



Data Protection Act 1984

1984 CHAPTER 35

PART II

REGISTRATION AND SUPERVISION OF DATA USERS AND COMPUTER BUREAUX

Registration

4 Registration of data users and computer bureaux

- (1) The Registrar shall maintain a register of data users who hold, and of persons carrying on computer bureaux who provide services in respect of, personal data and shall make an entry in the register in pursuance of each application for registration accepted by him under this Part of this Act.
- (2) Each entry shall state whether it is in respect of a data user, of a person carrying on a computer bureau or of a data user who also carries on such a bureau.
- (3) Subject to the provisions of this section, an entry in respect of a data user shall consist of the following particulars—
 - (a) the name and address of the data user ;
 - (b) a description of the personal data to be held by him and of the purpose or purposes for which the data are to be held or used ;
 - (c) a description of the source or sources from which he intends or may wish to obtain the data or the information to be contained in the data ;
 - (d) a description of any person or persons to whom he intends or may wish to disclose the data ;
 - (e) the names or a description of any countries or territories outside the United Kingdom to which he intends or may wish directly or indirectly to transfer the data ; and
 - (f) one or more addresses for the receipt of requests from data subjects for access to the data.
- (4) Subject to the provisions of this section, an entry in respect of a person carrying on a computer bureau shall consist of that person's name and address.

Status: This is the original version (as it was originally enacted).

- (5) Subject to the provisions of this section, an entry in respect of a data user who also carries on a computer bureau shall consist of his name and address and, as respects the personal data to be held by him, the particulars specified in subsection (3)(b) to (f) above.
- (6) In the case of a registered company the address referred to in subsections (3)(a), (4) and (5) above is that of its registered office, and the particulars to be included in the entry shall include the company's number in the register of companies.
- (7) In the case of a person (other than a registered company) carrying on a business the address referred to in subsections (3)(a), (4) and (5) above is that of his principal place of business.
- (8) The Secretary of State may by order vary the particulars to be included in entries made in the register.

5 Prohibition of unregistered holding etc. of personal data

- (1) A person shall not hold personal data unless an entry in respect of that person as a data user, or as a data user who also carries on a computer bureau, is for the time being contained in the register.
- (2) A person in respect of whom such an entry is contained in the register shall not—
 - (a) hold personal data of any description other than that specified in the entry ;
 - (b) hold any such data, or use any such data held by him, for any purpose other than the purpose or purposes described in the entry ;
 - (c) obtain such data, or information to be contained in such data, to be held by him from any source which is not described in the entry ;
 - (d) disclose such data held by him to any person who is not described in the entry ;
or
 - (e) directly or indirectly transfer such data held by him to any country or territory outside the United Kingdom other than one named or described in the entry.
- (3) A servant or agent of a person to whom subsection (2) above applies shall, as respects personal data held by that person, be subject to the same restrictions on the use, disclosure or transfer of the data as those to which that person is subject under paragraphs (b), (d) and (e) of that subsection and, as respects personal data to be held by that person, to the same restrictions as those to which he is subject under paragraph (c) of that subsection.
- (4) A person shall not, in carrying on a computer bureau, provide services in respect of personal data unless an entry in respect of that person as a person carrying on such a bureau, or as a data user who also carries on such a bureau, is for the time being contained in the register.
- (5) Any person who contravenes subsection (1) above or knowingly or recklessly contravenes any of the other provisions of this section shall be guilty of an offence.

6 Applications for registration and for amendment of registered particulars

- (1) A person applying for registration shall state whether he wishes to be registered as a data user, as a person carrying on a computer bureau or as a data user who also carries on such a bureau, and shall furnish the Registrar, in such form as he may require, with

the particulars required to be included in the entry to be made in pursuance of the application.

- (2) Where a person intends to hold personal data for two or more purposes he may make separate applications for registration in respect of any of those purposes.
- (3) A registered person may at any time apply to the Registrar for the alteration of any particulars included in the entry or entries relating to that person.
- (4) Where the alteration would consist of the addition of a purpose for which personal data are to be held, the person may, instead of making an application under subsection (3) above, make a fresh application for registration in respect of the additional purpose.
- (5) A registered person shall make an application under subsection (3) above whenever necessary for ensuring that the entry or entries relating to that person contain his current address; and any person who fails to comply with this subsection shall be guilty of an offence.
- (6) Any person who, in connection with an application for registration or for the alteration of registered particulars, knowingly or recklessly furnishes the Registrar with information which is false or misleading in a material respect shall be guilty of an offence.
- (7) Every application for registration shall be accompanied by the prescribed fee, and every application for the alteration of registered particulars shall be accompanied by such fee, if any, as may be prescribed.
- (8) Any application for registration or for the alteration of registered particulars may be withdrawn by notice in writing to the Registrar at any time before the applicant receives a notification in respect of the application under section 7(1) below.

