



Data Protection Act 2018

2018 CHAPTER 12

PART 5

THE INFORMATION COMMISSIONER

Information provided to the Commissioner

133 Guidance about privileged communications

- (1) The Commissioner must produce and publish guidance about—
 - (a) how the Commissioner proposes to secure that privileged communications which the Commissioner obtains or has access to in the course of carrying out the Commissioner's functions are used or disclosed only so far as necessary for carrying out those functions, and
 - (b) how the Commissioner proposes to comply with restrictions and prohibitions on obtaining or having access to privileged communications which are imposed by an enactment.
- (2) The Commissioner—
 - (a) may alter or replace the guidance, and
 - (b) must publish any altered or replacement guidance.
- (3) The Commissioner must consult the Secretary of State before publishing guidance under this section (including altered or replacement guidance).
- (4) The Commissioner must arrange for guidance under this section (including altered or replacement guidance) to be laid before Parliament.
- (5) In this section, “privileged communications” means—
 - (a) communications made—
 - (i) between a professional legal adviser and the adviser's client, and
 - (ii) in connection with the giving of legal advice to the client with respect to legal obligations, liabilities or rights, and
 - (b) communications made—

Changes to legislation: Data Protection Act 2018, Section 133 is up to date with all changes known to be in force on or before 03 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](#)

- (i) between a professional legal adviser and the adviser's client or between such an adviser or client and another person,
 - (ii) in connection with or in contemplation of legal proceedings, and
 - (iii) for the purposes of such proceedings.
- (6) In subsection (5)—
 - (a) references to the client of a professional legal adviser include references to a person acting on behalf of the client, and
 - (b) references to a communication include—
 - (i) a copy or other record of the communication, and
 - (ii) anything enclosed with or referred to in the communication if made as described in subsection (5)(a)(ii) or in subsection (5)(b)(ii) and (iii).

Changes to legislation:

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[View outstanding changes](#)

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\(3\)](#)