



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 3

#### LAW ENFORCEMENT PROCESSING

### CHAPTER 3

#### RIGHTS OF THE DATA SUBJECT

#### *Supplementary*

#### **51 Exercise of rights through the Commissioner**

- (1) This section applies where a controller—
  - (a) restricts under section 44(4) the information provided to the data subject under section 44(2) (duty of the controller to give the data subject additional information),
  - (b) restricts under section 45(4) the data subject's rights under section 45(1) (right of access), or
  - (c) refuses a request by the data subject for rectification under section 46 or for erasure or restriction of processing under section 47.
- (2) The data subject may—
  - (a) where subsection (1)(a) or (b) applies, request the Commissioner to check that the restriction imposed by the controller was lawful;
  - (b) where subsection (1)(c) applies, request the Commissioner to check that the refusal of the data subject's request was lawful.
- (3) The Commissioner must take such steps as appear to the Commissioner to be appropriate to respond to a request under subsection (2) (which may include the exercise of any of the powers conferred by sections 142 and 146).
- (4) After taking those steps, the Commissioner must inform the data subject—

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**Changes to legislation:** Data Protection Act 2018, Section 51 is up to date with all changes known to be in force on or before 07 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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- (a) where subsection (1)(a) or (b) applies, whether the Commissioner is satisfied that the restriction imposed by the controller was lawful;
  - (b) where subsection (1)(c) applies, whether the Commissioner is satisfied that the controller's refusal of the data subject's request was lawful.
- (5) The Commissioner must also inform the data subject of the data subject's right to apply to a court under section 167.
- (6) Where the Commissioner is not satisfied as mentioned in subsection (4)(a) or (b), the Commissioner may also inform the data subject of any further steps that the Commissioner is considering taking under Part 6 .

**Changes to legislation:**

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[View outstanding changes](#)

**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\(3\)](#)