

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 II*

*Principles*

*Article 9*

**Processing of special categories of personal data**

- 1 Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.
- 2 Paragraph 1 shall not apply if one of the following applies:
  - a the data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where [<sup>F1</sup>domestic law provides] that the prohibition referred to in paragraph 1 may not be lifted by the data subject;
  - b processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by [<sup>F2</sup>domestic law] or a collective agreement pursuant [<sup>F3</sup>to domestic law] providing for appropriate safeguards for the fundamental rights and the interests of the data subject;
  - c processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
  - d processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
  - e processing relates to personal data which are manifestly made public by the data subject;
  - f processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
  - g processing is necessary for reasons of substantial public interest, on the basis of [<sup>F4</sup>domestic law] which shall be proportionate to the aim pursued <sup>F5</sup>... and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;
  - h processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of [<sup>F6</sup>domestic law] or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

*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 9. (See end of Document for details)*

- i processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of [F7 domestic law] which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;
- j processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) [F8 (as supplemented by section 19 of the 2018 Act)] based on [F9 domestic law] which shall be proportionate to the aim pursued F10... and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

3 Personal data referred to in paragraph 1 may be processed for the purposes referred to in point (h) of paragraph 2 when those data are processed by or under the responsibility of a professional subject to the obligation of professional secrecy under [F11 domestic law] or rules established by national competent bodies or by another person also subject to an obligation of secrecy under [F11 domestic law] or rules established by national competent bodies.

[F123A. In paragraph 3, ‘national competent bodies’ means competent bodies of the United Kingdom or a part of the United Kingdom.]

F134 .....

[F145. In the 2018 Act—

- a section 10 makes provision about when the requirement in paragraph 2(b), (g), (h), (i) or (j) of this Article for authorisation by, or a basis in, domestic law is met;
- b section 11(1) makes provision about when the processing of personal data is carried out in circumstances described in paragraph 3 of this Article.]

#### Textual Amendments

- F1** Words in Art. 9(2)(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. 1 para. 9(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 9(2)(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. 1 para. 9(3)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 9(2)(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. 1 para. 9(3)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 9(2)(g) 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. 9(4)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 9(2)(g) omitted (31.12.2023 immediately before the end of 2023) by virtue of [The Data Protection \(Fundamental Rights and Freedoms\) \(Amendment\) Regulations 2023 \(S.I. 2023/1417\)](#), regs. 1(2), **2(4)**
- F6** Words in Art. 9(2)(h) 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. 9(5)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 9(2)(i) 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. 9(6)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

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- F8** Words in Art. 9(2)(j) 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. 9(7)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 9(2)(j) 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. 9(7)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 9(2)(j) omitted (31.12.2023 immediately before the end of 2023) by virtue of The Data Protection (Fundamental Rights and Freedoms) (Amendment) Regulations 2023 (S.I. 2023/1417), regs. 1(2), **2(5)**
- F11** Words in Art. 9(3) 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. 9(8)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Art. 9(3A) 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. 9(9)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Art. 9(4) 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. 9(10)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Art. 9(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. 9(11)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

**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 9.