



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 6

#### ENFORCEMENT

##### *Remedies in the court*

#### **168 Compensation for contravention of the [F<sup>1</sup>UK GDPR]**

- (1) In Article 82 of the [F<sup>2</sup>UK GDPR] (right to compensation for material or non-material damage), “non-material damage” includes distress.
- (2) Subsection (3) applies where—
  - (a) in accordance with rules of court, proceedings under Article 82 of the [F<sup>3</sup>UK GDPR] are brought by a representative body on behalf of a person, and
  - (b) a court orders the payment of compensation.
- (3) The court may make an order providing for the compensation to be paid on behalf of the person to—
  - (a) the representative body, or
  - (b) such other person as the court thinks fit.

#### **Textual Amendments**

- F1** Words in s. 168 heading substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), [Sch. 2 para. 69\(2\)](#) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 168(1) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), [Sch. 2 para. 69\(3\)](#) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 168(2) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), [Sch. 2 para. 69\(3\)](#) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

Data Protection Act 2018, Section 168 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.

[View outstanding changes](#)

**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\(3\)](#)