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STATUTORY INSTRUMENTS

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**2000 No. 190**

**The Data Protection (International Co-operation) Order 2000**

**Information relating to adequacy**

3.—(1) Subject to paragraph (2), this article applies in any case where the Commissioner is satisfied that any transfer or proposed transfer by a data controller has involved or would involve a contravention of the eighth principle.

(2) In cases where an enforcement notice has been served in respect of a contravention of the eighth principle, this article shall not apply unless—

- (a) the period within which an appeal can be brought under section 48(1) of the Act has expired without an appeal being brought; or
- (b) where an appeal has been brought under section 48(1), either—
  - (i) the decision of the Tribunal is to the effect that there has been a breach of that eighth principle, or
  - (ii) where any decision of the Tribunal is to the effect that there has not been a breach of that eighth principle, the Commissioner has appealed successfully against that finding.

(3) In cases to which this article applies, the Commissioner shall inform the European Commission and the supervisory authorities of the reasons why he is satisfied that any transfer or proposed transfer has involved or would involve a contravention of the eighth principle.

(4) In this article, “the eighth principle” means the eighth principle set out in paragraph 8 of Part I of Schedule 1 to the Act, having regard to paragraphs 13, 14 and 15 of Part II of that Schedule.