



Data Protection Act 2018

2018 CHAPTER 12

PART 4

INTELLIGENCE SERVICES PROCESSING

CHAPTER 3

RIGHTS OF THE DATA SUBJECT

Rights

97 Right to intervene in automated decision-making

- (1) This section applies where—
 - (a) the controller takes a decision significantly affecting a data subject that is based solely on automated processing of personal data relating to the data subject, and
 - (b) the decision is required or authorised by law.
- (2) This section does not apply to such a decision if—
 - (a) the data subject has given consent to the decision being made on that basis, or
 - (b) the decision is a decision taken in the course of steps taken—
 - (i) for the purpose of considering whether to enter into a contract with the data subject,
 - (ii) with a view to entering into such a contract, or
 - (iii) in the course of performing such a contract.
- (3) The controller must as soon as reasonably practicable notify the data subject that such a decision has been made.
- (4) The data subject may, before the end of the period of 1 month beginning with receipt of the notification, request the controller—

Status: This is the original version (as it was originally enacted).

- (a) to reconsider the decision, or
 - (b) to take a new decision that is not based solely on automated processing.
- (5) If a request is made to the controller under subsection (4), 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, and
 - (b) by notice in writing inform the data subject of the outcome of that consideration.
- (6) For the purposes of this section, a decision that has legal effects as regards an individual is to be regarded as significantly affecting the individual.