



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART V

#### ENFORCEMENT

#### **45 Determination by Commissioner as to the special purposes**

- (1) Where at any time it appears to the Commissioner (whether as a result of the service of a special information notice or otherwise) that any personal data—
  - (a) are not being processed only for the special purposes, or
  - (b) are not being processed with a view to the publication by any person of any journalistic, literary or artistic material which has not previously been published by the data controller,he may make a determination in writing to that effect.
- (2) Notice of the determination shall be given to the data controller; and the notice must contain particulars of the right of appeal conferred by section 48.
- (3) A determination under subsection (1) shall not take effect until the end of the period within which an appeal can be brought and, where an appeal is brought, shall not take effect pending the determination or withdrawal of the appeal.