



Data Protection Act 2018

2018 CHAPTER 12

PART 7

SUPPLEMENTARY AND FINAL PROVISION

Interpretation

204 Meaning of “health professional” and “social work professional”

- (1) In this Act, “health professional” means any of the following—
- (a) a registered medical practitioner;
 - (b) a registered nurse or midwife;
 - (c) a registered dentist within the meaning of the Dentists Act 1984 (see section 53 of that Act);
 - (d) a registered dispensing optician or a registered optometrist within the meaning of the Opticians Act 1989 (see section 36 of that Act);
 - (e) a registered osteopath with the meaning of the Osteopaths Act 1993 (see section 41 of that Act);
 - (f) a registered chiropractor within the meaning of the Chiropractors Act 1994 (see section 43 of that Act);
 - (g) a person registered as a member of a profession to which the Health ^{F1}... Professions Order 2001 (S.I. 2002/254) for the time being extends; ^{F2}...
 - (h) a registered pharmacist or a registered pharmacy technician within the meaning of the Pharmacy Order 2010 (S.I. 2010/231) (see article 3 of that Order);
 - (i) a registered person within the meaning of the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22)) (see Article 2 of that Order);
 - (j) a child psychotherapist;
 - (k) a scientist employed by a health service body as head of a department.
- (2) In this Act, “social work professional” means any of the following—

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- [^{F3}(a) a person registered as a social worker in the register maintained by Social Work England under section 39(1) of the Children and Social Work Act 2017;]
 - (b) a person registered as a social worker in the register maintained by Social Care Wales under section 80 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);
 - (c) a person registered as a social worker in the register maintained by the Scottish Social Services Council under section 44 of the Regulation of Care (Scotland) Act 2001 (asp 8);
 - (d) a person registered as a social worker in the register maintained by the Northern Ireland Social Care Council under section 3 of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3 (N.I.)).
- (3) In subsection (1)(a) “registered medical practitioner” includes a person who is provisionally registered under section 15 or 21 of the Medical Act 1983 and is engaged in such employment as is mentioned in subsection (3) of that section.
- (4) In subsection (1)(k) “health service body” means any of the following—
- (a) the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006;
 - (b) a local authority in relation to the exercise of functions under section 2B or 111 of, or any of paragraphs 1 to 7B or 13 of Schedule 1 to, the National Health Service Act 2006;
 - (c) a National Health Service trust first established under section 25 of the National Health Service Act 2006;
 - (d) a Special Health Authority established under section 28 of the National Health Service Act 2006;
 - (e) an NHS foundation trust;
 - (f) the National Institute for Health and Care Excellence;
 - [^{F4}(g) NHS England;]
 - (h) a National Health Service trust first established under section 5 of the National Health Service and Community Care Act 1990;
 - (i) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
 - (j) a National Health Service trust first established under section 18 of the National Health Service (Wales) Act 2006;
 - (k) a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006;
 - (l) a Health Board within the meaning of the National Health Service (Scotland) Act 1978;
 - (m) a Special Health Board within the meaning of the National Health Service (Scotland) Act 1978;
 - (n) a National Health Service trust first established under section 12A of the National Health Service (Scotland) Act 1978;
 - (o) the managers of a State Hospital provided under section 102 of the National Health Service (Scotland) Act 1978;
 - [^{F5}(p)
 - (q) a special health and social care agency established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990 (S.I. 1990/247 (N.I. 3));

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- (r) a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)).

Textual Amendments

- F1** Words in s. 204(1)(g) omitted (2.12.2019 at 00:01) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 227\(2\)\(a\)](#) (with [ss. 117, 209, 210](#)); S.I. 2019/1434, reg. 2(b)
- F2** Words in s. 204(1)(g) omitted (2.12.2019 at 00:01) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 227\(2\)\(b\)](#) (with [ss. 117, 209, 210](#)); S.I. 2019/1434, reg. 2(b)
- F3** S. 204(2)(a) substituted (2.12.2019 at 00:01) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 227\(3\)](#) (with [ss. 117, 209, 210](#)); S.I. 2019/1434, reg. 2(b)
- F4** S. 204(4)(g) substituted (1.2.2023) by [The Health and Social Care Information Centre \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/98\)](#), reg. 1(2), [Sch. para. 20](#) (with reg. 3)
- F5** S. 204(4)(p) omitted (30.11.2022) by virtue of [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\)](#), arts. 1(2), [12\(2\)](#)

205 General interpretation

(1) In this Act—

“biometric data” means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of an individual, which allows or confirms the unique identification of that individual, such as facial images or dactyloscopic data;

“data concerning health” means personal data relating to the physical or mental health of an individual, including the provision of health care services, which reveals information about his or her health status;

“enactment” includes—

- (a) an enactment passed or made after this Act,
- (b) an enactment comprised in subordinate legislation,
- (c) an enactment comprised in, or in an instrument made under, a Measure or Act of the National Assembly for Wales,
- (d) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament,^{F6}...
- (e) an enactment comprised in, or in an instrument made under, Northern Ireland legislation; ^{F7}and
- (f) any [^{F8}assimilated direct] legislation;]

“genetic data” means personal data relating to the inherited or acquired genetic characteristics of an individual which gives unique information about the physiology or the health of that individual and which results, in particular, from an analysis of a biological sample from the individual in question;

“government department” includes the following (except in the expression “United Kingdom government department”)—

