



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART VI

#### MISCELLANEOUS AND GENERAL

##### *Functions of Commissioner*

#### **[<sup>F1</sup>52E Effect of [<sup>F2</sup>data-sharing and direct marketing codes]**

- (1) A failure on the part of any person to act in accordance with any provision of the data-sharing code [<sup>F3</sup>or the direct marketing code] does not of itself render that person liable to any legal proceedings in any court or tribunal.
- (2) [<sup>F4</sup>Those codes are] admissible in evidence in any legal proceedings.
- (3) If any provision of [<sup>F5</sup>those codes] appears to—
  - (a) the Tribunal or a court conducting any proceedings under this Act [<sup>F6</sup>or the Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426)],
  - (b) a court or tribunal conducting any other legal proceedings, or
  - (c) the Commissioner carrying out any function under this Act [<sup>F7</sup>or those Regulations],

to be relevant to any question arising in the proceedings, or in connection with the exercise of that jurisdiction or the carrying out of those functions, in relation to any time when it was in force, that provision of the code must be taken into account in determining that question.

- (4) In this section “the data-sharing code” [<sup>F8</sup>and “the direct marketing code” mean the codes respectively prepared under sections 52A and 52AA and] issued under section 52B(5) (as altered or replaced from time to time).]

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*Status: Point in time view as at 27/06/2017. This version of this provision has been superseded.*

*Changes to legislation: Data Protection Act 1998, Section 52E is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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#### Textual Amendments

- F1** Ss. 52A-52E inserted (1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 174\(1\)](#), 175, 182 (with s. 180); [S.I. 2010/145](#), [art. 2](#), [Sch. para. 16](#)
- F2** Words in s. 52E heading substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), [ss. 96\(4\)](#), 118(2)
- F3** Words in s. 52E(1) inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), [ss. 96\(8\)\(a\)](#), 118(2)
- F4** Words in s. 52E(2) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), [ss. 96\(8\)\(b\)](#), 118(2)
- F5** Words in s. 52E(3) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), [ss. 96\(8\)\(c\)](#), 118(2)
- F6** Words in s. 52E(3)(a) inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), [ss. 96\(8\)\(d\)](#), 118(2)
- F7** Words in s. 52E(3)(c) inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), [ss. 96\(8\)\(e\)](#), 118(2)
- F8** Words in s. 52E(4) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), [ss. 96\(8\)\(f\)](#), 118(2)

**Status:**

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