

Regulation (EU) 2016/679 of the European Parliament and of the Council  
of 27 April 2016 on the protection of natural persons with regard to the  
processing of personal data and on the free movement of such data (United  
Kingdom General Data Protection Regulation)(Text with EEA relevance)

*CHAPTER I*

*General provisions*

*Article 2*

**Material scope**

[<sup>F1</sup>1. This Regulation applies to the automated or structured processing of personal data, including—

- a processing in the course of an activity which, immediately before IP completion day, fell outside the scope of EU law, and
- b processing in the course of an activity which, immediately before IP completion day, fell within the scope of Chapter 2 of Title 5 of the Treaty on European Union (common foreign and security policy activities).

1A. This Regulation also applies to the manual unstructured processing of personal data held by an FOI public authority.]

[<sup>F2</sup>2 This Regulation does not apply to—

- a the processing of personal data by an individual in the course of a purely personal or household activity;
- b the processing of personal data by a competent authority for any of the law enforcement purposes (see Part 3 of the 2018 Act);
- c the processing of personal data to which Part 4 of the 2018 Act (intelligence services processing) applies.]

<sup>F3</sup>3 .....

4 This Regulation shall be without prejudice to the application of [<sup>F4</sup>the Electronic Commerce (EC Directive) Regulations 2002, in particular the provisions about mere conduits, caching and hosting (see regulations 17 to 19 of those Regulations).]

[<sup>F5</sup>5. In this Article—

- a ‘the automated or structured processing of personal data’ means—
  - i the processing of personal data wholly or partly by automated means, and
  - ii the processing otherwise than by automated means of personal data which forms part of a filing system or is intended to form part of a filing system;
- b ‘the manual unstructured processing of personal data’ means the processing of personal data which is not the automated or structured processing of personal data;
- c ‘FOI public authority’ has the same meaning as in Chapter 3 of Part 2 of the 2018 Act (see section 21(5) of that Act);
- d references to personal data ‘held’ by an FOI public authority are to be interpreted in accordance with section 21(6) [<sup>F6</sup>to (8)] of the 2018 Act;

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2016/679 of the European Parliament and of the Council, Article 2. (See end of Document for details)

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- e ‘competent authority’ and ‘law enforcement purposes’ have the same meaning as in Part 3 of the 2018 Act (see sections 30 and 31 of that Act).]

#### Textual Amendments

- F1** Art. 2(1)(1A) substituted for Art. 2(1) (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. 1 para. 4(2)** (as amended by [S.I. 2020/1586](#), regs. 1(2), **4(2)**) (with reg. 5); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Art. 2(2) 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. 1 para. 4(3)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Art. 2(3) 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. 1 para. 4(4)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 2(4) 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. 1 para. 4(5)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Art. 2(5) 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. 1 para. 4(6)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 2(5)(d) substituted (25.1.2023) by [Advanced Research and Invention Agency Act 2022 \(c. 4\)](#), s. 13(1), **Sch. 3 para. 18(1)**; [S.I. 2023/58](#), reg. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) 2016/679 of the European Parliament and of the Council, Article 2.