



Data Protection Act 2018

CHAPTER 12

DATA PROTECTION ACT 2018

PART 1

PRELIMINARY

- 1 Overview
- 2 Protection of personal data
- 3 Terms relating to the processing of personal data

PART 2

GENERAL PROCESSING

CHAPTER 1

SCOPE AND DEFINITIONS

- 4 Processing to which this Part applies
- 5 Definitions

CHAPTER 2

THE GDPR

Meaning of certain terms used in the GDPR

- 6 Meaning of “controller”
- 7 Meaning of “public authority” and “public body”

Lawfulness of processing

- 8 Lawfulness of processing: public interest etc
- 9 Child's consent in relation to information society services

Special categories of personal data

- 10 Special categories of personal data and criminal convictions etc data
- 11 Special categories of personal data etc: supplementary

Rights of the data subject

- 12 Limits on fees that may be charged by controllers
- 13 Obligations of credit reference agencies
- 14 Automated decision-making authorised by law: safeguards

Restrictions on data subject's rights

- 15 Exemptions etc
- 16 Power to make further exemptions etc by regulations

Accreditation of certification providers

- 17 Accreditation of certification providers

Transfers of personal data to third countries etc

- 18 Transfers of personal data to third countries etc

Specific processing situations

- 19 Processing for archiving, research and statistical purposes: safeguards

Minor definition

- 20 Meaning of "court"

CHAPTER 3**OTHER GENERAL PROCESSING***Scope*

- 21 Processing to which this Chapter applies

Application of the GDPR

- 22 Application of the GDPR to processing to which this Chapter applies
- 23 Power to make provision in consequence of regulations related to the GDPR

Exemptions etc

- 24 Manual unstructured data held by FOI public authorities
- 25 Manual unstructured data used in longstanding historical research
- 26 National security and defence exemption
- 27 National security: certificate

- 28 National security and defence: modifications to Articles 9 and 32 of the applied GDPR

PART 3

LAW ENFORCEMENT PROCESSING

CHAPTER 1

SCOPE AND DEFINITIONS

Scope

- 29 Processing to which this Part applies

Definitions

- 30 Meaning of “competent authority”
31 “The law enforcement purposes”
32 Meaning of “controller” and “processor”
33 Other definitions

CHAPTER 2

PRINCIPLES

- 34 Overview and general duty of controller
35 The first data protection principle
36 The second data protection principle
37 The third data protection principle
38 The fourth data protection principle
39 The fifth data protection principle
40 The sixth data protection principle
41 Safeguards: archiving
42 Safeguards: sensitive processing

CHAPTER 3

RIGHTS OF THE DATA SUBJECT

Overview and scope

- 43 Overview and scope

Information: controller's general duties

- 44 Information: controller's general duties

Data subject's right of access

- 45 Right of access by the data subject

Data subject's rights to rectification or erasure etc

- 46 Right to rectification
47 Right to erasure or restriction of processing
48 Rights under section 46 or 47: supplementary

Automated individual decision-making

- 49 Right not to be subject to automated decision-making
- 50 Automated decision-making authorised by law: safeguards

Supplementary

- 51 Exercise of rights through the Commissioner
- 52 Form of provision of information etc
- 53 Manifestly unfounded or excessive requests by the data subject
- 54 Meaning of “applicable time period”

CHAPTER 4**CONTROLLER AND PROCESSOR***Overview and scope*

- 55 Overview and scope

General obligations

- 56 General obligations of the controller
- 57 Data protection by design and default
- 58 Joint controllers
- 59 Processors
- 60 Processing under the authority of the controller or processor
- 61 Records of processing activities
- 62 Logging
- 63 Co-operation with the Commissioner
- 64 Data protection impact assessment
- 65 Prior consultation with the Commissioner

Obligations relating to security

- 66 Security of processing

Obligations relating to personal data breaches

- 67 Notification of a personal data breach to the Commissioner
- 68 Communication of a personal data breach to the data subject

Data protection officers

- 69 Designation of a data protection officer
- 70 Position of data protection officer
- 71 Tasks of data protection officer

