

SCHEDULE 1

Modifications for the purposes of these Regulations to Part V [^{F1}and sections 55A to 55E] of the Data Protection Act 1998 and Schedules 6 and 9 to that Act as extended by Regulation 31

F1 Words in Sch. 1 title inserted (26.5.2011) by [The Privacy and Electronic Communications \(EC Directive\) \(Amendment\) Regulations 2011 \(S.I. 2011/1208\)](#), regs. 1(1), **14(a)**

[^{F1}Modifications of secondary legislation

F1 Sch. 1 paras. 12, 13 and cross-heading inserted (17.12.2018) by [The Privacy and Electronic Communications \(Amendment\) Regulations 2018 \(S.I. 2018/1189\)](#), regs. 1, **2(4)**

Modification of the Data Protection (Monetary Penalties) (Maximum Penalty and Notices) Regulations 2010

12.—(1) The Data Protection (Monetary Penalties) (Maximum Penalty and Notices) Regulations 2010 are extended for the purposes of these Regulations and have effect subject to the following modifications.

(2) Regulation 1 applies as if in paragraph (2), at the end, there were inserted “as modified by regulation 31(1) of, and Schedule 1 to, the Privacy and Electronic Communications (EC Directive) Regulations 2003”.

(3) Regulation 3 (notices of intent) applies as if—

- (a) in paragraph (a) for “data controller” there were substituted “person”;
- (b) paragraph (b)(i) were omitted;
- (c) for paragraph (b)(ii) there were substituted—
 - “(ii) the nature of the contravention of the Privacy and Electronic Communications (EC Directive) Regulations 2003,”; and
- (d) in a case where paragraph 8AA of Schedule 1 to the Privacy and Electronic Communications (EC Directive) Regulations 2003 applies—
 - (i) paragraph (b)(iv) were omitted, and
 - (ii) after paragraph (v) there were inserted—
 - “(vi) if the notice is served on an officer of a body, the reason the Commissioner considers that the officer has responsibility for the contravention.”.

(4) Regulation 4 (monetary penalty notices) applies as if—

- (a) in paragraphs (a), (b) and (g) for “data controller” there were substituted “person”;
- (b) paragraph (d)(i) were omitted;
- (c) for paragraph (d)(ii) there were substituted—
 - “(ii) the nature of the contravention of the Privacy and Electronic Communications (EC Directive) Regulations 2003,”; and
- (d) in a case where paragraph 8AA of Schedule 1 to the Privacy and Electronic Communications Regulations 2003 applies—
 - (i) paragraph (d)(iv) were omitted, and
 - (ii) after paragraph (d)(v) there were inserted—

Changes to legislation: *There are currently no known outstanding effects for the The Privacy and Electronic Communications (EC Directive) Regulations 2003, Cross Heading: Modifications of secondary legislation. (See end of Document for details)*

“(vi) if the notice is served on an officer of a body, the reason the Commissioner considers that the officer has responsibility for the contravention;”.

Modification of the Data Protection (Monetary Penalties) Order 2010

13.—(1) The Data Protection (Monetary Penalties) Order 2010 is extended and has effect for the purposes of these Regulations subject to the following modifications.

(2) Article 1(2) (interpretation) applies as if at the end there were inserted “as modified by regulation 31(1) of, and Schedule 1 to, the Privacy and Electronic Communications (EC Directive) Regulations 2003”.

(3) Article 5(2) (monetary penalty notices: cancellation) applies as if after “take any further action” there were inserted “against the person on whom that notice was served”.

(4) Article 6(c) (monetary penalty notices: enforcement) applies as if for “data controller” there were substituted “person on whom the notice is served.]

Changes to legislation:

There are currently no known outstanding effects for the The Privacy and Electronic Communications (EC Directive) Regulations 2003, Cross Heading: Modifications of secondary legislation.