
DRAFT STATUTORY INSTRUMENTS

2019 No. [XXXX]

**EXITING THE EUROPEAN UNION
DATA PROTECTION
ELECTRONIC COMMUNICATIONS**

The Data Protection, Privacy and Electronic Communications
(Amendments etc) (EU Exit) Regulations 2019

*Made - - - - - ***
Coming into force in accordance with
regulation 1(2) and (3)*

**THE DATA PROTECTION, PRIVACY AND
ELECTRONIC COMMUNICATIONS (AMENDMENTS
ETC) (EU EXIT) REGULATIONS 2019**

1. Citation, commencement and extent
 2. Interpretation
 3. Amendment of the General Data Protection Regulation
 4. Amendment of the Data Protection Act 2018
 5. GDPR merger modifications
 6. Consequential amendments of other legislation
 7. Amendments consequential on provisions of the 2018 Act
 8. Amendment of the Privacy and Electronic Communications Regulations 2003
- Signature

SCHEDULE 1 — Amendments of the UK GDPR

1. Introduction
2. In the title of the Regulation, for “, and repealing...
3. Chapter 1 (general provisions)
4. (1) Article 2 is amended as follows.
5. (1) Article 3 is amended as follows.
6. (1) Article 4 is amended as follows.
7. Chapter 2 (principles)
8. (1) Article 8 is amended as follows.

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9. (1) Article 9 is amended as follows.
10. (1) Article 10 is amended as follows.
11. Chapter 3 (rights of the data subject)
12. (1) Article 13 is amended as follows.
13. (1) Article 14 is amended as follows.
14. In Article 15(1)(f), for “a supervisory authority” substitute “the Commissioner”....
15. (1) Article 17 is amended as follows.
16. In Article 18(2), omit “of the Union or of a...”
17. In Article 21(5)— (a) omit “and notwithstanding Directive 2002/58/EC,”;
18. (1) Article 22 is amended as follows.
19. (1) Article 23 is amended as follows.
20. Chapter 4 (controller and processor)
21. (1) Article 27 is amended as follows.
22. (1) Article 28 is amended as follows.
23. In Article 29, for “Union or Member State law” substitute...
24. (1) Article 30 is amended as follows.
25. (1) Article 31 is amended as follows.
26. In Article 32(4), for “Union or Member State law” substitute...
27. (1) Article 33 is amended as follows.
28. In Article 34(4), for “the supervisory authority” substitute “the Commissioner”....
29. (1) Article 35 is amended as follows.
30. (1) Article 36 is amended as follows.
31. (1) Article 37 is amended as follows.
32. In Article 38(5), for “Union or Member State law” substitute...
33. (1) Article 39 is amended as follows.
34. (1) Article 40 is amended as follows.
35. (1) Article 41 is amended as follows.
36. (1) Article 42 is amended as follows.
37. (1) Article 43 is amended as follows.
38. Chapter 5 (transfers of personal data to third countries or international organisations)
39. (1) Article 46 is amended as follows.
40. (1) Article 47 is amended as follows.
41. Omit Article 48.
42. (1) Article 49 is amended as follows.
43. In Article 50, for “the Commission and supervisory authorities” substitute...
44. Chapter 6 (independent supervisory authorities)
45. (1) Article 51 is amended as follows.
46. (1) Article 52 is amended as follows.
47. Omit Article 53.
48. Omit Article 54.
49. In the heading of section 2 of Chapter 6, for...
50. Omit Article 55.
51. Omit Article 56.
52. (1) Article 57 is amended as follows.
53. (1) Article 58 is amended as follows.
54. In Article 59— (a) for “Each supervisory authority” substitute “The...”
55. Chapter 7 (cooperation and consistency)
56. Chapter 8 (remedies, liability and penalties)
57. (1) Article 78 is amended as follows.
58. (1) Article 79 is amended as follows.

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59. (1) Article 80 is amended as follows.
60. Omit Article 81.
61. In Article 82, omit paragraph 6.
62. (1) Article 83 is amended as follows.
63. In Article 84, for paragraphs 1 and 2 substitute— Part...
64. Chapter 9 (provisions relating to specific processing situations)
65. (1) Article 86 is amended as follows.
66. After Article 86 insert— Article 86A Processing and national security...
67. Omit Article 87.
68. Omit Article 88.
69. (1) Article 89 is amended as follows.
70. Omit Article 90.
71. Omit Article 91.
72. Chapter 10 (delegated acts and implementing acts)
73. Chapter 11 (final provisions)
74. (1) Article 95 is amended as follows.
75. (1) Article 96 is amended as follows.
76. Omit Article 97.
77. Omit Article 98.
78. Omit Article 99.
79. Omit the sentence following Article 99.
80. Supplementary