CHAPTER 5**TRANSFERS OF PERSONAL DATA TO THIRD COUNTRIES ETC***Overview and interpretation*

- 72 Overview and interpretation

General principles for transfers

- 73 General principles for transfers of personal data
- 74 Transfers on the basis of an adequacy decision
- 75 Transfers on the basis of appropriate safeguards
- 76 Transfers on the basis of special circumstances

Transfers to particular recipients

- 77 Transfers of personal data to persons other than relevant authorities

Subsequent transfers

- 78 Subsequent transfers

CHAPTER 6

SUPPLEMENTARY

- 79 National security: certificate
- 80 Special processing restrictions
- 81 Reporting of infringements

PART 4

INTELLIGENCE SERVICES PROCESSING

CHAPTER 1

SCOPE AND DEFINITIONS

Scope

- 82 Processing to which this Part applies

Definitions

- 83 Meaning of “controller” and “processor”
- 84 Other definitions

CHAPTER 2

PRINCIPLES

Overview

- 85 Overview

The data protection principles

- 86 The first data protection principle
- 87 The second data protection principle
- 88 The third data protection principle
- 89 The fourth data protection principle
- 90 The fifth data protection principle
- 91 The sixth data protection principle

CHAPTER 3

RIGHTS OF THE DATA SUBJECT

Overview

92 Overview

Rights

- 93 Right to information
- 94 Right of access
- 95 Right of access: supplementary
- 96 Right not to be subject to automated decision-making
- 97 Right to intervene in automated decision-making
- 98 Right to information about decision-making
- 99 Right to object to processing
- 100 Rights to rectification and erasure

CHAPTER 4

CONTROLLER AND PROCESSOR

Overview

101 Overview

General obligations

- 102 General obligations of the controller
- 103 Data protection by design
- 104 Joint controllers
- 105 Processors
- 106 Processing under the authority of the controller or processor

Obligations relating to security

107 Security of processing

Obligations relating to personal data breaches

108 Communication of a personal data breach

CHAPTER 5

TRANSFERS OF PERSONAL DATA OUTSIDE THE UNITED KINGDOM

109 Transfers of personal data outside the United Kingdom

CHAPTER 6

EXEMPTIONS

- 110 National security
- 111 National security: certificate
- 112 Other exemptions

- 113 Power to make further exemptions

PART 5

THE INFORMATION COMMISSIONER

The Commissioner

- 114 The Information Commissioner

General functions

- 115 General functions under the GDPR and safeguards
116 Other general functions
117 Competence in relation to courts etc

International role

- 118 Co-operation and mutual assistance
119 Inspection of personal data in accordance with international obligations
120 Further international role

Codes of practice

- 121 Data-sharing code
122 Direct marketing code
123 Age-appropriate design code
124 Data protection and journalism code
125 Approval of codes prepared under sections 121 to 124
126 Publication and review of codes issued under section 125(4)
127 Effect of codes issued under section 125(4)
128 Other codes of practice

Consensual audits

- 129 Consensual audits

Records of national security certificates

- 130 Records of national security certificates

Information provided to the Commissioner

- 131 Disclosure of information to the Commissioner
132 Confidentiality of information
133 Guidance about privileged communications

Fees

- 134 Fees for services
135 Manifestly unfounded or excessive requests by data subjects etc
136 Guidance about fees

Charges

- 137 Charges payable to the Commissioner by controllers
138 Regulations under section 137: supplementary

Reports etc

- 139 Reporting to Parliament
- 140 Publication by the Commissioner
- 141 Notices from the Commissioner

PART 6**ENFORCEMENT***Information notices*

- 142 Information notices
- 143 Information notices: restrictions
- 144 False statements made in response to information notices
- 145 Information orders

Assessment notices

- 146 Assessment notices
- 147 Assessment notices: restrictions

Information notices and assessment notices: destruction of documents etc

- 148 Destroying or falsifying information and documents etc

Enforcement notices

- 149 Enforcement notices
- 150 Enforcement notices: supplementary
- 151 Enforcement notices: rectification and erasure of personal data etc
- 152 Enforcement notices: restrictions
- 153 Enforcement notices: cancellation and variation