7 Acceptance and refusal of applications

- (1) Subject to the provisions of this section, the Registrar shall as soon as practicable and in any case within the period of six months after receiving an application for registration or for the alteration of registered particulars notify the applicant in writing whether his application has been accepted or refused; and where the Registrar notifies an applicant that his application has been accepted the notification shall contain a statement of—
 - (a) the particulars entered in the register, or the alteration made, in pursuance of the application ; and
 - (b) the date on which the particulars were entered or the alteration was made.
- (2) The Registrar shall not refuse an application made in accordance with section 6 above unless—
 - (a) he considers that the particulars proposed for registration or, as the case may be, the particulars that would result from the proposed alteration, will not give sufficient information as to the matters to which they relate ; or
 - (b) he is satisfied that the applicant is likely to contravene any of the data protection principles ; or
 - (c) he considers that the information available to him is insufficient to satisfy him that the applicant is unlikely to contravene any of those principles.
- (3) Subsection (2)(a) above shall not be construed as precluding the acceptance by the Registrar of particulars expressed in general terms in cases where that is appropriate, and the Registrar shall accept particulars expressed in such terms in any case in which

Status: This is the original version (as it was originally enacted).

he is satisfied that more specific particulars would be likely to prejudice the purpose or purposes for which the data are to be held.

- (4) Where the Registrar refuses an application under this section he shall give his reasons and inform the applicant of the rights of appeal conferred by section 13 below.
- (5) If in any case it appears to the Registrar that an application needs more consideration than can be given to it in the period mentioned in subsection (1) above he shall as soon as practicable and in any case before the end of that period notify the applicant in writing to that effect; and in that event no notification need be given under that subsection until after the end of that period.
- (6) Subject to subsection (8) below, a person who has made an application in accordance with section 6 above shall—
- (a) until he receives a notification in respect of it under subsection (1) above or the application is withdrawn; and
 - (b) if he receives a notification under that subsection of the refusal of his application, until the end of the period within which an appeal can be brought against the refusal and, if an appeal is brought, until the determination or withdrawal of the appeal,

be treated for the purposes of section 5 above as if his application had been accepted and the particulars contained in it had been entered in the register or, as the case may be, the alteration requested in the application had been made on the date on which the application was made.

- (7) If by reason of special circumstances the Registrar considers that a refusal notified by him to an applicant under subsection (1) above should take effect as a matter of urgency he may include a statement to that effect in the notification of the refusal; and in that event subsection (6)(b) above shall have effect as if for the words from " the period " onwards there were substituted the words " the period of seven days beginning with the date on which that notification is received ".
- (8) Subsection (6) above shall not apply to an application made by any person if in the previous two years—
- (a) an application by that person has been refused under this section; or
 - (b) all or any of the particulars constituting an entry contained in the register in respect of that person have been removed in pursuance of a de-registration notice;

but in the case of any such application subsection (1) above shall apply as if for the reference to six months there were substituted a reference to two months and, where the Registrar gives a notification under subsection (5) above in respect of any such application, subsection (6) above shall apply to it as if for the reference to the date on which the application was made there were substituted a reference to the date on which that notification is received.

- (9) For the purposes of subsection (6) above an application shall be treated as made or withdrawn—
- (a) if the application or notice of withdrawal is sent by registered post or the recorded delivery service, on the date on which it is received for dispatch by the Post Office;
 - (b) in any other case, on the date on which it is received by the Registrar;

and for the purposes of subsection (8)(a) above an application shall not be treated as having been refused so long as an appeal against the refusal can be brought, while such an appeal is pending or if such an appeal has been allowed.

8 Duration and renewal of registration

- (1) No entry shall be retained in the register after the expiration of the initial period of registration except in pursuance of a renewal application made to the Registrar in accordance with this section.
- (2) Subject to subsection (3) below, the initial period of registration and the period for which an entry is to be retained in pursuance of a renewal application (" the renewal period ") shall be such period (not being less than three years) as may be prescribed beginning with the date on which the entry in question was made or, as the case may be, the date on which that entry would fall to be removed if the renewal application had not been made.
- (3) The person making an application for registration or a renewal application may in his application specify as the initial period of registration or, as the case may be, as the renewal period, a period shorter than that prescribed, being a period consisting of one or more complete years.
- (4) Where the Registrar notifies an applicant for registration that his application has been accepted the notification shall include a statement of the date when the initial period of registration will expire.
- (5) Every renewal application shall be accompanied by the prescribed fee, and no such application shall be made except in the period of six months ending with the expiration of—
 - (a) the initial period of registration; or
 - (b) if there have been one or more previous renewal applications, the current renewal period.
- (6) Any renewal application may be sent by post, and the Registrar shall acknowledge its receipt and notify the applicant in writing of the date until which the entry in question will be retained in the register in pursuance of the application.
- (7) Without prejudice to the foregoing provisions of this section, the Registrar may at any time remove an entry from the register at the request of the person to whom the entry relates.

9 Inspection etc. of registered particulars

- (1) The Registrar shall provide facilities for making the information contained in the entries in the register available for inspection (in visible and legible form) by members of the public at all reasonable hours and free of charge.
- (2) The Registrar shall, on payment of such fee, if any, as may be prescribed, supply any member of the public with a duly certified copy in writing of the particulars contained in the entry made in the register in pursuance of any application for registration.