



Data Protection Act 1984

1984 CHAPTER 35

PART V

GENERAL

39 Data held, and services provided, outside the United Kingdom

- (1) Subject to the following provisions of this section, this Act does not apply to a data user in respect of data held, or to a person carrying on a computer bureau in respect of services provided, outside the United Kingdom.
- (2) For the purposes of subsection (1) above—
 - (a) data shall be treated as held where the data user exercises the control referred to in subsection (5)(b) of section 1 above in relation to the data; and
 - (b) services shall be treated as provided where the person carrying on the computer bureau does any of the things referred to in subsection (6)(a) or (b) of that section.
- (3) Where a person who is not resident in the United Kingdom—
 - (a) exercises the control mentioned in paragraph (a) of subsection (2) above ; or
 - (b) does any of the things mentioned in paragraph (b) of that subsection,through a servant or agent in the United Kingdom, this Act shall apply as if that control were exercised or, as the case may be, those things were done in the United Kingdom by the servant or agent acting on his own account and not on behalf of the person whose servant or agent he is.
- (4) Where by virtue of subsection (3) above a servant or agent is treated as a data user or as a person carrying on a computer bureau he may be described for the purposes of registration by the position or office which he holds; and any such description in an entry in the register shall be treated as applying to the person for the time being holding the position or office in question.
- (5) This Act does not apply to data processed wholly outside the United Kingdom unless the data are used or intended to be used in the United Kingdom.

Status: This is the original version (as it was originally enacted).

- (6) Sections 4(3)(e) and 5(2)(e) and subsection (1) of section 12 above do not apply to the transfer of data which are already outside the United Kingdom; but references in the said section 12 to a contravention of the data protection principles include references to anything that would constitute such contravention if it occurred in relation to the data when held in the United Kingdom.