Powers of entry and inspection

- 154 Powers of entry and inspection

Penalties

- 155 Penalty notices
- 156 Penalty notices: restrictions
- 157 Maximum amount of penalty
- 158 Fixed penalties for non-compliance with charges regulations
- 159 Amount of penalties: supplementary

Guidance

- 160 Guidance about regulatory action
- 161 Approval of first guidance about regulatory action

Appeals etc

- 162 Rights of appeal
- 163 Determination of appeals
- 164 Applications in respect of urgent notices

Complaints

- 165 Complaints by data subjects
- 166 Orders to progress complaints

Remedies in the court

- 167 Compliance orders
- 168 Compensation for contravention of the GDPR
- 169 Compensation for contravention of other data protection legislation

Offences relating to personal data

- 170 Unlawful obtaining etc of personal data
- 171 Re-identification of de-identified personal data
- 172 Re-identification: effectiveness testing conditions
- 173 Alteration etc of personal data to prevent disclosure to data subject

The special purposes

- 174 The special purposes
- 175 Provision of assistance in special purposes proceedings
- 176 Staying special purposes proceedings
- 177 Guidance about how to seek redress against media organisations
- 178 Review of processing of personal data for the purposes of journalism
- 179 Effectiveness of the media's dispute resolution procedures

Jurisdiction of courts

- 180 Jurisdiction

Definitions

- 181 Interpretation of Part 6

PART 7

SUPPLEMENTARY AND FINAL PROVISION

Regulations under this Act

- 182 Regulations and consultation

Changes to the Data Protection Convention

- 183 Power to reflect changes to the Data Protection Convention

Rights of the data subject

- 184 Prohibition of requirement to produce relevant records
- 185 Avoidance of certain contractual terms relating to health records
- 186 Data subject's rights and other prohibitions and restrictions

Representation of data subjects

- 187 Representation of data subjects with their authority
- 188 Representation of data subjects with their authority: collective proceedings
- 189 Duty to review provision for representation of data subjects

- 190 Post-review powers to make provision about representation of data subjects

Framework for Data Processing by Government

- 191 Framework for Data Processing by Government
 192 Approval of the Framework
 193 Publication and review of the Framework
 194 Effect of the Framework

Data-sharing: HMRC and reserve forces

- 195 Reserve forces: data-sharing by HMRC

Offences

- 196 Penalties for offences
 197 Prosecution
 198 Liability of directors etc
 199 Recordable offences
 200 Guidance about PACE codes of practice

The Tribunal

- 201 Disclosure of information to the Tribunal
 202 Proceedings in the First-tier Tribunal: contempt
 203 Tribunal Procedure Rules

Interpretation

- 204 Meaning of “health professional” and “social work professional”
 205 General interpretation
 206 Index of defined expressions

Territorial application

- 207 Territorial application of this Act

General

- 208 Children in Scotland
 209 Application to the Crown
 210 Application to Parliament
 211 Minor and consequential provision

Final

- 212 Commencement
 213 Transitional provision
 214 Extent
 215 Short title

SCHEDULES

SCHEDULE 1 — Special categories of personal data and criminal convictions etc data

PART 1 — CONDITIONS RELATING TO EMPLOYMENT, HEALTH AND
RESEARCH ETC

- 1 Employment, social security and social protection
- 2 Health or social care purposes
- 3 Public health
- 4 Research etc

PART 2 — SUBSTANTIAL PUBLIC INTEREST CONDITIONS

- 5 Requirement for an appropriate policy document when relying on conditions in this Part
- 6 Statutory etc and government purposes
- 7 Administration of justice and parliamentary purposes
- 8 Equality of opportunity or treatment
- 9 Racial and ethnic diversity at senior levels of organisations
- 10 Preventing or detecting unlawful acts
- 11 Protecting the public against dishonesty etc
- 12 Regulatory requirements relating to unlawful acts and dishonesty etc
- 13 Journalism etc in connection with unlawful acts and dishonesty etc
- 14 Preventing fraud
- 15 Suspicion of terrorist financing or money laundering
- 16 Support for individuals with a particular disability or medical condition
- 17 Counselling etc
- 18 Safeguarding of children and of individuals at risk
- 19 Safeguarding of economic well-being of certain individuals
- 20 Insurance
- 21 Occupational pensions
- 22 Political parties
- 23 Elected representatives responding to requests
- 24 Disclosure to elected representatives
- 25 Informing elected representatives about prisoners
- 26 Publication of legal judgments
- 27 Anti-doping in sport
- 28 Standards of behaviour in sport

