



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART II

#### RIGHTS OF DATA SUBJECTS AND OTHERS

#### **10 Right to prevent processing likely to cause damage or distress**

- (1) Subject to subsection (2), an individual is entitled at any time by notice in writing to a data controller to require the data controller at the end of such period as is reasonable in the circumstances to cease, or not to begin, processing, or processing for a specified purpose or in a specified manner, any personal data in respect of which he is the data subject, on the ground that, for specified reasons—
  - (a) the processing of those data or their processing for that purpose or in that manner is causing or is likely to cause substantial damage or substantial distress to him or to another, and
  - (b) that damage or distress is or would be unwarranted.
- (2) Subsection (1) does not apply—
  - (a) in a case where any of the conditions in paragraphs 1 to 4 of Schedule 2 is met, or
  - (b) in such other cases as may be prescribed by the Secretary of State by order.
- (3) The data controller must within twenty-one days of receiving a notice under subsection (1) (“the data subject notice”) give the individual who gave it a written notice—
  - (a) stating that he has complied or intends to comply with the data subject notice, or
  - (b) stating his reasons for regarding the data subject notice as to any extent unjustified and the extent (if any) to which he has complied or intends to comply with it.
- (4) If a court is satisfied, on the application of any person who has given a notice under subsection (1) which appears to the court to be justified (or to be justified to any extent), that the data controller in question has failed to comply with the notice, the

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*Status: This is the original version (as it was originally enacted).*

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court may order him to take such steps for complying with the notice (or for complying with it to that extent) as the court thinks fit.

- (5) The failure by a data subject to exercise the right conferred by subsection (1) or section 11(1) does not affect any other right conferred on him by this Part.