



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 3

#### LAW ENFORCEMENT PROCESSING

### CHAPTER 3

#### RIGHTS OF THE DATA SUBJECT

#### *Supplementary*

#### **51 Exercise of rights through the Commissioner**

- (1) This section applies where a controller—
  - (a) restricts under section 44(4) the information provided to the data subject under section 44(2) (duty of the controller to give the data subject additional information),
  - (b) restricts under section 45(4) the data subject's rights under section 45(1) (right of access), or
  - (c) refuses a request by the data subject for rectification under section 46 or for erasure or restriction of processing under section 47.
- (2) The data subject may—
  - (a) where subsection (1)(a) or (b) applies, request the Commissioner to check that the restriction imposed by the controller was lawful;
  - (b) where subsection (1)(c) applies, request the Commissioner to check that the refusal of the data subject's request was lawful.
- (3) The Commissioner must take such steps as appear to the Commissioner to be appropriate to respond to a request under subsection (2) (which may include the exercise of any of the powers conferred by sections 142 and 146).
- (4) After taking those steps, the Commissioner must inform the data subject—

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- (a) where subsection (1)(a) or (b) applies, whether the Commissioner is satisfied that the restriction imposed by the controller was lawful;
  - (b) where subsection (1)(c) applies, whether the Commissioner is satisfied that the controller's refusal of the data subject's request was lawful.
- (5) The Commissioner must also inform the data subject of the data subject's right to apply to a court under section 167.
- (6) Where the Commissioner is not satisfied as mentioned in subsection (4)(a) or (b), the Commissioner may also inform the data subject of any further steps that the Commissioner is considering taking under Part 6 .

## **52 Form of provision of information etc**

- (1) The controller must take reasonable steps to ensure that any information that is required by this Chapter to be provided to the data subject is provided in a concise, intelligible and easily accessible form, using clear and plain language.
- (2) Subject to subsection (3), the information may be provided in any form, including electronic form.
- (3) Where information is provided in response to a request by the data subject under section 45, 46, 47 or 50, the controller must provide the information in the same form as the request where it is practicable to do so.
- (4) Where the controller has reasonable doubts about the identity of an individual making a request under section 45, 46 or 47, the controller may—
- (a) request the provision of additional information to enable the controller to confirm the identity, and
  - (b) delay dealing with the request until the identity is confirmed.
- (5) Subject to section 53, any information that is required by this Chapter to be provided to the data subject must be provided free of charge.
- (6) The controller must facilitate the exercise of the rights of the data subject under sections 45 to 50.

## **53 Manifestly unfounded or excessive requests by the data subject**

- (1) Where a request from a data subject under section 45, 46, 47 or 50 is manifestly unfounded or excessive, the controller may—
- (a) charge a reasonable fee for dealing with the request, or
  - (b) refuse to act on the request.
- (2) An example of a request that may be excessive is one that merely repeats the substance of previous requests.
- (3) In any proceedings where there is an issue as to whether a request under section 45, 46, 47 or 50 is manifestly unfounded or excessive, it is for the controller to show that it is.
- (4) The Secretary of State may by regulations specify limits on the fees that a controller may charge in accordance with subsection (1)(a).
- (5) Regulations under subsection (4) are subject to the negative resolution procedure.

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**Commencement Information**

**I1** S. 53 in force at Royal Assent for specified purposes, see s. 212(2)(f)

**54 Meaning of “applicable time period”**

- (1) This section defines “the applicable time period” for the purposes of sections 45(3)(b) and 48(2)(b).
- (2) “The applicable time period” means the period of 1 month, or such longer period as may be specified in regulations, beginning with the relevant time.
- (3) “The relevant time” means the latest of the following—
  - (a) when the controller receives the request in question;
  - (b) when the controller receives the information (if any) requested in connection with a request under section 52(4);
  - (c) when the fee (if any) charged in connection with the request under section 53 is paid.
- (4) The power to make regulations under subsection (2) is exercisable by the Secretary of State.
- (5) Regulations under subsection (2) may not specify a period which is longer than 3 months.
- (6) Regulations under subsection (2) are subject to the negative resolution procedure.

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**Commencement Information**

**I2** S. 54 in force at Royal Assent for specified purposes, see s. 212(2)(f)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)