

Changes to legislation: Data Protection Act 2018, Cross Heading: Regulatory functions of certain other persons is up to date with all changes known to be in force on or before 11 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 2

EXEMPTIONS ETC FROM THE [F1UK GDPR]

Textual Amendments

- F1** Words in Sch. 2 heading substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 92(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

PART 2

RESTRICTIONS [F1AS DESCRIBED IN] ARTICLE 23(1):
RESTRICTIONS OF RULES IN ARTICLES 13 TO 21 AND 34

Textual Amendments

- F1** Words in Sch. 2 Pt. 2 heading substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 92(9)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

Regulatory functions of certain other persons

- 11 The listed GDPR provisions do not apply to personal data processed for the purposes of discharging a function that—
- (a) is a function of a person described in column 1 of the Table, and
 - (b) is conferred on that person as described in column 2 of the Table,
- to the extent that the application of those provisions would be likely to prejudice the proper discharge of the function.

TABLE

<i>Person on whom function is conferred</i>	<i>How function is conferred</i>
1. The Commissioner.	By or under— <ul style="list-style-type: none">(a) the data protection legislation;(b) the Freedom of Information Act 2000;(c) section 244 of the Investigatory Powers Act 2016;

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- (d) the Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426);
 - (e) the Environmental Information Regulations 2004 (S.I. 2004/3391);
 - (f) the INSPIRE Regulations 2009 (S.I. 2009/3157);
 - (g) [Regulation \(EU\) No 910/2014](#) of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive [1999/93/EC](#);
 - (h) the Re-use of Public Sector Information Regulations 2015 (S.I. 2015/1415);
 - (i) the Electronic Identification and Trust Services for Electronic Transactions Regulations 2016 (S.I. 2016/696).
- 2. The Scottish Information Commissioner. By or under—
 - (a) the Freedom of Information (Scotland) Act 2002 (asp 13);
 - (b) the Environmental Information (Scotland) Regulations 2004 (S.S.I. 2004/520);
 - (c) the INSPIRE (Scotland) Regulations 2009 (S.S.I. 2009/440).
- 3. The Pensions Ombudsman. By or under Part 10 of the Pension Schemes Act 1993 or any corresponding legislation having equivalent effect in Northern Ireland.
- 4. The Board of the Pension Protection Fund. By or under sections 206 to 208 of the Pensions Act 2004 or any corresponding legislation having equivalent effect in Northern Ireland.
- 5. The Ombudsman for the Board of the Pension Protection Fund. By or under any of sections 209 to 218 or 286(1) of the Pensions Act 2004 or any corresponding legislation having equivalent effect in Northern Ireland.

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6. The Pensions Regulator.	By an enactment.
7. The Financial Conduct Authority.	By or under the Financial Services and Markets Act 2000 or by another enactment.
8. The Financial Ombudsman.	By or under Part 16 of the Financial Services and Markets Act 2000.
9. The investigator of complaints against the financial regulators.	By or under Part 6 of the Financial Services Act 2012.
F1	F1
...	...
11. The monitoring officer of a relevant authority.	By or under the Local Government and Housing Act 1989.
12. The monitoring officer of a relevant Welsh authority.	By or under the Local Government Act 2000.
13. The Public Services Ombudsman for Wales.	By or under the Local Government Act 2000.
14. The Charity Commission.	By or under— (a) the Charities Act 1992; (b) the Charities Act 2006; (c) the Charities Act 2011.

Textual Amendments

F1 Words in Sch. 2 para. 11 table omitted (31.12.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/203\)](#), regs. 1, **5(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

C1 [Sch. 2 para. 11](#) table modified (28.1.2021 for specified purposes, 30.7.2022 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2021 \(S.I. 2021/90\)](#), arts. 1(2)(3), **15(2)**

12 In the Table in paragraph 11—

F2

...

F2

...

the “Financial Ombudsman” means the scheme operator within the meaning of Part 16 of the Financial Services and Markets Act 2000 (see section 225 of that Act);

the “investigator of complaints against the financial regulators” means the person appointed under section 84(1)(b) of the Financial Services Act 2012;

“relevant authority” has the same meaning as in section 5 of the Local Government and Housing Act 1989, and “monitoring officer”, in relation to such an authority, means a person designated as such under that section;

“relevant Welsh authority” has the same meaning as “relevant authority” in section 49(6) of the Local Government Act 2000, and “monitoring officer”, in relation to such an authority, has the same meaning as in Part 3 of that Act.

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Textual Amendments

- F2** Words in [Sch. 2 para. 12](#) omitted (31.12.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/203), regs. 1, **5(b)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

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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):

- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)