



Data Protection Act 2018

2018 CHAPTER 12

PART 6

ENFORCEMENT

Assessment notices

147 Assessment notices: restrictions

- (1) An assessment notice does not require a person to do something to the extent that requiring the person to do it would involve an infringement of the privileges of either House of Parliament.
- (2) An assessment notice does not have effect so far as compliance would result in the disclosure of a communication which is made—
 - (a) between a professional legal adviser and the adviser's client, and
 - (b) in connection with the giving of legal advice to the client with respect to obligations, liabilities or rights under the data protection legislation.
- (3) An assessment notice does not have effect so far as compliance would result in the disclosure of a communication which is made—
 - (a) between a professional legal adviser and the adviser's client or between such an adviser or client and another person,
 - (b) in connection with or in contemplation of proceedings under or arising out of the data protection legislation, and
 - (c) for the purposes of such proceedings.
- (4) In subsections (2) and (3)—
 - (a) references to the client of a professional legal adviser include references to a person acting on behalf of such a client, and
 - (b) references to a communication include—
 - (i) a copy or other record of the communication, and

Status: This is the original version (as it was originally enacted).

- (ii) anything enclosed with or referred to in the communication if made as described in subsection (2)(b) or in subsection (3)(b) and (c).
- (5) The Commissioner may not give a controller or processor an assessment notice with respect to the processing of personal data for the special purposes.
- (6) The Commissioner may not give an assessment notice to—
 - (a) a body specified in section 23(3) of the Freedom of Information Act 2000 (bodies dealing with security matters), or
 - (b) the Office for Standards in Education, Children’s Services and Skills in so far as it is a controller or processor in respect of information processed for the purposes of functions exercisable by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills by virtue of section 5(1)(a) of the Care Standards Act 2000.