

[^{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, Paragraph 12.