



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART VI

#### MISCELLANEOUS AND GENERAL

##### *Functions of Commissioner*

#### [<sup>F1</sup>54A Inspection of overseas information systems

- (1) The Commissioner may inspect any personal data recorded in—
  - (a) the Schengen information system,
  - (b) the Europol information system,
  - (c) the Customs information system.
- (2) The power conferred by subsection (1) is exercisable only for the purpose of assessing whether or not any processing of the data has been or is being carried out in compliance with this Act.
- (3) The power includes power to inspect, operate and test equipment which is used for the processing of personal data.
- (4) Before exercising the power, the Commissioner must give notice in writing of his intention to do so to the data controller.
- (5) But subsection (4) does not apply if the Commissioner considers that the case is one of urgency.
- (6) Any person who—
  - (a) intentionally obstructs a person exercising the power conferred by subsection (1), or
  - (b) fails without reasonable excuse to give any person exercising the power any assistance he may reasonably require,is guilty of an offence.

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*Status: Point in time view as at 22/04/2011. This version of this provision has been superseded.*

*Changes to legislation: Data Protection Act 1998, Section 54A is up to date with all changes known to be in force on or before 10 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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(7) In this section—

“the Customs information system” means the information system established under Chapter II of the Convention on the Use of Information Technology for Customs Purposes,

“the Europol information system” means the information system established under Title II of the Convention on the Establishment of a European Police Office,

“the Schengen information system” means the information system established under Title IV of the Convention implementing the Schengen Agreement of 14th June 1985, or any system established in its place in pursuance of any [<sup>F2</sup>EU] obligation.]

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#### Textual Amendments

- F1** S. 54A inserted (26.4.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), ss. 81, 94; S.I. 2004/786, [art. 3](#)
- F2** Word in s. 54A(7) substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), [art. 6\(1\)](#) (with application as mentioned in [art. 3\(3\)](#))

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