



Data Protection Act 1998

1998 CHAPTER 29

PART VI

MISCELLANEOUS AND GENERAL

General provisions relating to offences

60 Prosecutions and penalties

- (1) No proceedings for an offence under this Act shall be instituted—
 - (a) in England or Wales, except by the Commissioner or by or with the consent of the Director of Public Prosecutions;
 - (b) in Northern Ireland, except by the Commissioner or by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (2) A person guilty of an offence under any provision of this Act other than paragraph 12 of Schedule 9 is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.
- (3) A person guilty of an offence under paragraph 12 of Schedule 9 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) Subject to subsection (5), the court by or before which a person is convicted of—
 - (a) an offence under section 21(1), 22(6), 55 or 56,
 - (b) an offence under section 21(2) relating to processing which is assessable processing for the purposes of section 22, or
 - (c) an offence under section 47(1) relating to an enforcement notice,may order any document or other material used in connection with the processing of personal data and appearing to the court to be connected with the commission of the offence to be forfeited, destroyed or erased.

- (5) The court shall not make an order under subsection (4) in relation to any material where a person (other than the offender) claiming to be the owner of or otherwise interested in the material applies to be heard by the court, unless an opportunity is given to him to show cause why the order should not be made.

61 Liability of directors etc

- (1) Where an offence under this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (3) Where an offence under this Act has been committed by a Scottish partnership and the contravention in question is proved to have occurred with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.