



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 7

#### SUPPLEMENTARY AND FINAL PROVISION

##### *Representation of data subjects*

#### **188 Representation of data subjects with their authority: collective proceedings**

- (1) The Secretary of State may by regulations make provision for representative bodies to bring proceedings before a court or tribunal in England and Wales or Northern Ireland combining two or more relevant claims.
- (2) In this section, “relevant claim”, in relation to a representative body, means a claim in respect of a right of a data subject which the representative body is authorised to exercise on the data subject's behalf under Article 80(1) of the GDPR or section 187.
- (3) The power under subsection (1) includes power—
  - (a) to make provision about the proceedings;
  - (b) to confer functions on a person, including functions involving the exercise of a discretion;
  - (c) to make different provision in relation to England and Wales and in relation to Northern Ireland.
- (4) The provision mentioned in subsection (3)(a) includes provision about—
  - (a) the effect of judgments and orders;
  - (b) agreements to settle claims;
  - (c) the assessment of the amount of compensation;
  - (d) the persons to whom compensation may or must be paid, including compensation not claimed by the data subject;
  - (e) costs.
- (5) Regulations under this section are subject to the negative resolution procedure.

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*Status: Point in time view as at 23/07/2018. This version of this provision has been superseded.*

**Changes to legislation:** Data Protection Act 2018, Section 188 is up to date with all changes known to be in force on or before 31 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)

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#### **Commencement Information**

- I1** [S. 188](#) in force at Royal Assent for specified purposes, see [s. 212\(2\)\(f\)](#)
- I2** [S. 188](#) in force at 23.7.2018 in so far as not already in force by [S.I. 2018/625](#), [reg. 3\(e\)](#)

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