

[^{F1}SCHEDULE 2

Information Commissioner's enforcement powers

F1 Sch. 2 substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), Sch. 19 para. 406 (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g) (with reg. 4)

Modification of Schedule 15 (powers of entry and inspection)

12.—(1) Schedule 15 has effect as if paragraph 3 were omitted.

(2) Paragraph 1(1) of that Schedule (issue of warrants in connection with non-compliance and offences) has effect as if for paragraph (a) (but not the final “and”) there were substituted—

“(a) there are reasonable grounds for suspecting that—

(i) a trust service provider has failed or is failing to comply with the eIDAS requirements, or

(ii) an offence under section 144 or 148 or paragraph 15 of Schedule 15 has been or is being committed.”.

(3) Paragraph 2 of that Schedule (issue of warrants in connection with assessment notices) has effect as if—

(a) in sub-paragraphs (1) and (2), for “controller or processor” there were substituted “ trust service provider ”;

(b) in sub-paragraph (2), for “the data protection legislation” there were substituted “ the eIDAS requirements ”.

(4) Paragraph 5 of that Schedule (content of warrants) has effect as if—

(a) in sub-paragraph (1)(c), for “the processing of personal data” there were substituted “ the provision of trust services ”;

(b) in sub-paragraph (2)(d)—

(i) for “controller or processor” there were substituted “ trust service provider ”;

(ii) for “as described in section 149(2)” there were substituted “ to comply with the eIDAS requirements ”;

(c) in sub-paragraph (3)(a) and (d)—

(i) for “controller or processor” there were substituted “ trust service provider ”;

(ii) for “the data protection legislation” there were substituted “ the eIDAS requirements ”.

(5) Paragraph 11 of that Schedule (privileged communications) has effect as if, in sub-paragraphs (1)(b) and (2)(b), for “the data protection legislation” there were substituted “ the eIDAS Regulation or the EITSET Regulations ”.]

Changes to legislation:

There are currently no known outstanding effects for the The Electronic Identification and Trust Services for Electronic Transactions Regulations 2016, Cross Heading: Modification of Schedule 15 (powers of entry and inspection).