

SCHEDULE 1

Regulation 3

Amendments of the UK GDPR

Introduction

1. The UK GDPR is amended as follows.
2. In the title of the Regulation, for “, and repealing [Directive 95/46/EC](#) (General Data Protection Regulation)”⁽¹⁾ substitute “(United Kingdom General Data Protection Regulation)”.

Chapter 1 (general provisions)

3. In Article 1, omit paragraph 3.
- 4.—(1) Article 2 is amended as follows.
(2) For paragraph 1 substitute—
 - “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 exit day, fell outside the scope of EU law, and
 - (b) processing in the course of an activity which, immediately before exit 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.”.
(3) For paragraph 2 substitute—
 - “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.”.
(4) Omit paragraph 3.
(5) In paragraph 4, for “[Directive 2000/31/EC](#)”⁽²⁾ to the end substitute “the Electronic Commerce (EC Directive) Regulations 2002⁽³⁾, in particular the provisions about mere conduits, caching and hosting (see regulations 17 to 19 of those Regulations).”.
- (6) After paragraph 4 insert—
 - “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;

⁽¹⁾ OJ L 281, 23.11.1995, p31-50.

⁽²⁾ OJ L 178, 17/07/2000, p1-16.

⁽³⁾ [S.I. 2002/2013](#).

- (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) and (7) of the 2018 Act;
- (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).”.

5.—(1) Article 3 is amended as follows.

(2) In paragraph 1, for “the Union” (in both places) substitute “the United Kingdom”.

(3) In paragraph 2—

- (a) before “processing” (in the first place) insert “relevant”;
- (b) for “the Union” (in each place) substitute “the United Kingdom”.

(4) After paragraph 2 insert—

“**2A.** In paragraph 2, “relevant processing of personal data” means processing to which this Regulation applies, other than processing described in Article 2(1)(a) or (b) or (1A).”.

(5) In paragraph 3—

- (a) for “the Union” substitute “the United Kingdom”;
- (b) for “Member State law” substitute “domestic law”.

6.—(1) Article 4 is amended as follows.

(2) Before paragraph (1) insert—

“(A1) ‘the 2018 Act’ means the Data Protection Act 2018;

(A2) ‘domestic law’ means the law of the United Kingdom or of a part of the United Kingdom;

(A3) ‘the Commissioner’ means the Information Commissioner (see section 114 of the 2018 Act);”.

(3) In paragraph (7), for “; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law” substitute “(but see section 6 of the 2018 Act)”.

(4) In paragraph (9), for “Union or Member State law” substitute “domestic law”.

(5) After paragraph (10) insert—

“(10A) ‘public authority’ and ‘public body’ are to be interpreted in accordance with section 7 of the 2018 Act and provision made under that section;”.

(6) Omit paragraph (16).

(7) In paragraph (17), for “the Union” substitute “the United Kingdom”.

(8) In paragraph (20), for “on the territory of a Member State” substitute “in the United Kingdom”.

(9) Omit paragraph (21).

(10) After paragraph (21) insert—

“(21A) ‘foreign designated authority’ means an authority designated for the purposes of Article 13 of the Data Protection Convention (as defined in section 3 of the 2018 Act) by a party, other than the United Kingdom, which is bound by that Convention;”.

(11) Omit paragraphs (22), (23) and (24).

- (12) In paragraph (25), at the end insert “as it has effect immediately before exit day”.
- (13) After paragraph (26) insert—
 - “(27) ‘third country’ means a country or territory outside the United Kingdom;
 - (28) references to a fundamental right or fundamental freedom (however expressed) are to a fundamental right or fundamental freedom which continues to form part of domestic law on and after exit day by virtue of section 4 of the European Union (Withdrawal) Act 2018, as the right or freedom is amended or otherwise modified by domestic law from time to time on or after exit day.”.

