



Data Protection Act 2018

2018 CHAPTER 12

PART 2

GENERAL PROCESSING

CHAPTER 3

OTHER GENERAL PROCESSING

Exemptions etc

28 National security and defence: modifications to Articles 9 and 32 of the applied GDPR

- (1) Article 9(1) of the applied GDPR (prohibition on processing of special categories of personal data) does not prohibit the processing of personal data to which this Chapter applies to the extent that the processing is carried out—
 - (a) for the purpose of safeguarding national security or for defence purposes, and
 - (b) with appropriate safeguards for the rights and freedoms of data subjects.
- (2) Article 32 of the applied GDPR (security of processing) does not apply to a controller or processor to the extent that the controller or the processor (as the case may be) is processing personal data to which this Chapter applies for—
 - (a) the purpose of safeguarding national security, or
 - (b) defence purposes.
- (3) Where Article 32 of the applied GDPR does not apply, the controller or the processor must implement security measures appropriate to the risks arising from the processing of the personal data.
- (4) For the purposes of subsection (3), where the processing of personal data is carried out wholly or partly by automated means, the controller or the processor must, following an evaluation of the risks, implement measures designed to—

Status: This is the original version (as it was originally enacted).

- (a) prevent unauthorised processing or unauthorised interference with the systems used in connection with the processing,
- (b) ensure that it is possible to establish the precise details of any processing that takes place,
- (c) ensure that any systems used in connection with the processing function properly and may, in the case of interruption, be restored, and
- (d) ensure that stored personal data cannot be corrupted if a system used in connection with the processing malfunctions.