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**Changes to legislation:** Data Protection Act 2018, Part 6 is up to date with all changes known to be in force on or before 12 May 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

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## SCHEDULES

### [<sup>F1</sup>SCHEDULE 21

#### FURTHER TRANSITIONAL PROVISION ETC

##### Textual Amendments

- F1** Sch. 21 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. 102** (with reg. 5, Sch. 3 para. 111(6)) (as amended by S.I. 2020/1586, regs. 1(2), **5(4)**); 2020 c. 1, **Sch. 5 para. 1(1)**

### PART 6

#### ENFORCEMENT

##### *GDPR: maximum amount of penalties*

- 16 In relation to an infringement, before IP completion day, of a provision of the EU GDPR (as it was directly applicable to the United Kingdom) or the applied GDPR—
- (a) Article 83(5) and (6) of the UK GDPR and section 157(5)(a) and (b) of this Act have effect as if for “£17,500,000” there were substituted “ 20 million Euros ”;
  - (b) Article 83(4) of the UK GDPR and section 157(6)(a) and (b) of this Act have effect as if for “£8,700,000” there were substituted “ 10 million Euros ”;
  - (c) the maximum amount of a penalty in sterling must be determined by applying the spot rate of exchange set by the Bank of England on the day on which the penalty notice is given under section 155 of this Act.

##### *GDPR: right to an effective remedy against the Commissioner*

- 17 (1) This paragraph applies where—
- (a) proceedings are brought against a decision made by the Commissioner before IP completion day, and
  - (b) the Commissioner's decision was preceded by an opinion or decision of the European Data Protection Board in accordance with the consistency mechanism referred to in Article 63 of the EU GDPR.
- (2) The Commissioner must forward the Board's opinion or decision to the court or tribunal dealing with the proceedings.]

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**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. 204(1)(l) inserted by [S.I. 2024/374 Sch. 5 para. 7](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)