



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART V

#### ENFORCEMENT

#### 48 Rights of appeal.

- (1) A person on whom an enforcement notice [<sup>F1</sup>, an assessment notice], an information notice or a special information notice has been served may appeal to the Tribunal against the notice.
- (2) A person on whom an enforcement notice has been served may appeal to the Tribunal against the refusal of an application under section 41(2) for cancellation or variation of the notice.
- (3) Where an enforcement notice [<sup>F2</sup>, an assessment notice], an information notice or a special information notice contains a statement by the Commissioner in accordance with section 40(8) [<sup>F3</sup>, 41B(2)], 43(5) or 44(6) then, whether or not the person appeals against the notice, he may appeal against—
  - (a) the Commissioner's decision to include the statement in the notice, or
  - (b) the effect of the inclusion of the statement as respects any part of the notice.
- (4) A data controller in respect of whom a determination has been made under section 45 may appeal to the Tribunal against the determination.
- (5) Schedule 6 has effect in relation to appeals under this section and the proceedings of the Tribunal in respect of any such appeal.

#### Textual Amendments

- F1** Words in s. 48(1) inserted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 175, 182, **Sch. 20 para. 5(2)** (with s. 180); S.I. 2010/816, **art. 2**, Sch. para. 19
- F2** Words in s. 48(3) inserted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 175, 182, **Sch. 20 para. 5(3)(a)** (with s. 180); S.I. 2010/816, **art. 2**, Sch. para. 19

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*Status: Point in time view as at 22/07/2016. This version of this provision has been superseded.*

*Changes to legislation: Data Protection Act 1998, Section 48 is up to date with all changes known to be in force on or before 16 May 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)*

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**F3** Words in s. 48(3) inserted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 175, 182, **Sch. 20 para. 5(3)(b)** (with s. 180); S.I. 2010/816, **art. 2**, Sch. para. 19

**Modifications etc. (not altering text)**

**C1** S. 48 applied (with modifications) (22.7.2016) by The Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 (S.I. 2016/696), reg. 1, Sch. 2 paras. 1(h), **2**

**Status:**

Point in time view as at 22/07/2016. This version of this provision has been superseded.

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