



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 7

#### SUPPLEMENTARY AND FINAL PROVISION

##### *The Tribunal*

#### **201 Disclosure of information to the Tribunal**

- (1) No enactment or rule of law prohibiting or restricting the disclosure of information precludes a person from providing the First-tier Tribunal or the Upper Tribunal with information necessary for the discharge of—
  - (a) its functions under the data protection legislation, or
  - (b) its other functions relating to the Commissioner's acts and omissions.
- (2) But this section does not authorise the making of a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (3) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (2) has effect as if it included a reference to that Part.

#### **202 Proceedings in the First-tier Tribunal: contempt**

- (1) This section applies where—
  - (a) a person does something, or fails to do something, in relation to proceedings before the First-tier Tribunal—
    - (i) on an appeal under section 27, 79, 111 or 162, or
    - (ii) for an order under section 166, and
  - (b) if those proceedings were proceedings before a court having power to commit for contempt, the act or omission would constitute contempt of court.
- (2) The First-tier Tribunal may certify the offence to the Upper Tribunal.

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*Changes to legislation: Data Protection Act 2018, Cross Heading: The Tribunal is up to date with all changes known to be in force on or before 08 April 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) View outstanding changes*

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- (3) Where an offence is certified under subsection (2), the Upper Tribunal may—
  - (a) inquire into the matter, and
  - (b) deal with the person charged with the offence in any manner in which it could deal with the person if the offence had been committed in relation to the Upper Tribunal.
- (4) Before exercising the power under subsection (3)(b), the Upper Tribunal must—
  - (a) hear any witness who may be produced against or on behalf of the person charged with the offence, and
  - (b) hear any statement that may be offered in defence.

### **203 Tribunal Procedure Rules**

- (1) Tribunal Procedure Rules may make provision for regulating—
  - (a) the exercise of the rights of appeal conferred by section 27, 79, 111 or 162, and
  - (b) the exercise of the rights of data subjects under section 166, including their exercise by a representative body.
- (2) In relation to proceedings involving the exercise of those rights, Tribunal Procedure Rules may make provision about—
  - (a) securing the production of material used for the processing of personal data, and
  - (b) the inspection, examination, operation and testing of equipment or material used in connection with the processing of personal data.

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#### **Commencement Information**

**II** S. 203 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\(3\)](#)