



Data Protection Act 2018

2018 CHAPTER 12

PART 6

ENFORCEMENT

Enforcement notices

150 Enforcement notices: supplementary

- (1) An enforcement notice must—
 - (a) state what the person has failed or is failing to do, and
 - (b) give the Commissioner's reasons for reaching that opinion.
- (2) In deciding whether to give an enforcement notice in reliance on section 149(2), the Commissioner must consider whether the failure has caused or is likely to cause any person damage or distress.
- (3) In relation to an enforcement notice given in reliance on section 149(2), the Commissioner's power under section 149(1)(b) to require a person to refrain from taking specified steps includes power—
 - (a) to impose a ban relating to all processing of personal data, or
 - (b) to impose a ban relating only to a specified description of processing of personal data, including by specifying one or more of the following—
 - (i) a description of personal data;
 - (ii) the purpose or manner of the processing;
 - (iii) the time when the processing takes place.
- (4) An enforcement notice may specify the time or times at which, or period or periods within which, a requirement imposed by the notice must be complied with (but see the restrictions in subsections (6) to (8)).
- (5) An enforcement notice must provide information about—
 - (a) the consequences of failure to comply with it, and

Status: This is the original version (as it was originally enacted).

- (b) the rights under sections 162 and 164 (appeals etc).
- (6) An enforcement notice must not specify a time for compliance with a requirement in the notice which falls before the end of the period within which an appeal can be brought against the notice.
- (7) If an appeal is brought against an enforcement notice, a requirement in the notice need not be complied with pending the determination or withdrawal of the appeal.
- (8) If an enforcement notice—
 - (a) states that, in the Commissioner’s opinion, it is necessary for a requirement to be complied with urgently, and
 - (b) gives the Commissioner’s reasons for reaching that opinion,subsections (6) and (7) do not apply but the notice must not require the requirement to be complied with before the end of the period of 24 hours beginning when the notice is given.
- (9) In this section, “specified” means specified in an enforcement notice.