SCHEDULE 2 — Amendments of the Data Protection Act 2018

1. Introduction
2. Part 1 (preliminary)
3. In section 2(1) and (2), for “GDPR, the applied GDPR”...
4. (1) Section 3 is amended as follows.
5. Part 2 (general processing) (other than Schedules 1 to 6)
6. (1) Section 5 is amended as follows.
7. For the heading of Chapter 2 substitute “The UK GDPR”....
8. In the italic heading before section 6, for “GDPR” substitute...
9. In section 6(1) and (2), for “GDPR” substitute “UK GDPR”....
10. (1) Section 7 is amended as follows.
11. In section 8, for “GDPR” substitute “UK GDPR”.
12. Omit section 9.
13. (1) Section 10 is amended as follows.
14. In section 11, in subsection (1) (in both places) and...
15. In section 12(1)(a) and (b), for “GDPR” substitute “UK GDPR”....
16. In section 13(2) and (3), for “GDPR” substitute “UK GDPR”....
17. (1) Section 14 is amended as follows.
18. For the italic heading before section 15 substitute “Exemptions etc”....
19. (1) Section 15 is amended as follows.
20. (1) Section 16 is amended as follows.
21. For the italic heading before section 17 substitute “Certification”.
22. (1) Section 17 is amended as follows.
23. Before section 18 (but after the italic heading before it)...
24. (1) Section 18 is amended as follows.
25. In section 19(2), for “GDPR” substitute “UK GDPR”.
26. In section 20— (a) for “this Chapter” (in both places)...
27. (1) For the heading of Chapter 3 substitute “Exemptions for...”
28. For the italic heading before section 21 substitute “Definitions”.
29. (1) Section 21 is amended as follows.

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30. Omit section 22 and the italic heading before it.
31. Omit section 23.
32. (1) Section 24 is amended as follows.
33. (1) Section 25 is amended as follows.
34. (1) Section 26 is amended as follows.
35. In section 27(5), for “the applied GDPR” substitute “the UK...”
36. (1) Section 28 is amended as follows.
37. Part 3 (law enforcement processing) (other than Schedules 7 and 8)
38. In section 48, omit subsection (8).
39. In section 67, omit subsection (8).
40. (1) Section 73 is amended as follows.
41. Omit section 74.
42. After section 74 insert— Transfers based on adequacy regulations (1) The Secretary of State may by regulations specify any...
43. In section 76(1)(c), omit “a member State or”.
44. Section 77(8), for “member States” substitute “the United Kingdom”.
45. (1) Section 78 is amended as follows.
46. (1) Section 80 is amended as follows.
47. Part 5 (Information Commissioner) (other than Schedules 12 to 14)
48. (1) Section 116 is amended as follows.
49. (1) Section 117 is amended as follows.
50. (1) Section 118 is amended as follows.
51. After section 119 insert— Standard clauses for transfers to third...
52. (1) Section 120 is amended as follows.
53. In section 123(7), for “GDPR” (in both places) substitute “UK...”
54. In section 129(1), for “GDPR” substitute “UK GDPR”.
55. In section 132(2), omit paragraph (d).
56. In section 135(4), for “GDPR” substitute “UK GDPR”.
57. In section 136(1)(b), for “GDPR” substitute “UK GDPR”.
58. In section 139(2), for “GDPR” substitute “UK GDPR”.
59. Part 6 (enforcement) (other than Schedules 15 to 17)
60. In section 143(9), for “GDPR” substitute “UK GDPR”.
61. In section 149(2)(a), (b), (c) and (e), (3) and (4)(b)...
62. In section 151(1)(b) and (8)(a), for “GDPR” substitute “UK GDPR”....
63. In section 155(2)(a), for “GDPR” (in both places) substitute “UK...”
64. (1) Section 157 is amended as follows.
65. In section 159(1) and (2), for “GDPR” substitute “UK GDPR”....
66. (1) Section 165 is amended as follows.
67. In section 166(1), for “GDPR” substitute “UK GDPR”.
68. In section 167(4), for “GDPR” substitute “UK GDPR”.
69. (1) Section 168 is amended as follows.
70. In section 169(1), for “GDPR” substitute “UK GDPR”.
71. In section 170(7), for “GDPR” substitute “UK GDPR”.
72. In section 171(8)(a), for “GDPR” substitute “UK GDPR”.
73. In section 173(2)(a) and (b), for “GDPR” substitute “UK GDPR”....
74. In section 174(2)(a) and (b), for “GDPR” substitute “UK GDPR”....
75. In section 180(2)(d) and (e), for “GDPR” substitute “UK GDPR”....
76. In section 181, in the definition of “representative”, for “GDPR”...
77. Part 7 (supplementary and final provision) (other than Schedules 18 to 20)
78. (1) Section 183 is amended as follows.
79. In section 185(4)(a) and (b), for “GDPR” substitute “UK GDPR”....
80. (1) Section 186 is amended as follows.
81. (1) Section 187 is amended as follows.