Chapter 2 (principles)

- 7.—(1) Article 6 is amended as follows.
 - (2) Omit paragraph 2.
 - (3) In paragraph 3—
 - (a) in the first subparagraph, for points (a) and (b) (and the colon before them) substitute “domestic law”;
 - (b) in the second subparagraph, for “The Union or Member State law” substitute “The domestic law”.
 - (4) In paragraph 4—
 - (a) for “a Union or Member State law” substitute “domestic law”;
 - (b) after “safeguard” insert “national security, defence or any of”.
- 8.—(1) Article 8 is amended as follows.
 - (2) In paragraph 1—
 - (a) for “16 years old” substitute “13 years old”;
 - (b) for “of 16 years” substitute “of 13 years”;
 - (c) omit the second subparagraph.
 - (3) In paragraph 3, for “of Member States” substitute “as it operates in domestic law”.
 - (4) After paragraph 3 insert—
 - “4. In paragraph 1, the reference to information society services does not include preventive or counselling services.”.
- 9.—(1) Article 9 is amended as follows.
 - (2) In paragraph 2(a), for “Union or Member State law provide” substitute “domestic law provides”.
 - (3) In paragraph 2(b)—
 - (a) for “Union or Member State law” substitute “domestic law”;
 - (b) for “to Member State law” substitute “to domestic law”.
 - (4) In paragraph 2(g), for “Union or Member State law” substitute “domestic law”.
 - (5) In paragraph 2(h), for “Union or Member State law” substitute “domestic law”.
 - (6) In paragraph 2(i), for “Union or Member State law” substitute “domestic law”.
 - (7) paragraph 2(j)—
 - (a) after “Article 89(1)” insert “(as supplemented by section 19 of the 2018 Act)”;
 - (b) for “Union or Member State law” substitute “domestic law”.

(8) In paragraph 3, for “Union or Member State law” (in both places) substitute “domestic law”.

(9) After that paragraph insert—

“**3A.** In paragraph 3, ‘national competent bodies’ means competent bodies of the United Kingdom or a part of the United Kingdom.”.

(10) Omit paragraph 4.

(11) After that paragraph insert—

“**5.** 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.”.

10.—(1) Article 10 is amended as follows.

(2) The existing text becomes paragraph 1.

(3) In that paragraph, for “Union or Member State law” substitute “domestic law”.

(4) After that paragraph insert—

“**2.** In the 2018 Act—

- (a) section 10 makes provision about when the requirement in paragraph 1 of this Article for authorisation by domestic law is met;
- (b) section 11(2) makes provision about the meaning of “personal data relating to criminal convictions and offences or related security measures”.”.

Chapter 3 (rights of the data subject)

11.—(1) Article 12 is amended as follows.

(2) In paragraph 4, for “a supervisory authority” substitute “the Commissioner”.

(3) After paragraph 6 insert—

“**6A.** The Commissioner may publish (and amend or withdraw)—

- (a) standardised icons for use in combination with information provided to data subjects under Articles 13 and 14;
- (b) a notice stating that other persons may publish (and amend or withdraw) such icons, provided that the icons satisfy requirements specified in the notice as to the information to be presented by the icons and the procedures for providing the icons.

6B. The Commissioner must not publish icons or a notice under paragraph 6A unless satisfied (as appropriate) that the icons give a meaningful overview of the intended processing in an easily visible, intelligible and clearly legible manner or that the notice will result in icons that do so.”.

(4) In paragraph 7—

- (a) for “The information” substitute “If standardised icons are published as described in paragraph 6A (and not withdrawn), the information”;
- (b) for “standardised” to “processing” substitute “the icons”.

(5) Omit paragraph 8.

12.—(1) Article 13 is amended as follows.

(2) In paragraph 1(f), for “an adequacy decision by the Commission” substitute “relevant adequacy regulations under section 17A of the 2018 Act⁽⁴⁾”.

(3) In paragraph 2(d), for “a supervisory authority” substitute “the Commissioner”.

13.—(1) Article 14 is amended as follows.

(2) In paragraph 1(f), for “an adequacy decision by the Commission” substitute “relevant adequacy regulations under section 17A of the 2018 Act”.

(3) In paragraph 2(e), for “a supervisory authority” substitute “the Commissioner”.

(4) In paragraph 5(c), for “Union or Member State law to which the controller is subject and” substitute “a provision of domestic law”.

(5) In paragraph 5(d), for “Union or Member State law” substitute “domestic law”.

14. In Article 15(1)(f), for “a supervisory authority” substitute “the Commissioner”.

15.—(1) Article 17 is amended as follows.

(2) In paragraph 1(e), for “in Union or Member State law to which the controller is subject” substitute “under domestic law”.

(3) In paragraph 3(b), for “by Union or Member State law to which the controller is subject” substitute “under domestic law”.

