



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 7

#### SUPPLEMENTARY AND FINAL PROVISION

##### *Framework for Data Processing by Government*

#### **191 Framework for Data Processing by Government**

- (1) The Secretary of State may prepare a document, called the Framework for Data Processing by Government, which contains guidance about the processing of personal data in connection with the exercise of functions of—
  - (a) the Crown, a Minister of the Crown or a United Kingdom government department, and
  - (b) a person with functions of a public nature who is specified or described in regulations made by the Secretary of State.
- (2) The document may make provision relating to all of those functions or only to particular functions or persons.
- (3) The document may not make provision relating to, or to the functions of, a part of the Scottish Administration, the Welsh Government, a Northern Ireland Minister or a Northern Ireland department.
- (4) The Secretary of State may from time to time prepare amendments of the document or a replacement document.
- (5) Before preparing a document or amendments under this section, the Secretary of State must consult—
  - (a) the Commissioner, and
  - (b) any other person the Secretary of State considers it appropriate to consult.
- (6) Regulations under subsection (1)(b) are subject to the negative resolution procedure.

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*Changes to legislation: Data Protection Act 2018, Cross Heading: Framework for Data Processing by Government is up to date with all changes known to be in force on or before 04 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*

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- (7) In this section, “Northern Ireland Minister” includes the First Minister and deputy First Minister in Northern Ireland.

**Commencement Information**

- I1** [S. 191](#) in force at Royal Assent for specified purposes, see [s. 212\(2\)\(f\)](#)  
**I2** [S. 191](#) in force at 23.7.2018 in so far as not already in force by [S.I. 2018/625](#), [reg. 3\(h\)](#)

**192 Approval of the Framework**

- (1) Before issuing a document prepared under section 191, the Secretary of State must lay it before Parliament.
- (2) If, within the 40-day period, either House of Parliament resolves not to approve the document, the Secretary of State must not issue it.
- (3) If no such resolution is made within that period—
- (a) the Secretary of State must issue the document, and
  - (b) the document comes into force at the end of the period of 21 days beginning with the day on which it is issued.
- (4) Nothing in subsection (2) prevents another version of the document being laid before Parliament.
- (5) In this section, “the 40-day period” means—
- (a) if the document is laid before both Houses of Parliament on the same day, the period of 40 days beginning with that day, or
  - (b) if the document is laid before the Houses of Parliament on different days, the period of 40 days beginning with the later of those days.
- (6) In calculating the 40-day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses of Parliament are adjourned for more than 4 days.
- (7) This section applies in relation to amendments prepared under section 191 as it applies in relation to a document prepared under that section.

**Commencement Information**

- I3** [S. 192](#) in force at 23.7.2018 by [S.I. 2018/625](#), [reg. 3\(i\)](#)

**193 Publication and review of the Framework**

- (1) The Secretary of State must publish a document issued under section 192(3).
- (2) Where an amendment of a document is issued under section 192(3), the Secretary of State must publish—
- (a) the amendment, or
  - (b) the document as amended by it.
- (3) The Secretary of State must keep under review the document issued under section 192(3) for the time being in force.

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- (4) Where the Secretary of State becomes aware that the terms of such a document could result in a breach of an international obligation of the United Kingdom, the Secretary of State must exercise the power under section 191(4) with a view to remedying the situation.

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**Commencement Information**

**I4** [S. 193](#) in force at 23.7.2018 by [S.I. 2018/625](#), [reg. 3\(j\)](#)

**194 Effect of the Framework**

- (1) When carrying out processing of personal data which is the subject of a document issued under section 192(3) which is for the time being in force, a person must have regard to the document.
- (2) A failure to act in accordance with a provision of such a document does not of itself make a person liable to legal proceedings in a court or tribunal.
- (3) A document issued under section 192(3), including an amendment or replacement document, is admissible in evidence in legal proceedings.
- (4) In any legal proceedings before a court or tribunal, the court or tribunal must take into account a provision of any document issued under section 192(3) in determining a question arising in the proceedings if—
- the question relates to a time when the provision was in force, and
  - the provision appears to the court or tribunal to be relevant to the question.
- (5) In determining a question arising in connection with the carrying out of any of the Commissioner's functions, the Commissioner must take into account a provision of a document issued under section 192(3) if—
- the question relates to a time when the provision was in force, and
  - the provision appears to the Commissioner to be relevant to the question.

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**Commencement Information**

**I5** [S. 194](#) in force at 23.7.2018 by [S.I. 2018/625](#), [reg. 3\(k\)](#)

**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\(3\)](#)