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82. In section 188(2), for “GDPR” substitute “UK GDPR”.
83. (1) Section 189 is amended as follows.
84. In section 190(1), for “GDPR” (in each place) substitute “UK...”
85. (1) Section 205 is amended as follows.
86. (1) The Table in section 206 is amended as follows....
87. (1) Section 207 is amended as follows.
88. In section 209(2), (3) and (4), for “GDPR” substitute “UK...”
89. In section 210(2) and (3), for “GDPR” substitute “UK GDPR”....
90. (1) Section 213 is amended as follows.
91. Schedules
92. (1) Schedule 2 is amended as follows.
93. (1) Schedule 3 is amended as follows.
94. (1) Schedule 4 is amended as follows.
95. In Schedule 5, in the following provisions, for “national accreditation...”
96. Omit Schedule 6.
97. (1) Schedule 13 is amended as follows.
98. In Schedule 14, omit Part 1.
99. (1) Schedule 18 is amended as follows.
100. (1) Schedule 19 is amended as follows.
101. (1) Schedule 20 is amended as follows.
102. After Schedule 20 insert— SCHEDULE21 Further transitional provision
etc Section...

SCHEDULE 3 — Consequential amendments of other legislation

PART 1 — Revocation of retained EU law

1. Revocation of Regulations and Decisions
2. Revocation of provisions of EEA agreement

PART 2 — Amendments of primary legislation

3. Consumer Credit Act 1974
4. In section 157(2A)(a) (duty to disclose name etc of agency),...
5. In section 159(1)(a) (correction of wrong information), for “GDPR”
substitute...
6. In section 189(1) (definitions)— (a) omit the definition of “the...”
7. Pharmacy (Northern Ireland) Order 1976
8. Medical Act 1983
9. (1) Section 29E (evidence) is amended as follows.
10. (1) Section 35A (General Medical Council’s power to require disclosure...
11. In section 55(1) (interpretation), at the appropriate place insert— “the...”
12. In paragraph 9B of Schedule 1 (incidental powers of the...
13. In paragraph 5A of Schedule 4 (professional performance assessments
and...
14. Dentists Act 1984
15. (1) Section 33B (the General Dental Council’s power to require...
16. (1) Section 36Y (the General Dental Council’s power to require...
17. In section 53(1) (interpretation), at the appropriate place insert— “the...”
18. Opticians Act 1989
19. Immigration and Asylum Act 1999
20. Freedom of Information Act 2000
21. Health and Personal Social Services Act (Northern Ireland) 2001
22. Freedom of Information (Scotland) Act 2002
23. Mental Health (Care and Treatment) (Scotland) Act 2003
24. Crime and Courts Act 2013
25. Small Business, Enterprise and Employment Act 2015

