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**Changes to legislation:** Data Protection Act 2018, Cross Heading: Contents of penalty notice is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## SCHEDULES

### SCHEDULE 16

#### PENALTIES

##### *Contents of penalty notice*

- 5 (1) A penalty notice must contain the following information—
- (a) the name and address of the person to whom it is addressed;
  - (b) details of the notice of intent given to the person;
  - (c) whether the Commissioner received oral or written representations in accordance with the notice of intent;
  - (d) the reasons why the Commissioner proposes to impose the penalty (see sub-paragraph (2));
  - (e) the reasons for the amount of the penalty, including any aggravating or mitigating factors that the Commissioner has taken into account;
  - (f) details of how the penalty is to be paid;
  - (g) details of the rights of appeal under section 162;
  - (h) details of the Commissioner's enforcement powers under this Schedule.
- (2) The information required under sub-paragraph (1)(d) 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.

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13A inserted by [2024 c. 21 s. 31\(4\)](#)
- s. 204(1)(l) inserted by [S.I. 2024/374 Sch. 5 para. 7](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)