16. In Article 18(2), omit “of the Union or of a Member State”.

17. In Article 21(5)—

(a) omit “and notwithstanding [Directive 2002/58/EC](#)⁽⁵⁾”;

(b) at the end insert “, notwithstanding domestic law made before exit day implementing [Directive 2002/58/EC](#) of the European Parliament and of the Council of 12th July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector”⁽⁶⁾.

18.—(1) Article 22 is amended as follows.

(2) In paragraph 2(b), for “authorised by Union or Member State law to which the controller is subject and” substitute “required or authorised by domestic law”.

(3) After paragraph 3 insert—

“**3A.** Section 14 of the 2018 Act, and regulations under that section, make provision to safeguard data subjects’ rights, freedoms and legitimate interests in cases that fall within point (b) of paragraph 2 (but not within point (a) or (c) of that paragraph).”.

19.—(1) Article 23 is amended as follows.

(2) In paragraph 1—

(a) for “Union or Member State law to which the data controller or processor is subject may restrict by way of legislative measure” substitute “The Secretary of State may restrict”;

(b) omit points (a) and (b);

(c) in point (e)—

⁽⁴⁾ Section 17A is inserted into the 2018 Act by these Regulations (see Sch. 2, para. 23).

⁽⁵⁾ OJ L 201, 31.7.2002, p37-47.

⁽⁶⁾ Such domestic legislation includes the Privacy and Electronic Communications (EC Directive) Regulations 2003 ([S.I. 2003/2426](#)) (“PECR”) and the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 ([S.I. 2000/2699](#)) (as amended by PECR).

- (i) omit “of the Union or of a Member State” in the first place it occurs;
 - (ii) for “of the Union or of a Member State”, in the second place it occurs, substitute “of the United Kingdom”.
- (3) In paragraph 2, for “any legislative measure referred to in” substitute “provision made in exercise of the power under”.
- (4) After that paragraph insert—
- “3. The Secretary of State may exercise the power under paragraph 1 only by making regulations under section 16 of the 2018 Act.”.

Chapter 4 (controller and processor)

20. In Article 26(1), for “Union or Member State law to which the controllers are subject” substitute “domestic law”.

21.—(1) Article 27 is amended as follows.

- (2) In the heading, for “the Union” substitute “the United Kingdom.
- (3) In paragraph 1, for “the Union” substitute “the United Kingdom.
- (4) Omit paragraph 3.
- (5) In paragraph 4, for “supervisory authorities” substitute “the Commissioner”.

22.—(1) Article 28 is amended as follows.

- (2) In paragraph 3—
 - (a) in the opening words, for “Union or Member State law” substitute “domestic law”;
 - (b) in point (a), for “Union or Member State law to which the processor is subject” substitute “domestic law”;
 - (c) in point (g), for “Union or Member State law” substitute “domestic law”;
 - (d) in the second subparagraph, for “other Union or Member State data protection provisions” substitute “other domestic law relating to data protection”.
- (3) In paragraph 4, “for Union or Member State law” substitute “domestic law”.
- (4) In paragraph 6, for “paragraphs 7 and 8” substitute “paragraph 8”.
- (5) Omit paragraph 7.
- (6) In paragraph 8—
 - (a) for “A supervisory authority” substitute “The Commissioner”;
 - (b) omit “and in accordance with the consistency mechanism referred to in Article 63”.

23. In Article 29, for “Union or Member State law” substitute “domestic law”.

24.—(1) Article 30 is amended as follows.

- (2) In paragraph 1(g), after “Article 32(1)” insert “or, as appropriate, the security measures referred to in section 28(3) of the 2018 Act”.
- (3) In paragraph 2(d), after “Article 32(1)” insert “or, as appropriate, the security measures referred to in section 28(3) of the 2018 Act”.
- (4) In paragraph 4, for “the supervisory authority” substitute “the Commissioner”.

25.—(1) Article 31 is amended as follows.

(2) In the heading, for “the supervisory authority” substitute “the Commissioner”.

(3) For “the supervisory authority in the performance of its tasks” substitute “the Commissioner in the performance of the Commissioner’s tasks”.

26. In Article 32(4), for “Union or Member State law” substitute “domestic law”.

27.—(1) Article 33 is amended as follows.

(2) In the heading, for “the supervisory authority” substitute “the Commissioner”.

