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**Changes to legislation:** Data Protection Act 2018, Paragraph 7 is up to date with all changes known to be in force on or before 06 April 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

##### *Variation of penalty*

- 7 (1) The Commissioner may vary a penalty notice by giving written notice (a “penalty variation notice”) to the person to whom it was given.
- (2) A penalty variation notice must specify—
- (a) the penalty notice concerned, and
  - (b) how it is varied.
- (3) A penalty variation notice may not—
- (a) reduce the period for payment of the penalty;
  - (b) increase the amount of the penalty;
  - (c) otherwise vary the penalty notice to the detriment of the person to whom it was given.
- (4) If—
- (a) a penalty variation notice reduces the amount of the penalty, and
  - (b) when that notice is given, an amount has already been paid that exceeds the amount of the reduced penalty,
- the Commissioner must repay the excess.

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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):

- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)