



# Data Protection Act 1984

## 1984 CHAPTER 35

### PART III

#### RIGHTS OF DATA SUBJECTS

#### **22 Compensation for inaccuracy**

- (1) An individual who is the subject of personal data held by a data user and who suffers damage by reason of the inaccuracy of the data shall be entitled to compensation from the data user for that damage and for any distress which the individual has suffered by reason of the inaccuracy.
- (2) In the case of data which accurately record information received or obtained by the data user from the data subject or a third party, subsection (1) above does not apply if the following requirements have been complied with—
  - (a) the data indicate that the information was received or obtained as aforesaid or the information has not been extracted from the data except in a form which includes an indication to that effect; and
  - (b) if the data subject has notified the data user that he regards the information as incorrect or misleading, an indication to that effect has been included in the data or the information has not been extracted from the data except in a form which includes an indication to that effect.
- (3) In proceedings brought against any person by virtue of this section it shall be a defence to prove that he had taken such care as in all the circumstances was reasonably required to ensure the accuracy of the data at the material time.
- (4) Data are inaccurate for the purposes of this section if incorrect or misleading as to any matter of fact.