(3) In paragraph 1—

(a) for “the supervisory authority competent in accordance with Article 55” substitute “the Commissioner”;

(b) for “the notification to the supervisory authority” substitute “the notification under this paragraph”.

(4) In paragraph 5, for “the supervisory authority” substitute “the Commissioner”.

28. In Article 34(4), for “the supervisory authority” substitute “the Commissioner”.

29.—(1) Article 35 is amended as follows.

(2) In paragraph 4—

(a) in the first sentence, for “The supervisory authority” substitute “The Commissioner”;

(b) omit the second sentence.

(3) In paragraph 5—

(a) in the first sentence, for “The supervisory authority” substitute “The Commissioner”;

(b) omit the second sentence.

(4) Omit paragraph 6.

(5) For paragraph 10 substitute—

“**10.** In the case of processing pursuant to point (c) or (e) of Article 6(1), paragraphs 1 to 7 of this Article do not apply if a data protection impact assessment has already been carried out for the processing as part of a general impact assessment required by domestic law, unless domestic law provides otherwise.”.

30.—(1) Article 36 is amended as follows.

(2) In paragraph 1, for “the supervisory authority” substitute “the Commissioner”.

(3) In paragraph 2—

(a) in the first sentence, for “the supervisory authority” (in both places) substitute “the Commissioner”;

(b) in the third sentence, for “The supervisory authority” substitute “The Commissioner”;

(c) in the last sentence, for “the supervisory authority has obtained information it” substitute “the Commissioner has obtained information the Commissioner”.

(4) In paragraph 3—

(a) in the opening words, for “the supervisory authority” (in both places) substitute “the Commissioner”;

(b) in point (f), for “the supervisory authority” substitute “the Commissioner”.

(5) In paragraph 4—

- (a) for “Members States shall consult the supervisory authority” substitute “The relevant authority must consult the Commissioner”;
- (b) for “a national parliament” substitute “Parliament, the National Assembly for Wales, the Scottish Parliament or the Northern Ireland Assembly”.
- (6) After that paragraph insert—

“**4A.** In paragraph 4, “the relevant authority” means—

- (a) in relation to a legislative measure adopted by Parliament, or a regulatory measure based on such a legislative measure, the Secretary of State;
- (b) in relation to a legislative measure adopted by the National Assembly for Wales, or a regulatory measure based on such a legislative measure, the Welsh Ministers;
- (c) in relation to a legislative measure adopted by the Scottish Parliament, or a regulatory measure based on such a legislative measure, the Scottish Ministers;
- (d) in relation to a legislative measure adopted by the Northern Ireland Assembly, or a regulatory measure based on such a legislative measure, the relevant Northern Ireland department.”.

- (7) Omit paragraph 5.

31.—(1) Article 37 is amended as follows.

- (2) In paragraph 4, omit “or, where required by Union or Member State law shall,”.
- (3) In paragraph 7, for “the supervisory authority” substitute “the Commissioner”.

32. In Article 38(5), for “Union or Member State law” substitute “domestic law”.

33.—(1) Article 39 is amended as follows.

- (2) In paragraph 1(a) and (b), for “other Union or Member State data protection provisions” substitute “other domestic law relating to data protection”.
- (3) In paragraph 1(d) and (e), for “the supervisory authority” substitute “the Commissioner”.

34.—(1) Article 40 is amended as follows.

- (2) In paragraph 1, for “The Member States, the supervisory authorities, the Board and the Commission” substitute “The Commissioner”.
- (3) In paragraph 2(i), for “supervisory authorities” substitute “the Commissioner”.
- (4) In paragraph 3, omit “and having general validity pursuant to paragraph 9 of this Article”.
- (5) In paragraph 4, for “supervisory authorities competent pursuant to Article 55 or 56” substitute “the Commissioner”.
- (6) In paragraph 5—
 - (a) for “the supervisory authority which is competent pursuant to Article 55. The supervisory authority” substitute “the Commissioner, who”;
 - (b) for “it finds” substitute “the Commissioner finds”.
- (7) In paragraph 6, for “and where the code of conduct concerned does not relate to processing activities in several Member States, the supervisory authority” substitute “the Commissioner”.
- (8) Omit paragraphs 7, 8, 9, 10 and 11.

35.—(1) Article 41 is amended as follows.

