



Data Protection Act 1998

1998 CHAPTER 29

PART V

ENFORCEMENT

46 Restriction on enforcement in case of processing for the special purposes

- (1) The Commissioner may not at any time serve an enforcement notice on a data controller with respect to the processing of personal data for the special purposes unless—
 - (a) a determination under section 45(1) with respect to those data has taken effect, and
 - (b) the court has granted leave for the notice to be served.
- (2) The court shall not grant leave for the purposes of subsection (1)(b) unless it is satisfied—
 - (a) that the Commissioner has reason to suspect a contravention of the data protection principles which is of substantial public importance, and
 - (b) except where the case is one of urgency, that the data controller has been given notice, in accordance with rules of court, of the application for leave.
- (3) The Commissioner may not serve an information notice on a data controller with respect to the processing of personal data for the special purposes unless a determination under section 45(1) with respect to those data has taken effect.