

Data protection enforcement procedural guidance: Consultation questions

Start date: 31 October 2025

End date: 23 January 2026

About you

Your name:

Email address:

If you are responding on behalf of an organisation, please tell us the name of the organisation, your role and (if applicable) how the views of the members of the organisation have been obtained:

If you are responding as an individual, please tell us if you are responding in a professional or private capacity:

If you are responding as an individual, please tell us if you consent to us publishing your name alongside your response (we will otherwise publish your response anonymously):

Our questions

Answers to the following questions will be helpful in finalising the draft data protection enforcement procedural guidance (the 'guidance'). You do not need to answer all the questions.

The headings refer to the relevant sections of the draft guidance.

1. About this guidance

- 1.1. Do you have any comments on the section entitled "About this guidance"?

2. How we decide whether to open an investigation

- 2.1. Do you have any comments on what we use as sources of potential investigations?
- 2.2. Do you have any comments on the factors we consider when deciding whether to open an investigation?
- 2.3. Do you have any comments on our approach to obtaining information prior to opening an investigation?
- 2.4. Do you have any comments on the alternative means we may use to resolve a matter other than opening an investigation?
- 2.5. Do you have any other comments on the section "How we decide whether to open an investigation"?

3. What to expect during an investigation

- 3.1. Do you have any comments on the process to be followed when opening an investigation?
- 3.2. Do you have any comments on our approach to announcing investigations, the information we will publish, and our approach when an announcement is potentially market sensitive?
- 3.3. Do you have any comments on our approach to engaging with controllers and processors during an investigation?
- 3.4. Do you have any other comments on the section "What to expect during an investigation"?

4. Information gathering

- 4.1. Do you have any comments on our approach to the use of information notices and urgent information notices?
- 4.2. Do you have any comments on our approach to the use of assessment notices and urgent assessment notices?
- 4.3. Do you have any comments on our approach to requesting reports from approved persons as part of an assessment notice?
- 4.4. Do you have any comments on our approach to carrying out inspections, examinations and interviews under an assessment notice?
- 4.5. Do you have any comments on our approach to the use of interview notices?

- 4.6. Do you have any comments on the explanation about our powers of entry and inspection?
- 4.7. Do you have any other comments on the section "Information gathering"?

5. Limits on our powers of investigation

- 5.1. Do you have any comments on our approach to requesting the provision of and the handling of privileged communications?
- 5.2. Do you have any comments on our approach to privilege against self-incrimination?
- 5.3. Do you have any comments on our approach to our statutory obligations about confidential information?
- 5.4. Do you have any comments on our approach to the restrictions imposed on our investigatory and enforcement powers in respect of processing for the special purposes?
- 5.5. Do you have any other comments on the section "Limits on our powers of investigation"?

6. Deciding on the outcome of an investigation

- 6.1. Do you have any comments on our approach to closing investigations on the basis of our priorities, resolving the issues through other means, or there being no grounds for action?
- 6.2. Do you have any other comments on the section "Deciding on the outcome of an investigation"?

7. Process for giving warnings

- 7.1. Do you have any comments on our approach to giving warnings?
- 7.2. Do you have any comments on our approach to the public announcement of warnings?
- 7.3. Do you have any other comments on the section "Process for giving warnings"?

8. Process for giving reprimands

- 8.1. Do you have any comments on our approach to giving reprimands?
- 8.2. Do you have any comments on our approach to the public announcement of reprimands?

- 8.3. Do you have any other comments on the section "Process for giving reprimands"?

9. Process for giving enforcement notices

- 9.1. Do you have any comments on the factors we consider when deciding to give an enforcement notice or an urgent enforcement notice?
- 9.2. Do you have any comments on our approach to giving preliminary enforcement notices and the process for making representations?
- 9.3. Do you have any comments on our approach to giving enforcement notices?
- 9.4. Do you have any comments on our approach to making public announcements about enforcement notices?
- 9.5. Do you have any other comments on the section "Process for giving enforcement notices"?

10. Process for giving penalty notices

- 10.1. Do you have any comments on our approach to giving notices of intent to impose a penalty notice and the process for making representations?
- 10.2. Do you have any comments on our approach to the circumstances when we would consider it necessary to give the penalty notice as

soon as reasonably practicable after the period of six months beginning when the notice of intent was given ?

10.3. Do you have any comments on our procedure for oral hearings?

10.4. Do you have any comments on our approach to giving penalty notices?

10.5. Do you have any comments on our approach to making public announcements about penalty notices?

10.6. Do you have any other comments on the section "Process for giving penalty notices"?

11. Settlement procedure

11.1. Do you have any comments on our approach to assessing when settlement may be appropriate and the requirements for the settlement of a case?

11.2. Do you have any comments on the process for settlement discussions and concluding the case?

11.3. Do you have any other comments on the section "Settlement procedure"?

12. Rights of appeal

12.1. Do you have any comments on the section "Rights of appeal"?

13. Guidance for PECR and UK eIDAS/EITSET

13.1. Do you have any comments about our proposal to take the same approach to the use of our powers as set out in the guidance in relation to investigations under the Privacy and Electronic Communications Regulations 2003 (PECR) and the Electronic Identification and Trust Services for Electronic Transaction Regulations 2016 (EITSET) in relation to potential infringements of the UK eIDAS?

13.2. Do you have a preference for consolidated guidance covering the data protection legislation, PECR and UK eIDAS/EITSET that

explains the use of our investigatory and enforcement powers or separate guidance for each regime?

14. [Any other comments](#)

14.1. Do you have any other comments on the draft guidance?