- (2) In paragraph 1, for “the competent supervisory authority” (in both places) substitute “the Commissioner”.

(3) In paragraph 2(a) and (d), for “the competent supervisory authority” substitute “the Commissioner”.

(4) Omit paragraph 3.

(5) In paragraph 4, for “the competent supervisory authority” (in both places) substitute “the Commissioner”.

(6) In paragraph 5, for “The competent supervisory authority” substitute “The Commissioner”.

36.—(1) Article 42 is amended as follows.

(2) In paragraph 1—

(a) for “The Member States, the supervisory authorities, the Board and the Commission” substitute “The Commissioner”;

(b) omit “, in particular at Union level,”.

(3) In paragraph 4, for “the supervisory authorities which are competent pursuant to Article 55 or 56” substitute “the Commissioner”.

(4) In paragraph 5—

(a) for “the competent supervisory authority” substitute “the Commissioner”;

(b) for “that competent supervisory authority” substitute “the Commissioner”;

(c) omit “or by the Board pursuant to Article 63” and the second sentence.

(5) In paragraph 6, for “the competent supervisory authority” substitute “the Commissioner”.

(6) In paragraph 7, for “the competent supervisory authority” substitute “the Commissioner”.

(7) In paragraph 8, for “The Board” substitute “The Commissioner”.

37.—(1) Article 43 is amended as follows.

(2) In paragraph 1—

(a) in the opening words—

(i) for “the competent supervisory authority” substitute “the Commissioner”;

(ii) for “the supervisory authority” substitute “the Commissioner”;

(iii) for “Members States shall ensure that those certification bodies are” substitute “In accordance with section 17 of the 2018 Act, those certification bodies may only be”;

(b) for point (a) substitute—

“(a) the Commissioner;”;

(c) in point (b)—

(i) for “the national accreditation body” substitute “the UK national accreditation body”;

(ii) for “the supervisory authority which is competent pursuant to Article 55 or 56” substitute “the Commissioner”.

(3) In paragraph 2—

(a) in point (a), for “the competent supervisory authority” substitute “the Commissioner”;

(b) in point (b), for “the supervisory authority” to the end substitute “the Commissioner”;

(c) in point (e), for “the competent supervisory authority” substitute “the Commissioner”.

(4) In paragraph 3, for “the supervisory authority which is competent pursuant to Article 55 or 56 or by the Board pursuant to Article 63” substitute “the Commissioner”.

(5) In paragraph 5, for “the competent supervisory authorities” substitute “the Commissioner”.

(6) In paragraph 6—

- (a) for “the supervisory authority” substitute “the Commissioner”;
- (b) omit from “The supervisory authorities” to the end.

(7) In paragraph 7, for “the competent supervisory authority or the national accreditation body” substitute “the Commissioner or the UK national accreditation body”.

(8) Omit paragraphs 8 and 9.

Chapter 5 (transfers of personal data to third countries or international organisations)

38.—(1) Article 45 is amended as follows.

(2) In paragraph 1, for “where the Commission” to the end of the first sentence substitute “where it is based on adequacy regulations (see section 17A of the 2018 Act)”.

(3) In paragraph 2—

- (a) for “, the Commission” substitute “for the purposes of sections 17A and 17B(7) of the 2018 Act, the Secretary of State”;
- (b) in point (b), for “the supervisory authorities of the Member States” substitute “the Commissioner”.

(4) Omit paragraphs 3, 4, 5 and 6.

(5) In paragraph 7, for “A decision pursuant to paragraph 5 of this Article” substitute “The amendment or revocation of regulations under section 17A of the 2018 Act”.

(6) Omit paragraphs 8 and 9.

39.—(1) Article 46 is amended as follows.

(2) In paragraph 1, for “a decision pursuant to Article 45(3)” substitute “adequacy regulations under section 17A of the 2018 Act”.

(3) In paragraph 2—

- (a) for “a supervisory authority” substitute “the Commissioner”;
- (b) for paragraph (c) substitute—
 - “(c) standard data protection clauses specified in regulations made by the Secretary of State under section 17C(8) of the 2018 Act and for the time being in force;”;
- (c) for paragraph (d) substitute—
 - “(d) standard data protection clauses specified in a document issued (and not withdrawn) by the Commissioner under section 119A(9) of the 2018 Act and for the time being in force;”.

