



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART II

#### RIGHTS OF DATA SUBJECTS AND OTHERS

##### **[<sup>F1</sup>9A Unstructured personal data held by public authorities.**

- (1) In this section “unstructured personal data” means any personal data falling within paragraph (e) of the definition of “data” in section 1(1), other than information which is recorded as part of, or with the intention that it should form part of, any set of information relating to individuals to the extent that the set is structured by reference to individuals or by reference to criteria relating to individuals.
- (2) A public authority is not obliged to comply with subsection (1) of section 7 in relation to any unstructured personal data unless the request under that section contains a description of the data.
- (3) Even if the data are described by the data subject in his request, a public authority is not obliged to comply with subsection (1) of section 7 in relation to unstructured personal data if the authority estimates that the cost of complying with the request so far as relating to those data would exceed the appropriate limit.
- (4) Subsection (3) does not exempt the public authority from its obligation to comply with paragraph (a) of section 7(1) in relation to the unstructured personal data unless the estimated cost of complying with that paragraph alone in relation to those data would exceed the appropriate limit.
- (5) In subsections (3) and (4) “the appropriate limit” means such amount as may be prescribed by the [<sup>F2</sup> Secretary of State] by regulations, and different amounts may be prescribed in relation to different cases.
- (6) Any estimate for the purposes of this section must be made in accordance with regulations under section 12(5) of the Freedom of Information Act 2000.]

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*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Data Protection Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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#### Annotations:

#### Amendments (Textual)

- F1** S. 9A inserted (30.11.2000 for certain purposes and otherwise 1.1.2005) by 2000 c. 36, ss. 69(2), 87(1) (3) (with ss. 56, 78); S.I. 2004/1909, **art. 2**; S.I. 2004/3122, **art. 2** (s. 69(2) of the amending Act was itself amended (19.8.2003) by S.I. 2003/1887, art. 9, Sch. 2 para. 12(1)(b))
- F2** Words in s. 9A substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, **Sch. 2 paras. 9(1)(a)**, 12(1)(b)

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**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

- Blanket amendment text amended by [S.I. 2011/1043 art. 3 6](#)

**Commencement Orders yet to be applied to the Data Protection Act 1998:**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2011/601 art. 2](#) commences (1998 c. 29)