



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 2

#### GENERAL PROCESSING

### CHAPTER 2

#### THE GDPR

##### *Restrictions on data subject's rights*

#### **15 Exemptions etc**

- (1) Schedules 2, 3 and 4 make provision for exemptions from, and restrictions and adaptations of the application of, rules of the GDPR.
- (2) In Schedule 2—
  - (a) Part 1 makes provision adapting or restricting the application of rules contained in Articles 13 to 21 and 34 of the GDPR in specified circumstances, as allowed for by Article 6(3) and Article 23(1) of the GDPR;
  - (b) Part 2 makes provision restricting the application of rules contained in Articles 13 to 21 and 34 of the GDPR in specified circumstances, as allowed for by Article 23(1) of the GDPR;
  - (c) Part 3 makes provision restricting the application of Article 15 of the GDPR where this is necessary to protect the rights of others, as allowed for by Article 23(1) of the GDPR;
  - (d) Part 4 makes provision restricting the application of rules contained in Articles 13 to 15 of the GDPR in specified circumstances, as allowed for by Article 23(1) of the GDPR;
  - (e) Part 5 makes provision containing exemptions or derogations from Chapters II, III, IV, V and VII of the GDPR for reasons relating to freedom of expression, as allowed for by Article 85(2) of the GDPR;

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*Status: This is the original version (as it was originally enacted).*

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- (f) Part 6 makes provision containing derogations from rights contained in Articles 15, 16, 18, 19, 20 and 21 of the GDPR for scientific or historical research purposes, statistical purposes and archiving purposes, as allowed for by Article 89(2) and (3) of the GDPR.
- (3) Schedule 3 makes provision restricting the application of rules contained in Articles 13 to 21 of the GDPR to health, social work, education and child abuse data, as allowed for by Article 23(1) of the GDPR.
- (4) Schedule 4 makes provision restricting the application of rules contained in Articles 13 to 21 of the GDPR to information the disclosure of which is prohibited or restricted by an enactment, as allowed for by Article 23(1) of the GDPR.
- (5) In connection with the safeguarding of national security and with defence, see Chapter 3 of this Part and the exemption in section 26.

## **16 Power to make further exemptions etc by regulations**

- (1) The following powers to make provision altering the application of the GDPR may be exercised by way of regulations made by the Secretary of State under this section—
  - (a) the power in Article 6(3) for Member State law to lay down a legal basis containing specific provisions to adapt the application of rules of the GDPR where processing is necessary for compliance with a legal obligation, for the performance of a task in the public interest or in the exercise of official authority;
  - (b) the power in Article 23(1) to make a legislative measure restricting the scope of the obligations and rights mentioned in that Article where necessary and proportionate to safeguard certain objectives of general public interest;
  - (c) the power in Article 85(2) to provide for exemptions or derogations from certain Chapters of the GDPR where necessary to reconcile the protection of personal data with the freedom of expression and information.
- (2) Regulations under this section may—
  - (a) amend Schedules 2 to 4—
    - (i) by adding or varying provisions, and
    - (ii) by omitting provisions added by regulations under this section, and
  - (b) consequentially amend section 15.
- (3) Regulations under this section are subject to the affirmative resolution procedure.