
Changes to legislation: Data Protection Act 2018, Cross Heading: Pharmacy Order 2010 (S.I. 2010/231) is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 19

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

AMENDMENTS OF OTHER LEGISLATION

Pharmacy Order 2010 (S.I. 2010/231)

- 351 The Pharmacy Order 2010 is amended as follows.
- 352 In article 3(1) (interpretation), omit the definition of “Directive [95/46/EC](#)”.
- 353 (1) Article 9 (inspection and enforcement) is amended as follows.
- (2) For paragraph (4) substitute—
- “(4) If a report that the Council proposes to publish pursuant to paragraph (3) includes personal data, it is to be assumed for the purposes of paragraph 5(2) of Schedule 2 to the Data Protection Act 2018 and paragraph 3(2) of Schedule 11 to that Act (exemptions from certain provisions of the data protection legislation: disclosures required by law) that the disclosure of the personal data is required by paragraph (3) of this article.”
- (3) After paragraph (4) insert—
- “(5) In this article, “personal data” and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(2) and (14) of that Act).”
- 354 In article 33A (European professional card), after paragraph (2) insert—
- “(3) In Schedule 2A, “the GDPR” means [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), read with Chapter 2 of Part 2 of the Data Protection Act 2018.”
- 355 (1) Article 49 (disclosure of information: general) is amended as follows.
- (2) In paragraph (2)(a), after “enactment” insert “ or the GDPR ”.
- (3) For paragraph (3) substitute—
- “(3) In determining for the purposes of paragraph (2)(a) whether a disclosure is prohibited, it is to be assumed for the purposes of paragraph 5(2) of Schedule 2 to the Data Protection Act 2018 and paragraph 3(2) of Schedule 11 to that Act (exemptions from certain provisions of the data

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protection legislation: disclosures required by law) that the disclosure is required by paragraph (1) of this article.”

(4) After paragraph (5) insert—

“(6) In this article, “the GDPR” and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).”

356 (1) Article 55 (professional performance assessments) is amended as follows.

(2) In paragraph (5)(a), after “enactment” insert “ or the GDPR ”.

(3) For paragraph (6) substitute—

“(6) In determining for the purposes of paragraph (5)(a) whether a disclosure is prohibited, it is to be assumed for the purposes of paragraph 5(2) of Schedule 2 to the Data Protection Act 2018 and paragraph 3(2) of Schedule 11 to that Act (exemptions from certain provisions of the data protection legislation: disclosures required by law) that the disclosure is required by paragraph (4) of this article.”

(4) After paragraph (8) insert—

“(9) In this article, “the GDPR” and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).”

357 In article 67(6) (Directive [2005/36/EC](#): designation of competent authority etc.), after sub-paragraph (a) insert—

“(aa) “the GDPR” means [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), read with Chapter 2 of Part 2 of the Data Protection Act 2018;”.

358 (1) Schedule 2A (Directive [2005/36/EC](#): European professional card) is amended as follows.

(2) In paragraph 8(1) (access to data), for “Directive [95/46/EC](#)” substitute “ the GDPR ”.

(3) In paragraph 9 (processing data)—

- (a) omit sub-paragraph (2) (deeming the Council to be the controller for the purposes of Directive [95/46/EC](#)), and
- (b) after sub-paragraph (2) insert—

“(3) In this paragraph, “personal data” has the same meaning as in the Data Protection Act 2018 (see section 3(2) of that Act).”

359 (1) The table in Schedule 3 (Directive [2005/36/EC](#): designation of competent authority etc.) is amended as follows.

(2) In the entry for Article 56(2), in the second column, for “Directive [95/46/EC](#)” substitute “ the GDPR ”.

(3) In the entry for Article 56a(4), in the second column, for “Directive [95/46/EC](#)” substitute “ the GDPR ”.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 204(1)(l) inserted by [S.I. 2024/374 Sch. 5 para. 7](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)