



# Enterprise and Regulatory Reform Act 2013

## 2013 CHAPTER 24

### PART 6

#### MISCELLANEOUS AND GENERAL

##### *Supply of customer data*

#### **90 Supply of customer data: enforcement**

- (1) Regulations may make provision for the enforcement of regulations under section 89 (“customer data regulations”) by the Information Commissioner or any other person specified in the regulations (and, in this section, “enforcer” means a person on whom functions of enforcement are conferred by the regulations).
- (2) The provision that may be made under subsection (1) includes provision—
  - (a) for applications for orders requiring compliance with the customer data regulations to be made by an enforcer to a court or tribunal;
  - (b) for notices requiring compliance with the customer data regulations to be issued by an enforcer and for the enforcement of such notices (including provision for their enforcement as if they were orders of a court or tribunal).
- (3) The provision that may be made under subsection (1) also includes provision—
  - (a) as to the powers of an enforcer for the purposes of investigating whether there has been, or is likely to be, a breach of the customer data regulations or of orders or notices of a kind mentioned in subsection (2)(a) or (b) (which may include powers to require the provision of information and powers of entry, search, inspection and seizure);
  - (b) for the enforcement of requirements imposed by an enforcer in the exercise of such powers (which may include provision comparable to any provision that is, or could be, included in the regulations for the purposes of enforcing the customer data regulations).

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*Status: This is the original version (as it was originally enacted).*

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- (4) Regulations under subsection (1) may—
- (a) require an enforcer (if not the Information Commissioner) to inform the Information Commissioner if the enforcer intends to exercise functions under the regulations in a particular case;
  - (b) provide for functions under the regulations to be exercisable by more than one enforcer (whether concurrently or jointly);
  - (c) where such functions are exercisable concurrently by more than one enforcer—
    - (i) designate one of the enforcers as the lead enforcer;
    - (ii) require the other enforcers to consult the lead enforcer before exercising the functions in a particular case;
    - (iii) authorise the lead enforcer to give directions as to which of the enforcers is to exercise the functions in a particular case.
- (5) Regulations may make provision for applications for orders requiring compliance with the customer data regulations to be made to a court or tribunal by a customer who has made a request under those regulations or in respect of whom such a request has been made.
- (6) Subsection (8)(a) to (c) of section 89 applies for the purposes of this section as it applies for the purposes of that section.
- (7) The Secretary of State may make payments out of money provided by Parliament to an enforcer.
- (8) In this section, “customer” and “regulated person” have the same meaning as in section 89.