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STATUTORY INSTRUMENTS

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**1999 No. 2093**

**The Telecommunications (Data  
Protection and Privacy) Regulations 1999**

**PART VII**

**COMPENSATION AND ENFORCEMENT**

**Compensation for failure to comply with requirements of Regulations**

**35.**—(1) A person who suffers damage by reason of any contravention of any of the requirements of these Regulations by any other person shall be entitled to compensation from the other person for that damage.

(2) In proceedings brought against a person by virtue of this regulation it shall be a defence to prove that he had taken such care as in all the circumstances was reasonably required to comply with the requirement concerned.

**Enforcement—extension of Part V of the Data Protection Act 1998**

**36.**—(1) The provisions of Part V of the Data Protection Act 1998 and of Schedules 6 and 9 thereto are hereby extended for the purposes of these Regulations and, for those purposes, shall have effect subject to the omissions and other modifications set out in Schedule 4.

(2) In regulations 37 and 38, “enforcement functions” means the functions of the Data Protection Commissioner under the provisions referred to in paragraph (1) as extended thereby.

(3) The provisions of this regulation and those of regulation 35 are without prejudice to each other.

**Request that Commissioner exercise his enforcement functions**

**37.** Where it is alleged that there has been contravention of any of the requirements of these Regulations either the Director or a person aggrieved by the alleged contravention may request the Commissioner to exercise his enforcement functions in respect of that contravention, but those functions shall be exercisable by him whether or not he has been so requested.

**Technical advice to Commissioner**

**38.** The Director shall comply with any reasonable request made by the Commissioner, in connection with his enforcement functions, for advice on technical and similar matters relating to telecommunications.