



Data Protection Act 2018

2018 CHAPTER 12

PART 2

GENERAL PROCESSING

CHAPTER 2

[^{F1} THE UK GDPR]

[^{F1} Certification]

17 Accreditation of certification providers

- (1) Accreditation of a person as a certification provider is only valid when carried out by—
 - (a) the Commissioner, or
 - (b) the [^{F1}UK national accreditation body].
- (2) The Commissioner may only accredit a person as a certification provider where the Commissioner—
 - (a) has published a statement that the Commissioner will carry out such accreditation, and
 - (b) has not published a notice withdrawing that statement.
- (3) The [^{F2}UK national accreditation body] may only accredit a person as a certification provider where the Commissioner—
 - (a) has published a statement that the body may carry out such accreditation, and
 - (b) has not published a notice withdrawing that statement.
- (4) The publication of a notice under subsection (2)(b) or (3)(b) does not affect the validity of any accreditation carried out before its publication.
- (5) Schedule 5 makes provision about reviews of, and appeals from, a decision relating to accreditation of a person as a certification provider.

Changes to legislation: Data Protection Act 2018, Section 17 is up to date with all changes known to be in force on or before 13 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

- (6) The [^{F3}UK national accreditation body] may charge a reasonable fee in connection with, or incidental to, the carrying out of the body's functions under this section, Schedule 5 and Article 43 of the [^{F4}UK GDPR].
- (7) The [^{F5}UK national accreditation body] must provide the Secretary of State with such information relating to its functions under this section, Schedule 5 and Article 43 of the [^{F6}UK GDPR] as the Secretary of State may reasonably require.
- (8) In this section—
- “certification provider” means a person who issues certification for the purposes of Article 42 of the [^{F7}UK GDPR];
- “the [^{F8}UK national accreditation body]” means the [^{F8}UK national accreditation body] for the purposes of Article 4(1) of Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93.

Textual Amendments

- F1** Words in s. 17(1)(b) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 22(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 17(3) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 22(3)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 17(6) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 22(4)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 17(6) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 22(4)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 17(7) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 22(5)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 17(7) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 22(5)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 17(8) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 22(6)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in s. 17(8) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 22(6)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

Data Protection Act 2018, Section 17 is up to date with all changes known to be in force on or before 13 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.

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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\(3\)](#)