

D R A F T   S T A T U T O R Y   I N S T R U M E N T S

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**2019 No.**

**DATA PROTECTION**

**The Data Protection (Charges and Information) (Amendment)  
Regulations 2019**

*Made* - - - - *\*\*\**  
*Coming into force* - - *1st April 2019*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 137(1) and (3)(c) of the Data Protection Act 2018(a).

The Secretary of State makes these Regulations—

- (a) having regard to the matters specified in section 137(4) of that Act; and
- (b) after consultation in accordance with sections 138(1) and 182(2) of that Act.

In accordance with sections 138(5) and 182(7) of the Data Protection Act 2018, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Data Protection (Charges and Information) (Amendment) Regulations 2019 and come into force on 1st April 2019.

**Amendment of the Data Protection (Charges and Information) Regulations 2018**

2.—(1) The Schedule to the Data Protection (Charges and Information) Regulations 2018(b) is amended as follows.

- (2) In paragraph 1, before the definition of “judge”, insert—
  - ““elected representative” has the meaning given in paragraph 23(3)(a) to (d) and (f) to (m) of Schedule 1 to the Data Protection Act 2018;”.
- (3) In paragraph 2(2)—
  - (a) at the end of paragraph (g), omit “or”;
  - (b) at the end of paragraph (h), insert “or”;

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(a) 2018 c. 12.  
(b) S.I. 2018/480, amended by paragraph 421 of Schedule 19 to the Data Protection Act 2018. S.I. 2018/480 was made under sections 108(1) and (5) and 110(6) of the Digital Economy Act 2017 (c. 30). Those sections were subsequently repealed by paragraph 224 of Schedule 19 to the Data Protection Act 2018. S.I. 2018/480 now has effect as if it was made under section 137 of the Data Protection Act 2018 (see paragraph 26 of Schedule 20 to that Act).

(c) after paragraph (h), insert—

“(i) carried out by—

(i) a member of the House of Lords who is entitled to receive writs of summons to attend that House, or

(ii) a person acting on the instructions, or on behalf, of such a member, for the purposes of exercising the member’s functions as such;

(j) carried out by—

(i) an elected representative, or

(ii) a person acting on the instructions, or on behalf, of such a representative, for the purposes of exercising the elected representative’s functions as such;

(k) carried out by—

(i) a person seeking to become (or remain) an elected representative (a “prospective representative”), or

(ii) a person acting on the instructions, or on behalf, of a prospective representative,

in connection with any activity which can be reasonably regarded as intended to promote or procure the election (or re-election) of the prospective representative.”.

*Name*

Minister of State

Date

Department for Digital, Culture, Media and Sport

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Data Protection (Charges and Information) Regulations 2018 (S.I. 2018/480) set out the circumstances in which data controllers are required to pay a charge to the Information Commissioner. Regulation 2 of those Regulations requires a data controller to pay an annual charge to the Information Commissioner unless all the processing of personal data by the data controller is exempt processing. “Exempt processing” has the meaning given in the Schedule to those Regulations.

These Regulations amend the Schedule to the Data Protection (Charges and Information) Regulations 2018 so that processing of personal data by members of the House of Lords, elected representatives and prospective representatives is also “exempt processing” for the purposes of those Regulations.

A full regulatory impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sectors is foreseen.

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