



Data Protection Act 2018

2018 CHAPTER 12

PART 6

ENFORCEMENT

Penalties

157 Maximum amount of penalty

- (1) In relation to an infringement of a provision of the GDPR, the maximum amount of the penalty that may be imposed by a penalty notice is—
 - (a) the amount specified in Article 83 of the GDPR, or
 - (b) if an amount is not specified there, the standard maximum amount.
- (2) In relation to an infringement of a provision of Part 3 of this Act, the maximum amount of the penalty that may be imposed by a penalty notice is—
 - (a) in relation to a failure to comply with section 35, 36, 37, 38(1), 39(1), 40, 44, 45, 46, 47, 48, 49, 52, 53, 73, 74, 75, 76, 77 or 78, the higher maximum amount, and
 - (b) otherwise, the standard maximum amount.
- (3) In relation to an infringement of a provision of Part 4 of this Act, the maximum amount of the penalty that may be imposed by a penalty notice is—
 - (a) in relation to a failure to comply with section 86, 87, 88, 89, 90, 91, 93, 94, 100 or 109, the higher maximum amount, and
 - (b) otherwise, the standard maximum amount.
- (4) In relation to a failure to comply with an information notice, an assessment notice or an enforcement notice, the maximum amount of the penalty that may be imposed by a penalty notice is the higher maximum amount.
- (5) The “higher maximum amount” is—

Status: Point in time view as at 25/05/2018. This version of this provision has been superseded.

Changes to legislation: Data Protection Act 2018, Section 157 is up to date with all changes known to be in force on or before 04 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)

- (a) in the case of an undertaking, 20 million Euros or 4% of the undertaking's total annual worldwide turnover in the preceding financial year, whichever is higher, or
 - (b) in any other case, 20 million Euros.
- (6) The “standard maximum amount” is—
- (a) in the case of an undertaking, 10 million Euros or 2% of the undertaking's total annual worldwide turnover in the preceding financial year, whichever is higher, or
 - (b) in any other case, 10 million Euros.
- (7) The maximum amount of a penalty in sterling must be determined by applying the spot rate of exchange set by the Bank of England on the day on which the penalty notice is given.

Modifications etc. (not altering text)

- C1** S. 157 applied (with modifications) by S.I. 2016/696, Sch. 2 (as substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 406** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g) (with reg. 4))

Commencement Information

- I1** S. 157 in force at 25.5.2018 by [S.I. 2018/625](#), **reg. 2(1)(f)**

Status:

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