



Land Registration Act 2002
Scope of this guide

This guide explains your rights to gain access to information held about yourself under the Data Protection Act 1998. It also explains the areas in which Land Registry is exempt from the provisions of the Act.

Your rights under the Data Protection Act 1998

Contact details

For general enquiries and to request this publication in an alternative format please contact Customer Support at customersupport@landregistry.gsi.gov.uk or telephone 0844 892 1111 from Monday to Friday between 8am and 6pm.

Calls are charged at 3p per minute from BT landlines. Mobile and other networks may vary. Land Registry does not receive any revenue from these calls.

To obtain copies of this and all our other guides, free of charge:
- view/download guides in English and Welsh at www.landregistry.gov.uk
- contact Customer Support

1 Abbreviations used

“DPA 1998” means the Data Protection Act 1998;
“LRA 2002” means the Land Registration Act 2002;
“LRR 2003” means the Land Registration Rules 2003.

2 Introduction

The Data Protection Act 1998, following EU Council Directive 95/46EC, replaced the Data Protection Act 1984. The earlier Act only allowed access to computerised records, but the scope of the new act is considerably wider. This guide explains the main provisions of the DPA 1998.

We would like to point out that although the DPA 1998 does affect Land Registry, it does not apply to the majority of data we hold to carry out our statutory duties. The reason for this is because that information is already publicly available under other Land Registry based legislation. In general, this means that inspection of information held on the public registers of title is governed not by the DPA 1998, but by the LRA 2002 (see section 7 *Where the DPA 1998 does not apply to Land Registry* below).

3 Notification to the Information Commissioner

Under section 18, DPA 1998, we are obliged each year to notify the Information Commissioner, who has responsibility for all enquiries under the DPA 1998, of the personal data that we process. The Commissioner includes the notification on the data protection register, which is open to public inspection (section 19, DPA 1998). You may view our entry on their website at www.dpr.gov.uk

4 Data protection principles

Section 4, DPA 1998 sets out eight principles that data controllers, including Land Registry, must meet. Any data used must be:

- fairly and lawfully processed;
- processed for limited purposes;
- adequate, relevant and not excessive;
- accurate (the information we already have to provide under our legislation is exempt from this principle – see section 7 *Where the DPA 1998 does not apply to Land Registry* below);
- kept no longer than necessary;
- processed in accordance with the data subject’s rights;
- secure. This means that the system:
 - must be secure against

- unauthorised access; *and*
- must include measures to protect the data against loss of integrity;
- transferred only to those countries with adequate protection relating to the domestic data protection legislation of those countries.

The Information Commissioner publishes further guidance on the application of these principles.

5 Making requests for information

If your request does not relate to information contained on the register of title (see section 7 *Where the DPA 1998 does not apply to Land Registry* below) you will need to send us the following:

- a request in writing for information held about yourself;
- enough details for us to locate the data we might hold about you. For example, if you are a former staff member you would need to give details of when and where you worked for Land Registry;
- evidence of your identity (or, if appropriate, evidence of your power to act on the data subject's behalf);
- a fee of £10 (cheque or postal order made payable to "Land Registry").

6 What happens next?

Once you have supplied all the information outlined above, we will deal with your request as quickly as possible. The DPA 1998 requires us to deal with your request within 40 days. This is known as "the 40 day rule". Our response will include the following information:

- details of the personal data held about you;
- the purposes for which it is being used;
- those to whom the data may be disclosed.

The information you request may contain details about other living people. If it does, we may have to get their consent to divulge the information or we may edit the information to exclude those personal details. In this case, the 40 day rule may be extended.

7 Where the DPA 1998 does not apply to Land Registry

Much of the information Land Registry holds is exempt from the disclosure provisions of the DPA 1998. This is because it falls within the exception

contained in section 34 of the Act. This exempts information that has to be made publicly available under other legislation. This means you must use the procedure set out in the Land Registration legislation rather than the Data Protection legislation to make your enquiry.

This information includes:

- the Land Register (section 66, LRA 2002). See Public Guide 1 *A guide to the information we keep and how you can obtain it* for further information;
- information contained in applications to Land Registry (section 66, LRA 2002). See Practice Guide 11 *Inspection and application for official copies* for further information;
- search of the Index of Proprietors' Names (rule 11, LRR 2003);
- cautions against first registration (section 66, LRA 2002);
- see Practice Guide 3 *Cautions against first registration* for further information;
- the Land Charges Register (section 9, Land Charges Act 1972).

8 General information

If you have any enquiries about your rights under the DPA 1998, please write to:

The Data Protection Officer
Land Registry
32 Lincoln's Inn Fields
London
WC2A 3PH
Tel: 020 7917 8888

If you are not satisfied with the way we have treated your request or if you wish to take the matter further, please contact:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 524510

9 Enquiries and comments

If you have a particular concern that is not covered by this guide, please contact Land Registry before making your application – see the contact details on the front cover of this guide. If the problem or enquiry is complex, it may be better if you make your enquiry in writing.

If you have any comments or suggestions about our guides, please send them to:

Practice Division
Land Registry
32 Lincoln's Inn Fields
London
WC2A 3PH
(DX1098 London/
Chancery Lane WC2).

Remember

- **Is your request one where the DPA 1998 (rather than LRA 2002) applies?**
- **Have you included all the information we need, including evidence of identity?**
- **Have you included the correct fee?**

Peter Collis
Chief Land Registrar

© Crown Copyright
Not to be reproduced without permission from
The Forms Unit, Land Registry (under the delegated
authority from the Controller of HMSO), 32 Lincoln's Inn
Fields, London WC2A 3PH.

Designed and produced by:
Land Registry, Head Office Corporate Publishing,
32 Lincoln's Inn Fields, London WC2A 3PH.



CUSTOMER SERVICE EXCELLENCE