



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART VI

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **69 Meaning of “health professional”.**

- (1) In this Act “health professional” means any of the following—
- (a) a registered medical practitioner,
  - (b) a registered dentist as defined by section 53(1) of the <sup>M1</sup>Dentists Act 1984,
  - [<sup>F1</sup>(c) a registered dispensing optician or a registered optometrist within the meaning of the Opticians Act 1989,]
  - (d) [<sup>F2</sup>a registered pharmacist or a registered pharmacy technician within the meaning of article 3(1) of the Pharmacy Order 2010] or a registered person as defined by Article 2(2) of the <sup>M2</sup>Pharmacy (Northern Ireland) Order 1976,
  - [<sup>F3</sup>(e) a registered nurse or midwife]
  - (f) a registered osteopath as defined by section 41 of the <sup>M3</sup>Osteopaths Act 1993,
  - (g) a registered chiropractor as defined by section 43 of the <sup>M4</sup>Chiropractors Act 1994,
  - (h) any person who is registered as a member of a profession to which [<sup>F4</sup>the Health and Social Work Professions Order 2001] for the time being extends [<sup>F5</sup>, except in so far as the person is registered as a social worker in England (within the meaning of that Order)]
  - (i) a <sup>F6</sup> . . . [<sup>F7</sup>child psychotherapist],
  - [<sup>F8</sup>(j) . . . . .]
  - (k) a scientist employed by [<sup>F9</sup> a health service body ] as head of a department.
- (2) In subsection (1)(a) “registered medical practitioner” includes any person who is provisionally registered under section 15 or 21 of the <sup>M5</sup>Medical Act 1983 and is engaged in such employment as is mentioned in subsection (3) of that section.

*Status: Point in time view as at 01/04/2013. This version of this provision has been superseded.*

*Changes to legislation: Data Protection Act 1998, Section 69 is up to date with all changes known to be in force on or before 05 May 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)*

- (3) In subsection (1) “health service body” means—
- <sup>F10</sup>(a) . . . . .
  - <sup>F11</sup>(aa) the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006,
  - (ab) a local authority in relation to the exercise of functions under section 2B or 111 of, or any of paragraphs 1 to 7B or 13 of Schedule 1 to, that Act,]
  - (b) a Special Health Authority established under <sup>F12</sup>section 28 of that Act, or section 22 of the National Health Service (Wales) Act 2006] ,
  - <sup>F13</sup><sup>F14</sup> (bb) ] . . . . .
  - <sup>F15</sup>(bbb) a Local Health Board established under <sup>F16</sup>section 11 of the National Health Service (Wales) Act 2006] ,]
  - (c) a Health Board within the meaning of the <sup>M6</sup>National Health Service (Scotland) Act 1978,
  - (d) a Special Health Board within the meaning of that Act,
  - (e) the managers of a State Hospital provided under section 102 of that Act,
  - (f) a National Health Service trust first established under section 5 of the <sup>M7</sup>National Health Service and Community Care Act 1990 <sup>F17</sup>, section 25 of the National Health Service Act 2006, section 18 of the National Health Service (Wales) Act 2006] or section 12A of the National Health Service (Scotland) Act 1978,
  - <sup>F18</sup>(fa) an NHS foundation trust; ]
  - <sup>F19</sup>(fb) the National Institute for Health and Care Excellence,]
  - <sup>F20</sup>(fc) the Health and Social Care Information Centre,]
  - (g) a Health and Social Services Board established under Article 16 of the <sup>M8</sup>Health and Personal Social Services (Northern Ireland) Order 1972,
  - (h) a special health and social services agency established under the <sup>M9</sup>Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990, or
  - (i) a Health and Social Services trust established under Article 10 of the <sup>M10</sup>Health and Personal Social Services (Northern Ireland) Order 1991.

#### Textual Amendments

- F1** S. 69(1)(c) substituted by [The Opticians Act 1989 \(Amendment\) Order 2005 \(S.I. 2005/848\)](#), art. 28, [Sch. 1 para. 12](#) (with art. 29, Sch. 2) (the amendment coming into force in accordance with art. 1(2)-(6))
- F2** S. 69(1)(d): words in definition of "health professional" substituted (27.9.2010) by [The Pharmacy Order 2010 \(S.I. 2010/231\)](#), arts. 1, 68, [Sch. 4 para. 6](#); S.I. 2010/1621, art. 2(1), Sch.
- F3** S. 69(1)(e) substituted by [The Nursing and Midwifery Order 2001 \(S.I. 2002/253\)](#), art. 54(3), [Sch. 5 para. 14](#) (with art. 3(18)) (the amendment coming into force in accordance with art. 1(2)(3) of the amending S.I.)
- F4** Words in s. 69(1)(h) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 213\(7\)\(h\)](#), 306(4) (with s. 230(6)); S.I. 2012/1319, art. 2(4)
- F5** Words in s. 69(1)(h) inserted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 220\(5\)](#), 306(4); S.I. 2012/1319, art. 2(4)
- F6** Words in s. 69(1)(i) omitted (1.7.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 4(2), [Sch. 5 para. 4](#) (with arts. 9, 10); S.I. 2009/1357, art. 2(1)(d)

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- F7** Words in s. 69(1)(i) substituted (9.7.2003) by The Health Professions Order 2001 (Consequential Amendments) Order 2003 (S.I. 2003/1590), art. 3, **Sch. para. 1(a)**
- F8** S. 69(1)(j) omitted (9.7.2003) by virtue of The Health Professions Order 2001 (Consequential Amendments) Order 2003 (S.I. 2003/1590), art. 3, **Sch. para. 1(b)**
- F9** Words in s. 69(1)(k) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 82(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F10** S. 69(3)(a) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 82(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F11** S. 69(3)(aa)(ab) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 82(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F12** Words in s. 69(3)(b) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 191(b)**
- F13** S. 69(3)(bb) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 82(d)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F14** S. 69(3)(bb) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 33**
- F15** S. 69(3)(bbb) inserted (10.10.2002 for W. and 1.3.2007 otherwise for E.W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 6(2), 42(3), **Sch. 5 para. 41**; S.I. 2002/2532, **art. 2**, **Sch.**; S.I. 2006/1407, arts. 1, 2, **Sch. 1 Pt. 2 para. 12**
- F16** Words in s. 69(3)(bbb) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 191(d)**
- F17** Words in s. 69(3)(f) inserted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 191(e)**
- F18** S. 69(3)(fa) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 199, **Sch. 4 para. 107**; S.I. 2004/759, **art. 2**
- F19** S. 69(3)(fb) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 17 para. 7**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F20** S. 69(3)(fc) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 19 para. 7**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

#### Marginal Citations

- M1** 1984 c. 24.  
**M2** S.I. 1976/1213 (N.I.22).  
**M3** 1993 c. 21.  
**M4** 1994 c. 17.  
**M5** 1983 c. 54.  
**M6** 1978 c. 29.  
**M7** 1990 c. 19.  
**M8** S.I. 1972/1265 (N.I.14).  
**M9** S.I. 1990/247 (N.I.3).  
**M10** S.I. 1991/194 (N.I.1).

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