



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 7

#### SUPPLEMENTARY AND FINAL PROVISION

##### *Territorial application*

#### **207 Territorial application of this Act**

- (1) This Act applies only to processing of personal data described in subsections (2) and (3).
- (2) It applies to the processing of personal data in the context of the activities of an establishment of a controller or processor in the United Kingdom, whether or not the processing takes place in the United Kingdom.
- (3) It also applies to the processing of personal data to which Chapter 2 of Part 2 (the GDPR) applies where—
  - (a) the processing is carried out in the context of the activities of an establishment of a controller or processor in a country or territory that is not a member State, whether or not the processing takes place in such a country or territory,
  - (b) the personal data relates to a data subject who is in the United Kingdom when the processing takes place, and
  - (c) the processing activities are related to—
    - (i) the offering of goods or services to data subjects in the United Kingdom, whether or not for payment, or
    - (ii) the monitoring of data subjects' behaviour in the United Kingdom.
- (4) Subsections (1) to (3) have effect subject to any provision in or made under section 120 providing for the Commissioner to carry out functions in relation to other processing of personal data.
- (5) Section 3(14)(c) does not apply to the reference to the processing of personal data in subsection (2).

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*Status: This is the original version (as it was originally enacted).*

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- (6) The reference in subsection (3) to Chapter 2 of Part 2 (the GDPR) does not include that Chapter as applied by Chapter 3 of Part 2 (the applied GDPR).
- (7) In this section, references to a person who has an establishment in the United Kingdom include the following—
- (a) an individual who is ordinarily resident in the United Kingdom,
  - (b) a body incorporated under the law of the United Kingdom or a part of the United Kingdom,
  - (c) a partnership or other unincorporated association formed under the law of the United Kingdom or a part of the United Kingdom, and
  - (d) a person not within paragraph (a), (b) or (c) who maintains, and carries on activities through, an office, branch or agency or other stable arrangements in the United Kingdom,
- and references to a person who has an establishment in another country or territory have a corresponding meaning.