PART 3 — ADDITIONAL CONDITIONS RELATING TO CRIMINAL CONVICTIONS
ETC

- 29 Consent
- 30 Protecting individual's vital interests
- 31 Processing by not-for-profit bodies
- 32 Personal data in the public domain
- 33 Legal claims
- 34 Judicial acts
- 35 Administration of accounts used in commission of indecency offences involving children
- 36 Extension of conditions in Part 2 of this Schedule referring to substantial public interest
- 37 Extension of insurance conditions

PART 4 — APPROPRIATE POLICY DOCUMENT AND ADDITIONAL
SAFEGUARDS

- 38 Application of this Part of this Schedule
- 39 Requirement to have an appropriate policy document in place
- 40 Additional safeguard: retention of appropriate policy document
- 41 Additional safeguard: record of processing

SCHEDULE 2 — Exemptions etc from the GDPR

PART 1 — ADAPTATIONS AND RESTRICTIONS BASED ON ARTICLES 6(3) AND 23(1)

- 1 GDPR provisions to be adapted or restricted: “the listed GDPR provisions”
- 2 Crime and taxation: general
- 3 Crime and taxation: risk assessment systems
- 4 Immigration
- 5 Information required to be disclosed by law etc or in connection with legal proceedings

PART 2 — RESTRICTIONS BASED ON ARTICLE 23(1): RESTRICTIONS OF RULES IN ARTICLES 13 TO 21 AND 34

- 6 GDPR provisions to be restricted: “the listed GDPR provisions”
- 7 Functions designed to protect the public etc
- 8 Audit functions
- 9 Functions of the Bank of England
- 10 Regulatory functions relating to legal services, the health service and children’s services
- 11 Regulatory functions of certain other persons
- 12 In the Table in paragraph 11— “consumer protection enforcer” has...
- 13 Parliamentary privilege
- 14 Judicial appointments, judicial independence and judicial proceedings
- 15 Crown honours, dignities and appointments

PART 3 — RESTRICTION BASED ON ARTICLE 23(1): PROTECTION OF RIGHTS OF OTHERS

- 16 Protection of the rights of others: general
- 17 Assumption of reasonableness for health workers, social workers and education workers

PART 4 — RESTRICTIONS BASED ON ARTICLE 23(1): RESTRICTIONS OF RULES IN ARTICLES 13 TO 15

- 18 GDPR provisions to be restricted: “the listed GDPR provisions”
- 19 Legal professional privilege
- 20 Self incrimination
- 21 Corporate finance
- 22 Management forecasts
- 23 Negotiations
- 24 Confidential references
- 25 Exam scripts and exam marks

PART 5 — EXEMPTIONS ETC BASED ON ARTICLE 85(2) FOR REASONS OF FREEDOM OF EXPRESSION AND INFORMATION

- 26 Journalistic, academic, artistic and literary purposes

PART 6 — DEROGATIONS ETC BASED ON ARTICLE 89 FOR RESEARCH, STATISTICS AND ARCHIVING

- 27 Research and statistics
- 28 Archiving in the public interest

SCHEDULE 3 — Exemptions etc from the GDPR: health, social work, education and child abuse data

PART 1 — GDPR PROVISIONS TO BE RESTRICTED

- 1 In this Schedule “the listed GDPR provisions” means the following...

