



Data Protection Act 2018

2018 CHAPTER 12

PART 6

ENFORCEMENT

Offences relating to personal data

173 Alteration etc of personal data to prevent disclosure to data subject

- (1) Subsection (3) applies where—
- (a) a request has been made in exercise of a data subject access right, and
 - (b) the person making the request would have been entitled to receive information in response to that request.
- (2) In this section, “data subject access right” means a right under—
- (a) Article 15 of the [^{F1}UK GDPR] (right of access by the data subject);
 - (b) Article 20 of the [^{F2}UK GDPR] (right to data portability);
 - (c) section 45 of this Act (law enforcement processing: right of access by the data subject);
 - (d) section 94 of this Act (intelligence services processing: right of access by the data subject).
- (3) It is an offence for a person listed in subsection (4) to alter, deface, block, erase, destroy or conceal information with the intention of preventing disclosure of all or part of the information that the person making the request would have been entitled to receive.
- (4) Those persons are—
- (a) the controller, and
 - (b) a person who is employed by the controller, an officer of the controller or subject to the direction of the controller.
- (5) It is a defence for a person charged with an offence under subsection (3) to prove that—

Changes to legislation: Data Protection Act 2018, Section 173 is up to date with all changes known to be in force on or before 13 August 2023. 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

- (a) the alteration, defacing, blocking, erasure, destruction or concealment of the information would have occurred in the absence of a request made in exercise of a data subject access right, or
- (b) the person acted in the reasonable belief that the person making the request was not entitled to receive the information in response to the request.

Textual Amendments

- F1** Words in s. 173(2)(a) substituted (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. 73** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 173(2)(b) substituted (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. 73** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

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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):

- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)