Data Protection Act 2018

2018 CHAPTER 12

PART 3

LAW ENFORCEMENT PROCESSING

CHAPTER 3

RIGHTS OF THE DATA SUBJECT

Automated individual decision-making

50   Automated decision-making authorised by law: safeguards

(1) A decision is a "qualifying significant decision" for the purposes of this section if—
    (a)   it is a significant decision in relation to a data subject, and
    (b)   it is required or authorised by law.

(2) Where a controller takes a qualifying significant decision in relation to a data subject based solely on automated processing—
    (a)   the controller must, as soon as reasonably practicable, notify the data subject in writing that a decision has been taken based solely on automated processing, and
    (b)   the data subject may, before the end of the period of 1 month beginning with receipt of the notification, request the controller to—
        (i) reconsider the decision, or
        (ii) take a new decision that is not based solely on automated processing.

(3) If a request is made to a controller under subsection (2), the controller must, before the end of the period of 1 month beginning with receipt of the request—
    (a)   consider the request, including any information provided by the data subject that is relevant to it,
    (b)   comply with the request, and

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   (c) by notice in writing inform the data subject of—
     (i) the steps taken to comply with the request, and
     (ii) the outcome of complying with the request.

(4) The Secretary of State may by regulations make such further provision as the Secretary of State considers appropriate to provide suitable measures to safeguard a data subject's rights, freedoms and legitimate interests in connection with the taking of qualifying significant decisions based solely on automated processing.

(5) Regulations under subsection (4)—
   (a) may amend this section, and
   (b) are subject to the affirmative resolution procedure.

(6) In this section "significant decision" has the meaning given by section 49(2).