



Data Protection Act 2018

2018 CHAPTER 12

PART 5

THE INFORMATION COMMISSIONER

General functions

115 General functions under the [F1UK GDPR] and safeguards

^{F2}(1)

(2) General functions are conferred on the Commissioner by—

(a) Article 57 of the [F3UK GDPR] (tasks), and

(b) Article 58 of the [F4UK GDPR] (powers),

(and see also the Commissioner's duty under section 2 [F5] and section 28(5)).

(3) The Commissioner's functions in relation to the processing of personal data to which the [F6UK GDPR] applies include—

(a) a duty to advise Parliament, the government and other institutions and bodies on legislative and administrative measures relating to the protection of individuals' rights and freedoms with regard to the processing of personal data, and

(b) a power to issue, on the Commissioner's own initiative or on request, opinions to Parliament, the government or other institutions and bodies as well as to the public on any issue related to the protection of personal data.

(4) The Commissioner's functions under Article 58 of the [F7UK GDPR] are subject to the safeguards in subsections (5) to (9).

(5) The Commissioner's power under Article 58(1)(a) of the [F8UK GDPR] (power to require a controller or processor to provide information that the Commissioner requires for the performance of the Commissioner's tasks under the [F8UK GDPR]) is exercisable only by giving an information notice under section 142.

Changes to legislation: Data Protection Act 2018, Section 115 is up to date with all changes known to be in force on or before 18 December 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) The Commissioner's power under Article 58(1)(b) of the [F⁹UK GDPR] (power to carry out data protection audits) is exercisable only in accordance with section 146.
- (7) The Commissioner's powers under Article 58(1)(e) and (f) of the [F¹⁰UK GDPR] (power to obtain information from controllers and processors and access to their premises) are exercisable only—
- (a) in accordance with Schedule 15 (see section 154), or
 - (b) to the extent that they are exercised in conjunction with the power under Article 58(1)(b) of the [F¹⁰UK GDPR], in accordance with section 146.
- (8) The following powers are exercisable only by giving an enforcement notice under section 149—
- (a) the Commissioner's powers under Article 58(2)(c) to (g) and (j) of the [F¹¹UK GDPR] (certain corrective powers);
 - (b) the Commissioner's powers under Article 58(2)(h) to order a certification body to withdraw, or not to issue, a certification under Articles 42 and 43 of the [F¹²UK GDPR].
- (9) The Commissioner's powers under Articles 58(2)(i) and 83 of the [F¹³UK GDPR] (administrative fines) are exercisable only by giving a penalty notice under section 155.
- (10) This section is without prejudice to other functions conferred on the Commissioner, whether by the [F¹⁴UK GDPR], this Act or otherwise.

Textual Amendments

- F1** Words in s. 115 heading substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 47(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** S. 115(1) omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 47(3)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 115(2)(a) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 47(4)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in s. 115(2)(b) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 47(4)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 115(2) inserted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 47(4)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 115(3) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 47(5)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 115(4) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 47(5)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in s. 115(5) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 47(6)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

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- F9** Words in s. 115(6) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 47(7)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in s. 115(7) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 47(8)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in s. 115(8)(a) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 47(9)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in s. 115(8)(b) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 47(9)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in s. 115(9) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 47(10)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in s. 115(10) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 47(10)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

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Changes and effects yet to be applied to :

- s. 13A inserted by [2024 c. 21 s. 31\(4\)](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13A inserted by [2024 c. 21 s. 31\(4\)](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)