(4) In paragraph 3, for “Subject to the authorisation from the competent supervisory authority” substitute “With authorisation from the Commissioner”.

(5) Omit paragraphs 4 and 5.

40.—(1) Article 47 is amended as follows.

(2) In paragraph 1—

- (a) for “The competent supervisory authority” substitute “The Commissioner”;
- (b) omit “in accordance with the consistency mechanism set out in Article 63”.

(7) Section 17B is inserted into the 2018 Act by these Regulations (see Sch. 2, para. 23).

(8) Section 17C is inserted into the 2018 Act by these Regulations (see Sch. 2, para. 23).

(9) Section 119A is inserted into the 2018 Act by these Regulations (see Sch. 2, para. 51).

(3) In paragraph 2(e), for “the competent supervisory authority and before the competent courts of the Member States in accordance with Article 79” substitute “the Commissioner and before a court in accordance with Article 79 (see section 180 of the 2018 Act)”.

(4) In paragraph 2(f)—

(a) for “established on the territory of a Member State” substitute “established in the United Kingdom”;

(b) for “not established in the Union” substitute “not established in the United Kingdom”.

(5) In paragraph 2(j), for “the competent supervisory authority” substitute “the Commissioner”.

(6) In paragraph 2(k), for “the supervisory authority” substitute “the Commissioner”.

(7) In paragraph 2(l), for “the supervisory authority” (in both places) substitute “the Commissioner”.

(8) In paragraph 2(m), for “the competent supervisory authority” substitute “the Commissioner”.

(9) Omit paragraph 3.

41. Omit Article 48.

42.—(1) Article 49 is amended as follows.

(2) In paragraph 1—

(a) in the opening words, for “an adequacy decision pursuant to Article 45(3)” substitute “adequacy regulations under section 17A of the 2018 Act”;

(b) in point (g), for “Union or Member State law” (in both places) substitute “domestic law”;

(c) in the second subparagraph, for “the supervisory authority” substitute “the Commissioner”.

(3) In paragraph 4, for “shall be recognised in Union law or in the law of the Member State to which the controller is subject” substitute “must be public interest that is recognised in domestic law (whether in regulations under section 18(1) of the 2018 Act or otherwise)”.

(4) Omit paragraph 5.

(5) After that paragraph insert—

“**5A.** This Article and Article 46 are subject to restrictions in regulations under section 18(2) of the 2018 Act.”.

43. In Article 50, for “the Commission and supervisory authorities” substitute “the Commissioner”.

Chapter 6 (independent supervisory authorities)

44. For the heading of Chapter 6 substitute “The Commissioner”.

45.—(1) Article 51 is amended as follows.

(2) For the heading, substitute “Monitoring the application of this Regulation”.

(3) In paragraph 1—

(a) for “Each Member State shall provide for one or more independent public authorities to be” substitute “The Commissioner is”;

(b) omit “within the Union (“supervisory authority”)”.

(4) Omit paragraphs 2, 3 and 4.

46.—(1) Article 52 is amended as follows.

- (2) In paragraph 1—
 - (a) for “Each supervisory authority” substitute “The Commissioner”;
 - (b) omit “its” (in both places).
- (3) In paragraph 2—
 - (a) for “The member or members of each supervisory authority” substitute “The Commissioner”;
 - (b) omit “their” (in both places).
- (4) In paragraph 3—
 - (a) for “Member or members of each supervisory authority” substitute “The Commissioner”;
 - (b) for “their duties” substitute “the Commissioner’s duties”;
 - (c) for “during their term of office” substitute “while holding office”.
- (5) Omit paragraphs 4, 5 and 6.
- 47.** Omit Article 53.
- 48.** Omit Article 54.
- 49.** In the heading of section 2 of Chapter 6, for “Competence, tasks” substitute “Tasks”.
- 50.** Omit Article 55.
- 51.** Omit Article 56.
- 52.**—(1) Article 57 is amended as follows.
 - (2) In paragraph 1—
 - (a) for “each supervisory authority shall on its territory” substitute “the Commissioner must”;
 - (b) in point (c), for “, in accordance with Member State law, the national parliament” substitute “Parliament”;
 - (c) in point (e), for “the supervisory authorities in other Member States” substitute “foreign designated authorities”;
 - (d) in point (f), for “another supervisory authority” substitute “a foreign designated authority”;
 - (e) omit point (g);
 - (f) in point (h), for “another supervisory authority” substitute “a foreign designated authority”;
 - (g) in point (j), after “and” insert “issue standard data protection clauses referred to”;
 - (h) after point (o) insert—
 - “(oa) maintain a public register of certification mechanisms and data protection seals and marks pursuant to Article 42(8) and of controllers or processors established in third countries and certified pursuant to Article 42(7);”;
 - (i) omit point (t).
 - (3) In paragraph 2, for “Each supervisory authority” substitute “The Commissioner”.
 - (4) In paragraph 3, for “the tasks of each supervisory authority shall be” substitute “the Commissioner’s tasks is to be”.
 - (5) In paragraph 4, for “supervisory authority” (in both places) substitute “Commissioner”.
- 53.**—(1) Article 58 is amended as follows.
 - (2) In paragraph 1—

