



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 3

#### LAW ENFORCEMENT PROCESSING

### CHAPTER 6

#### SUPPLEMENTARY

#### **81 Reporting of infringements**

- (1) Each controller must implement effective mechanisms to encourage the reporting of an infringement of this Part.
- (2) The mechanisms implemented under subsection (1) must provide that an infringement may be reported to any of the following persons—
  - (a) the controller;
  - (b) the Commissioner.
- (3) The mechanisms implemented under subsection (1) must include—
  - (a) raising awareness of the protections provided by Part 4A of the Employment Rights Act 1996 and Part 5A of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16)), and
  - (b) such other protections for a person who reports an infringement of this Part as the controller considers appropriate.
- (4) A person who reports an infringement of this Part does not breach—
  - (a) an obligation of confidence owed by the person, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (5) Subsection (4) does not apply if or to the extent that the report includes a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

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**Changes to legislation:** Data Protection Act 2018, Section 81 is up to date with all changes known to be in force on or before 22 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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- (6) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (5) has effect as if it included a reference to that Part.

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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. 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\(3\)](#)