



Data Protection Act 2018

2018 CHAPTER 12

PART 2

GENERAL PROCESSING

CHAPTER 2

[^{F1} THE UK GDPR]

[^{F1}Exemptions etc]

16 Power to make further exemptions etc by regulations

- (1) The following powers to make provision altering the application of the [^{F1}UK GDPR] may be exercised by way of regulations made by the Secretary of State under this section—
- (a) the power in Article 6(3) ^{F2}... to lay down a legal basis containing specific provisions to adapt the application of rules of the [^{F3}UK 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 [^{F4}provision] 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 [^{F5}UK 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, ^{F6}...

Changes to legislation: Data Protection Act 2018, Section 16 is up to date with all changes known to be in force on or before 06 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

- (b) consequentially amend section 15 [^{F7}, and
- (c) consequentially amend the UK GDPR by adding, varying or omitting a reference to section 15, Schedule 2, 3 or 4, this section or regulations under this section.]

(3) Regulations under this section are subject to the affirmative resolution procedure.

Textual Amendments

- F1** Words in s. 16(1) 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. 20(2)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 16(1)(a) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 2 para. 20(2)(b)(i)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 16(1)(a) 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. 20(2)(b)(ii)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in s. 16(1)(b) 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. 20(2)(c)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 16(1)(c) 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. 20(2)(d)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in s. 16(2)(a)(ii) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 2 para. 20(3)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F7** S. 16(2)(c) and word inserted (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. 20(3)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I1** S. 16 in force at Royal Assent for specified purposes, see s. 212(2)(f)

Changes to legislation:

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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\(3\)](#)