



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 7

#### SUPPLEMENTARY AND FINAL PROVISION

##### *Offences*

#### **197 Prosecution**

- (1) In England and Wales, proceedings for an offence under this Act may be instituted only—
  - (a) by the Commissioner, or
  - (b) by or with the consent of the Director of Public Prosecutions.
- (2) In Northern Ireland, proceedings for an offence under this Act may be instituted only—
  - (a) by the Commissioner, or
  - (b) by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (3) Subject to subsection (4), summary proceedings for an offence under section 173 (alteration etc of personal data to prevent disclosure) may be brought within the period of 6 months beginning with the day on which the prosecutor first knew of evidence that, in the prosecutor's opinion, was sufficient to bring the proceedings.
- (4) Such proceedings may not be brought after the end of the period of 3 years beginning with the day on which the offence was committed.
- (5) A certificate signed by or on behalf of the prosecutor and stating the day on which the 6 month period described in subsection (3) began is conclusive evidence of that fact.
- (6) A certificate purporting to be signed as described in subsection (5) is to be treated as so signed unless the contrary is proved.

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**Changes to legislation:** Data Protection Act 2018, Section 197 is up to date with all changes known to be in force on or before 13 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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- (7) In relation to proceedings in Scotland, section 136(3) of the Criminal Procedure (Scotland) Act 1995 (deemed date of commencement of proceedings) applies for the purposes of this section as it applies for the purposes of that section.

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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\(3\)](#)