



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 and Social Work Professions Order 2001 ([S.I. 2002/254](#)) for the time being extends, other than the social work profession in England;
 - (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—
- (a) a person registered as a social worker in England in the register maintained under the Health and Social Work Professions Order 2001 ([S.I. 2002/254](#));
 - (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;
 - (g) the Health and Social Care Information Centre;
 - (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;
- (p) the Regional Health and Social Care Board established under section 7 of the [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1 \(N.I\)\)](#) ;
- (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 \(N.I. 3\)](#));
- (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 \(N.I. 1\)](#)).

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, and
- (e) an enactment comprised in, or in an instrument made under, Northern Ireland 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;

“health record” means a record which—

Status: This is the original version (as it was originally enacted).

- (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) an EU obligation, and
- (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.

(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—

- (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;
- (m) Schedule 15;

(and the references in section 5 to terms used in Chapter 2 or 3 of Part 2 do not include references to a period expressed in hours, days, weeks, months or years).

(3) Section 3(14)(b) (interpretation of references to Chapter 2 of Part 2 in Parts 5 to 7) and the amendments in Schedule 19 which make equivalent provision are not to

be treated as implying a contrary intention for the purposes of section 20(2) of the Interpretation Act 1978, or any similar provision in another enactment, as it applies to other references to, or to a provision of, Chapter 2 of Part 2 of this Act.

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Status: This is the original version (as it was originally enacted).

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