
STATUTORY INSTRUMENTS

2011 No. 1208

**The Privacy and Electronic Communications
(EC Directive) (Amendment) Regulations 2011**

Amendment of the 2003 Regulations

14. Schedule 1 to the 2003 Regulations is amended as follows—

- (a) In the title of the Schedule, after “Part V” insert “and sections 55A to 55E”;
- (b) After paragraph 2 insert “2A. Sections 41A to 41C shall be omitted.”;
- (c) In paragraph 4, at the end of the substituted subparagraph (c) for “; and” and paragraph (d) there shall be substituted—
 - “(d) in subsection (8), for “under this Act” there shall be substituted “under the Privacy and Electronic Communications (EC Directive) Regulations 2003”;
 - (e) in subsection (8B), for “under this Act (other than an offence under section 47)” there shall be substituted “under the Privacy and Electronic Communications (EC Directive) Regulations 2003”; and
 - (f) subsection (10) shall be omitted.”;
- (d) For paragraph 6 there shall be substituted—
 - “6. In section 47—
 - (a) in subsection (1), “special information notice” there shall be substituted “third party information notice”; and
 - (b) in subsection (2), for “special information notice” there shall be substituted “third party information notice”.”;
 - (e) After paragraph 8, insert—
 - “8A. In section 55A—
 - (a) in subsection (1)—
 - (i) for “data controller” there shall be substituted “person”, and
 - (ii) for “of section 4(4) by the data controller” there shall be substituted “of the requirements of the Privacy and Electronic Communications (EC Directive) Regulations 2003”;
 - (b) in subsection (3), for “data controller” there shall be substituted “person”;
 - (c) subsection (3A) shall be omitted;
 - (d) in subsection (4), for “data controller” there shall be substituted “person”;
 - (e) in subsection (9), the definition of “data controller” shall be omitted.
 - 8B. In section 55B, for the words “data controller” (in subsections (1), (3) and (4)), there shall be substituted the word “person”.”;
 - (f) In paragraph 9, for “Schedule (6)” substitute “Schedule 6”;

- (g) In paragraph 10 at the end of subparagraph (a) omit “; and” and subparagraph (b) and replace with—
- “(b) in subparagraph (1A) for “data controller” there shall be substituted “person”, and for “requirement imposed by an assessment notice” there shall be substituted “the audit provisions in regulations 5 and 5B of the 2003 Regulations”;
 - (c) in subparagraph (1B)—
 - (i) for “data controller” there shall be substituted “person”;
 - (ii) for “data protection principles” there shall be substituted “the requirements of the 2003 Regulations”;
 - (iii) for “assessment notice” there shall be substituted “audit notice”; and
 - (iv) the words “subparagraph (2) and” shall be omitted;
 - (d) subparagraph (2) shall be omitted;
 - (e) in subparagraphs (3)(d)(ii) and (3)(f) for the words “data controller” there shall be substituted “person”, and for the words “the data protection principles” there shall be substituted “the requirements of the 2003 Regulations”.”;
- (h) After paragraph 10 insert—
- “**10A.** In paragraph 2(1A) of Schedule 9 for “assessment notice” there shall be substituted “audit notice”.”