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DATA PROTECTION ACT 1998

The Data Protection Act 1998 received the Royal Assent on 16th July 1998.

The quantity of subordinate legislation required has caused the Government to delay in bringing the Act fully into force until the second quarter of 1999. Until the 1998 Act is brought into force, the 1984 Act will remain in place.

The Data Protection Registrar's recent Newsletter states that:

Of course data users will want to understand the likely requirements of the new law and what, if any, extra obligations will be placed upon them. Unfortunately, until the details of all relevant regulations, such as those regarding notification, are finalized the Registrar cannot offer authoritative comprehensive advice about compliance. In many areas our advice will need to be drawn from practical experience in interpreting the provisions of the New Act.

The Registrar accepts the difficulty that a lack of information regarding the New Act places on data users. However, data users are assured that it has always been the Registrar's approach to seek active compliance through dialogue. Generally, the Registrar would not seek to issue an enforcement notice until a data user is given the opportunity to work on clear advice given on the matter in hand, advice which will be developed in light of practical experience in interpreting the New Act in particular circumstances. However, the Registrar will expect all data controllers to comply fully with the requirements of the existing law and to be able to demonstrate that they have begun to address their minds to compliance with the additional requirements of the 1998 Act.

The Institute is in discussion with the ABI and further information will be issued to members when the Regulations to be made under the Act are published.



CIL A members are advised to take the opportunity to review their compliance with the earlier Data Protection requirements contained in the 1984 Act.

The Data Protection Registrar has issued interim guidance on the new law. This can be obtained from the Registrar at: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (Tel. No. 01625 545745). You can also access this on their Internet homepage:

<http://www.open.gov.uk/dpr/dprhome.htm>

Specific guidance on the transitional provisions in the New Act and on manual data processing (which comes within the scope of the new Act) is also available.