- (a) a part of the Scottish Administration;
- (b) a Northern Ireland department;
- (c) the Welsh Government;
- (d) a body or authority exercising statutory functions on behalf of the Crown;

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“health record” means a record which—

- (a) consists of data concerning health, and
- (b) has been made by or on behalf of a health professional in connection with the diagnosis, care or treatment of the individual to whom the data relates;

“inaccurate”, in relation to personal data, means incorrect or misleading as to any matter of fact;

“international obligation of the United Kingdom” includes—

- (a) ^{F9}
- (b) an obligation that arises under an international agreement or arrangement to which the United Kingdom is a party;

“international organisation” means an organisation and its subordinate bodies governed by international law, or any other body which is set up by, or on the basis of, an agreement between two or more countries;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“publish” means make available to the public or a section of the public (and related expressions are to be read accordingly);

“subordinate legislation” has the meaning given in the Interpretation Act 1978;

“tribunal” means any tribunal in which legal proceedings may be brought;

“the Tribunal”, in relation to an application or appeal under this Act, means—

- (a) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the application or appeal, or
- (b) the First-tier Tribunal, in any other case.

[^{F10}(1A) In this Act, references to fundamental rights or fundamental freedoms (however expressed) are to the Convention rights within the meaning of the Human Rights Act 1998.]

(2) References in this Act to a period expressed in hours, days, weeks, months or years are to be interpreted in accordance with Article 3 of Regulation (EEC, Euratom) No. 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits, except in—

- [^{F11}(za) section 119A(10) and (11);]
- (a) section 125(4), (7) and (8);
- (b) section 161(3), (5) and (6);
- (c) section 176(2);
- (d) section 178(2);
- (e) section 182(8) and (9);
- (f) section 183(4);
- (g) section 192(3), (5) and (6);
- (h) section 197(3) and (4);
- (i) paragraph 23(4) and (5) of Schedule 1;
- (j) paragraphs 5(4) and 6(4) of Schedule 3;
- (k) Schedule 5;
- (l) paragraph 11(5) of Schedule 12;

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(m) Schedule 15;

(and the references in section 5 to terms used in ^{F12}... Part 2 do not include references to a period expressed in hours, days, weeks, months or years).

^{F13}(3)

[^{F14}(4) In the definition of “the UK GDPR” in section 3(10)—

- (a) the reference to Regulation (EU) 2016/679 as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018 is to be treated as a reference to that Regulation as modified by Schedule 1 to the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (“the 2019 Regulations”), but
- (b) nothing in the definition or in paragraph (a) determines whether, where Regulation (EU) 2016/679 is modified on or after IP completion day by the law of England and Wales, Scotland or Northern Ireland (other than by Schedule 1 to the 2019 Regulations), the reference to Regulation (EU) 2016/679 is then to be read as a reference to that Regulation as modified.

(5) Subsection (4) is not to be read as implying anything about how other references to Regulation (EU) 2016/679 or references to other [^{F15}assimilated] law are to be interpreted.]

Textual Amendments

- F6** Word in s. 205(1) omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 85(2)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 205(1) inserted (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. 85(2)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in s. 205(1) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 87(a)**
- F9** Words in s. 205(1) omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 85(3)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F10** S. 205(1A) substituted (31.12.2023 immediately before the end of 2023) by The Data Protection (Fundamental Rights and Freedoms) (Amendment) Regulations 2023 (S.I. 2023/1417), regs. 1(2), **3(3)**
- F11** S. 205(2)(za) inserted (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. 85(5)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in s. 205(2) omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 85(5)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F13** S. 205(3) omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 85(6)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F14** S. 205(4)(5) inserted (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. 85(7)** (with reg. 5) (as amended by S.I. 2020/1586, regs. 1(2), **5(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F15** Word in s. 205(5) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023 (S.I. 2023/1424), reg. 1(2), **Sch. para. 87(b)**

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206 Index of defined expressions

The Table below lists provisions which define or otherwise explain terms defined for this Act, for a Part of this Act or for Chapter 2 or 3 of Part 2 of this Act.

the affirmative resolution procedure	section 182
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...	...
F16	F16
...	...
assessment notice (in Part 6)	section 181
biometric data	section 205
certification provider (in Part 6)	section 181
the Commissioner	section 3
competent authority (in Part 3)	section 30
consent (in Part 4)	section 84
controller	section 3
data concerning health	section 205
the Data Protection Convention	section 3
the data protection legislation	section 3
data subject	section 3
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[^{F17} the EU GDPR	section 3]
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FOI public authority (in Chapter 3 of Part 2)	section 21
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information notice (in Part 6)	section 181
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international obligation of the United Kingdom	section 205
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penalty notice (in Part 6)	section 181
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personal data	section 3
personal data breach (in Parts 3 and 4)	sections 33 and 84
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processor	section 3
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public authority (in the [F ¹⁹ UK GDPR] and Part 2)	section 7
public body (in the [F ¹⁹ UK GDPR] and Part 2)	section 7
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recipient (in Parts 3 and 4)	sections 33 and 84
representative (in Part 6)	section 181
representative body (in relation to a right of a data subject)	section 187
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Textual Amendments

- F16** Words in s. 206 Table omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 86(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in s. 206 Table inserted (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. 86(3)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in s. 206 Table omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 86(4)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in s. 206 Table 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. 86(5)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in s. 206 Table inserted (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. 86(6)** (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\(3\)](#)