



Data Protection Act 2018

2018 CHAPTER 12

PART 2

GENERAL PROCESSING

CHAPTER 2

THE GDPR

Specific processing situations

19 Processing for archiving, research and statistical purposes: safeguards

- (1) This section makes provision about—
 - (a) processing of personal data that is necessary for archiving purposes in the public interest,
 - (b) processing of personal data that is necessary for scientific or historical research purposes, and
 - (c) processing of personal data that is necessary for statistical purposes.
- (2) Such processing does not satisfy the requirement in Article 89(1) of the GDPR for the processing to be subject to appropriate safeguards for the rights and freedoms of the data subject if it is likely to cause substantial damage or substantial distress to a data subject.
- (3) Such processing does not satisfy that requirement if the processing is carried out for the purposes of measures or decisions with respect to a particular data subject, unless the purposes for which the processing is necessary include the purposes of approved medical research.
- (4) In this section—

“approved medical research” means medical research carried out by a person who has approval to carry out that research from—

Status: This is the original version (as it was originally enacted).

- (a) a research ethics committee recognised or established by the Health Research Authority under Chapter 2 of Part 3 of the Care Act 2014, or
 - (b) a body appointed by any of the following for the purpose of assessing the ethics of research involving individuals—
 - (i) the Secretary of State, the Scottish Ministers, the Welsh Ministers, or a Northern Ireland department;
 - (ii) a relevant NHS body;
 - (iii) United Kingdom Research and Innovation or a body that is a Research Council for the purposes of the Science and Technology Act 1965;
 - (iv) an institution that is a research institution for the purposes of Chapter 4A of Part 7 of the Income Tax (Earnings and Pensions) Act 2003 (see section 457 of that Act);
- “relevant NHS body” means—
- (a) an NHS trust or NHS foundation trust in England,
 - (b) an NHS trust or Local Health Board in Wales,
 - (c) a Health Board or Special Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978,
 - (d) the Common Services Agency for the Scottish Health Service, or
 - (e) any of the health and social care bodies in Northern Ireland falling within paragraphs (a) to (e) of section 1(5) of the [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1 \(N.I.\)\)](#).
- (5) The Secretary of State may by regulations change the meaning of “approved medical research” for the purposes of this section, including by amending subsection (4).
 - (6) Regulations under subsection (5) are subject to the affirmative resolution procedure.