



Data Protection Act 2018

2018 CHAPTER 12

PART 6

ENFORCEMENT

Guidance

161 Approval of first guidance about regulatory action

- (1) When the first guidance is produced under section 160(1)—
 - (a) the Commissioner must submit the final version to the Secretary of State, and
 - (b) the Secretary of State must lay the guidance before Parliament.
- (2) If, within the 40-day period, either House of Parliament resolves not to approve the guidance—
 - (a) the Commissioner must not issue the guidance, and
 - (b) the Commissioner must produce another version of the guidance (and this section applies to that version).
- (3) If, within the 40-day period, no such resolution is made—
 - (a) the Commissioner must issue the guidance, and
 - (b) the guidance comes into force at the end of the period of 21 days beginning with the day on which it is issued.
- (4) Nothing in subsection (2)(a) prevents another version of the guidance being laid before Parliament.
- (5) In this section, “the 40-day period” means—
 - (a) if the guidance is laid before both Houses of Parliament on the same day, the period of 40 days beginning with that day, or
 - (b) if the guidance is laid before the Houses of Parliament on different days, the period of 40 days beginning with the later of those days.

Changes to legislation: Data Protection Act 2018, Section 161 is up to date with all changes known to be in force on or before 07 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](#)

- (6) In calculating the 40-day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses of Parliament are adjourned for more than 4 days.

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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\(3\)](#)