reasons and inform the applicant of the rights of appeal conferred by section 13 below.
- (5) If in any case it appears to the Registrar that an application needs more consideration than can be given to it in the period mentioned in subsection (1) above he shall as soon as practicable and in any case before the end of that period notify the applicant in writing to that effect; and in that event no notification need be given under that subsection until after the end of that period.
- (6) Subject to subsection (8) below, a person who has made an application in accordance with section 6 above shall—
- (a) until he receives a notification in respect of it under subsection (1) above or the application is withdrawn; and
  - (b) if he receives a notification under that subsection of the refusal of his application, until the end of the period within which an appeal can be brought against the refusal and, if an appeal is brought, until the determination or withdrawal of the appeal,
- be treated for the purposes of section 5 above as if his application had been accepted and the particulars contained in it had been entered in the register or, as the case may be, the alteration requested in the application had been made on the date on which the application was made.
- (7) If by reason of special circumstances the Registrar considers that a refusal notified by him to an applicant under subsection (1) above should take effect as a matter of urgency he may include a statement to that effect in the notification of the refusal; and in that event subsection (6)(b) above shall have effect as if for the words from " the period " onwards there were substituted the words " the period of seven days beginning with the date on which that notification is received " .
- (8) Subsection (6) above shall not apply to an application made by any person if in the previous two years—
- (a) an application by that person has been refused under this section; or
  - (b) all or any of the particulars constituting an entry contained in the register in respect of that person have been removed in pursuance of a de-registration notice;
- but in the case of any such application subsection (1) above shall apply as if for the reference to six months there were substituted a reference to two months and, where the Registrar gives a notification under subsection (5) above in respect of any such application, subsection (6) above shall apply to it as if for the reference to the date on which the application was made there were substituted a reference to the date on which that notification is received.
- (9) For the purposes of subsection (6) above an application shall be treated as made or withdrawn—
- (a) if the application or notice of withdrawal is sent by registered post or the recorded delivery service, on the date on which it is received for dispatch by the Post Office;
  - (b) in any other case, on the date on which it is received by the Registrar;
- and for the purposes of subsection (8)(a) above an application shall not be treated as having been refused so long as an appeal against the refusal can be brought, while such an appeal is pending or if such an appeal has been allowed.