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26. Social Security (Scotland) Act 2018
 - PART 3 — Amendments of other legislation
27. Channel Tunnel (International Arrangements) Order 1993
28. Channel Tunnel (Miscellaneous Provisions) Order 1994
29. Scottish Parliamentary Corporate Body (Crown Status) Order 1999
30. Northern Ireland Assembly Commission (Crown Status) Order 1999
31. Representation of the People (England and Wales) Regulations 2001
32. (1) Regulation 3(1) (interpretation) is amended as follows.
33. In regulation 92(2)(ba) (interpretation and application of Part VI etc),...
34. Representation of the People (Scotland) Regulations 2001
35. (1) Regulation 3(1) (interpretation) is amended as follows.
36. In regulation 92(2)(ba) (interpretation of Part VI etc), for “the...
37. Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001
38. Nursing and Midwifery Order 2001
39. (1) Article 3 (the Nursing and Midwifery Council and its...
40. (1) Article 25 (the Council’s power to require disclosure of...
41. In article 40(6) (Directive 2005/36/EC: designation of competent authority etc),...
42. In Schedule 4 (interpretation), at the appropriate place insert— “the...
43. Electronic Commerce (EC Directive) Regulations 2002
44. Privacy and Electronic Communications (EC Directive) Regulations 2003
45. Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003
46. (1) Article 8 (exercise of powers by French officers in...
47. (1) Article 11 (exercise of powers by UK immigration officers...
48. Pupils’ Educational Records (Scotland) Regulations 2003
49. In regulation 2 (interpretation)— (a) omit the definition of “the...
50. In regulation 6(aa) and (ab) (circumstances where information should not...
51. In regulation 9(1A) (in both places) and (1B), for “GDPR”...
52. Environmental Information Regulations 2004
53. (1) Regulation 2 (interpretation) is amended as follows.
54. In regulation 13 (personal data), in paragraphs (2B)(a), (3A)(a), (5B)(b)...
55. Environmental Information (Scotland) Regulations 2004
56. (1) Regulation 2 (interpretation) is amended as follows.
57. In regulation 11 (personal data), in paragraphs (3B), (4A)(a) and...
58. Licensing Act 2003 (Personal Licences) Regulations 2005
59. Education (Pupil Information) (England) Regulations 2005
60. Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005
61. Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005
62. Register of Judgments, Orders and Fines Regulations 2005
63. National Assembly for Wales (Representation of the People) Order 2007
64. National Assembly for Wales Commission (Crown Status) Order 2007
65. Representation of the People (Absent Voting at Local Elections) (Scotland) Regulations 2007
66. Representation of the People (Post-Local Government Elections Supply and Inspection of Documents) (Scotland) Regulations 2007
67. Education (Pupil Records and Reporting) (Transitional) Regulations (Northern Ireland) 2007
68. In regulation 2 (interpretation)— (a) omit the definition of “the...
69. In regulation 10(2) (duties of Boards of Governors), for “GDPR”...
70. Representation of the People (Northern Ireland) Regulations 2008

71. Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008
72. (1) Regulation 2(1) (interpretation) is amended as follows.
73. In regulation 25(7) (duty to co-operate by disclosing information as...
74. In regulation 26(6) (responsible bodies requesting additional information be disclosed...
75. In regulation 29(3) (occurrence reports) — (a) in the English...
76. Energy Order 2003 (Supply of Information) Regulations (Northern Ireland) 2008
77. INSPIRE Regulations 2009
78. INSPIRE (Scotland) Regulations 2009
79. Controlled Drugs (Supervision of Management and Use) Regulations (Northern Ireland) 2009
80. In regulation 2(2) (interpretation)— (a) omit the words from ““the...
81. In regulation 25(7) (duty to co-operate by disclosing information as...
82. In regulation 26(6) (responsible bodies requesting additional information be disclosed...
83. In regulation 29(3) (occurrence reports), for “GDPR” substitute “UK GDPR”....
84. Pharmacy Order 2010
85. In article 3(1) (interpretation), at the appropriate place insert— “the...
86. In article 9(5) (inspection and enforcement), for “and references to...
87. (1) Article 49 (disclosure of information: general) is amended as...
88. (1) Article 55 (professional performance assessments) is amended as follows....
89. Local Elections (Northern Ireland) Order 2010
90. Pupil Information (Wales) Regulations 2011
91. (1) In paragraph (5)(a) and (b) —
92. Police and Crime Commissioner Elections Order 2012
93. (1) Schedule 2 (absent voting in Police and Crime Commissioner...
94. (1) Schedule 10 (access to marked registers and other documents...
95. Neighbourhood Planning (Referendums) Regulations 2012
96. Controlled Drugs (Supervision of Management and Use) Regulations 2013
97. Small and Medium Sized Business (Credit Information) Regulations 2015
98. Scottish Parliament (Elections etc) Order 2015
99. (1) Schedule 3 (absent voting) is amended as follows.
100. In Schedule 8 (access to marked registers and other documents...
101. Electronic Identification and Trust Services for Electronic Transactions Regulations 2016
102. Court Files Privileged Access Rules (Northern Ireland) 2016
103. In rule 2 (interpretation), at the appropriate place insert— “the...
104. In rule 5(a) (information that may be released), for “GDPR”...
105. In rule 7(2)(a) (provision of information), for “GDPR” substitute “UK...
106. Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017
107. In regulation 3(1) (interpretation)— (a) omit the words from ““the...
108. In regulation 16(8)(b) (risk assessment by the Treasury and Home...
109. In regulation 17(9)(b) (risk assessment by supervisory authorities), for “GDPR”...
110. In regulation 41 (data protection), in paragraphs (3)(a), (6), (7),...
PART 4 — Modification
111. References to the GDPR
PART 5 — Supplementary

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112. Interpretation of references to enactments

SCHEDULE 4 — Amendments consequential on provisions of the 2018 Act

1. Anti-terrorism, Crime and Security Act 2001
2. Investigatory Powers Act 2016
3. Data Protection Act 2018

Explanatory Note