- (a) for “Each supervisory authority shall have” substitute “The Commissioner has”;
 - (b) in point (e), for “its” substitute “the Commissioner’s”;
 - (c) in point (f), for “Union or Member State procedural law” substitute “domestic law”.
- (3) In paragraph 2, for “Each supervisory authority shall have” substitute “The Commissioner has”.
- (4) In paragraph 3—
- (a) for “Each supervisory authority shall have” substitute “The Commissioner has”;
 - (b) in point (b)—
 - (i) for “its” substitute “the Commissioner’s”;
 - (ii) for “the national parliament, the Member State government or, in accordance with Member State law, to” substitute “Parliament, the government or”;
 - (c) omit point (c)
- (5) After paragraph 3 insert—
- “**3A.** In the 2018 Act, section 115(4) to (9) provide that the Commissioner’s functions under this Article are subject to certain safeguards.”.
- (6) Omit paragraphs 4, 5 and 6.
- 54.** In Article 59—
- (a) for “Each supervisory authority” substitute “The Commissioner”;
 - (b) for “its” substitute “the Commissioner’s”;
 - (c) for the second sentence substitute “The Commissioner must arrange for those reports to be laid before Parliament and send a copy to the Secretary of State.”;
 - (d) omit “, to the Commission and to the Board”.

Chapter 7 (cooperation and consistency)

- 55.** Omit Articles 60 to 76 and the headings for, and for the sections of, Chapter 7.

Chapter 8 (remedies, liability and penalties)

- 56.**—(1) Article 77 is amended as follows.
- (2) In the heading, for “a supervisory authority” substitute “the Commissioner”.
 - (3) In paragraph 1, for “a supervisory authority, in particular in the Member State of his or her habitual residence, place of work or place of the alleged infringement” substitute “the Commissioner”.
 - (4) In paragraph 2, for “The supervisory authority with which the complaint has been lodged” substitute “The Commissioner”.
- 57.**—(1) Article 78 is amended as follows.
- (2) In the heading, for “a supervisory authority” substitute “the Commissioner”.
 - (3) In paragraph 1, for “a supervisory authority” substitute “the Commissioner”.
 - (4) In paragraph 2, for “the supervisory authority which is competent pursuant to Articles 55 and 56” substitute “the Commissioner”.
 - (5) Omit paragraph 3.
 - (6) Omit paragraph 4.

58.—(1) Article 79 is amended as follows.

(2) In paragraph 1, for “a supervisory authority” substitute “the Commissioner”.

(3) Omit paragraph 2.

59.—(1) Article 80 is amended as follows.

(2) In paragraph 1—

(a) for the words from “a not-for profit” to “their personal data” substitute “a body or other organisation which meets the conditions in section 187(3) and (4) of the 2018 Act”;

(b) omit “where provided for by Member State law”.

(3) In paragraph 2—

(a) for “Member States” substitute “The Secretary of State”;

(b) omit “, in that Member State,”;

(c) for “the supervisory authority which is competent pursuant to Article 77” substitute “the Commissioner”.

(4) After that paragraph insert—

“**3.** The Secretary of State may exercise the power under paragraph 2 of this Article only by making regulations under section 190 of the 2018 Act.”.

60. Omit Article 81.

61. In Article 82, omit paragraph 6.

62.—(1) Article 83 is amended as follows.

(2) In paragraph 1, for “Each supervisory authority” substitute “The Commissioner”.

(3) In paragraph 2—

(a) in point (f), for “the supervisory authority” substitute “the Commissioner”;

(b) in point (h), for “the supervisory authority” substitute “the Commissioner”.

(4) In paragraph 4, for “10 000 000 EUR” substitute “£8,700,000”.

(5) In paragraph 5—

(a) for “20 000 000 EUR” substitute “£17,500,000”;

(b) for point (d) substitute—

“(d) any obligations under Part 5 or 6 of Schedule 2 to the 2018 Act or regulations made under section 16(1)(c) of the 2018 Act;”;

(c) in point (e), for “the supervisory authority” substitute “the Commissioner”.

(6) In paragraph 6—

(a) for “the supervisory authority” substitute “the Commissioner”;

(b) for “20 000 000 EUR” substitute “£17,500,000”.

(7) Omit paragraphs 7, 8 and 9.

(8) After paragraph 9 insert—

“**10.** In the 2018 Act, section 115(9) makes provision about the exercise of the Commissioner’s functions under this Article.”.

63. In Article 84, for paragraphs 1 and 2 substitute—

“Part 6 of the 2018 Act makes further provision about penalties applicable to infringements of this Regulation.”.

Chapter 9 (provisions relating to specific processing situations)

64.—(1) Article 85 is amended as follows.

(2) Omit paragraph 1.

(3) In paragraph 2—

- (a) for “Members States shall” substitute “the Secretary of State may”;
- (b) for “independent supervisory authorities” substitute “the Commissioner”;
- (c) omit “, Chapter VII (cooperation and consistency)”.

(4) After that paragraph insert—

“**2A.** The Secretary of State may exercise the power under paragraph 2 of this Article only by making regulations under section 16 of the 2018 Act.”.

(5) Omit paragraph 3.

65.—(1) Article 86 is amended as follows.

(2) The existing text becomes paragraph 1.

(3) In that paragraph, for “Union or Member State law” substitute “domestic law”.

(4) After that paragraph insert—

“**2.** Chapter 3 of Part 2 of the 2018 Act makes provision about the application of this Regulation to the manual unstructured processing of personal data held by an FOI public authority (as defined in Article 2).”.

66. After Article 86 insert—

“Article 86A

Processing and national security and defence

Chapter 3 of Part 2 of the 2018 Act makes provision about the application of this Regulation where processing is carried out, or exemption from a provision of this Regulation is required, for the purposes of safeguarding national security or for defence purposes.”.

67. Omit Article 87.

68. Omit Article 88.

69.—(1) Article 89 is amended as follows.

(2) After paragraph 1 insert—

“**1A.** In the 2018 Act, section 19 makes provision about when the requirements in paragraph 1 are satisfied.”.

(3) Omit paragraphs 2, 3 and 4.

70. Omit Article 90.

71. Omit Article 91.

Chapter 10 (delegated acts and implementing acts)

72. Omit Articles 92 and 93 and the heading for Chapter 10.

Chapter 11 (final provisions)

73.—(1) Article 94 is amended as follows.

(2) Omit paragraph 1.

(3) In paragraph 2—

- (a) in the first sentence, for “the repealed Directive” substitute “[Directive 95/46/EC](#) of the European Parliament and of the Council of 24th October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (which ceased to have effect on 25th May 2018)”;
- (b) in the second sentence, for “by this Regulation” substitute “by the EU GDPR (as defined in section 3 of the 2018 Act)”**(10)**.

74.—(1) Article 95 is amended as follows.

(2) For “the Union” substitute “the United Kingdom”.

(3) For “[Directive 2002/58/EC](#)” substitute “domestic law made before exit day implementing [Directive 2002/58/EC](#) of the European Parliament and of the Council of 12th July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector”.

75.—(1) Article 96 is amended as follows.

(2) For “Member States” substitute “the United Kingdom or the Commissioner”.

(3) For “Union law” substitute “domestic law”.

76. Omit Article 97.

77. Omit Article 98.

78. Omit Article 99.

79. Omit the sentence following Article 99.

Supplementary

80. It is not to be presumed, by virtue of the revocation of a provision by this Schedule, that the provision was applicable to the United Kingdom immediately before exit day (and so would, but for this Schedule, be part of the UK GDPR).

(10) The definition of the EU GDPR is inserted into section 3 of the 2018 Act by these Regulations (see Sch. 2, para. 4(5)).