PART 2 — HEALTH DATA

- 2 Definitions
- 3 Exemption from the listed GDPR provisions: data processed by a court

- 4 Exemption from the listed GDPR provisions: data subject's expectations and wishes
- 5 Exemption from Article 15 of the GDPR: serious harm
- 6 Restriction of Article 15 of the GDPR: prior opinion of appropriate health professional

PART 3 — SOCIAL WORK DATA

- 7 Definitions
- 8 (1) This paragraph applies to personal data falling within any...
- 9 Exemption from the listed GDPR provisions: data processed by a court
- 10 Exemption from the listed GDPR provisions: data subject's expectations and wishes
- 11 Exemption from Article 15 of the GDPR: serious harm
- 12 Restriction of Article 15 of the GDPR: prior opinion of Principal Reporter

PART 4 — EDUCATION DATA

- 13 Educational records
- 14 (1) This paragraph applies to a record of information which—...
- 15 (1) This paragraph applies to a record of information which...
- 16 (1) This paragraph applies to a record of information which—...
- 17 Other definitions
- 18 Exemption from the listed GDPR provisions: data processed by a court
- 19 Exemption from Article 15 of the GDPR: serious harm
- 20 Restriction of Article 15 of the GDPR: prior opinion of Principal Reporter

PART 5 — CHILD ABUSE DATA

- 21 Exemption from Article 15 of the GDPR: child abuse data

SCHEDULE 4 — Exemptions etc from the GDPR: disclosure prohibited or restricted by an enactment

- 1 GDPR provisions to be restricted: “the listed GDPR provisions”
- 2 Human fertilisation and embryology information
- 3 Adoption records and reports
- 4 Statements of special educational needs
- 5 Parental order records and reports
- 6 Information provided by Principal Reporter for children's hearing

SCHEDULE 5 — Accreditation of certification providers: reviews and appeals

- 1 Introduction
- 2 Review
- 3 Right to appeal
- 4 Appeal panel
- 5 Hearing
- 6 Decision following referral to appeal panel
- 7 Meaning of “working day”

SCHEDULE 6 — The applied GDPR and the applied Chapter 2

PART 1 — MODIFICATIONS TO THE GDPR

- 1 Introductory
- 2 References to the GDPR and its provisions
- 3 References to Union law and Member State law
- 4 References to the Union and to Member States
- 5 References to supervisory authorities
- 6 References to the national parliament

- 7 Chapter I of the GDPR (general provisions)
- 8 For Article 3 substitute— Article 3 Territorial application Subsections (1),...
- 9 In Article 4 (definitions)— (a) in paragraph (7) (meaning of...
- 10 Chapter II of the GDPR (principles)
- 11 In Article 8 (conditions applicable to child's consent in relation...
- 12 In Article 9 (processing of special categories of personal data)—...
- 13 In Article 10 (processing of personal data relating to criminal...
- 14 Section 1 of Chapter III of the GDPR (rights of the data subject: transparency and modalities)
- 15 Section 2 of Chapter III of the GDPR (rights of the data subject: information and access to personal data)
- 16 In Article 14 (personal data collected other than from data...
- 17 Section 3 of Chapter III of the GDPR (rights of the data subject: rectification and erasure)
- 18 In Article 18 (right to restriction of processing), in paragraph...
- 19 Section 4 of Chapter III of the GDPR (rights of the data subject: right to object and automated individual decision-making)
- 20 In Article 22 (automated individual decision-making, including profiling), for paragraph...
- 21 Section 5 of Chapter III of the GDPR (rights of the data subject: restrictions)
- 22 Section 1 of Chapter IV of the GDPR (controller and processor: general obligations)
- 23 Omit Article 27 (representatives of controllers or processors not established...
- 24 In Article 28 (processor)— (a) in paragraph 3, in point...
- 25 In Article 30 (records of processing activities)—
- 26 In Article 31 (co-operation with the supervisory authority), omit “and,...
- 27 Section 3 of Chapter IV of the GDPR (controller and processor: data protection impact assessment and prior consultation)
- 28 In Article 36 (prior consultation)— (a) for paragraph 4 substitute—...
- 29 Section 4 of Chapter IV of the GDPR (controller and processor: data protection officer)
- 30 In Article 39 (tasks of the data protection officer), in...
- 31 Section 5 of Chapter IV of the GDPR (controller and processor: codes of conduct and certification)
- 32 In Article 41 (monitoring of approved codes of conduct), omit...
- 33 In Article 42 (certification)— (a) in paragraph 1—
- 34 In Article 43 (certification bodies)— (a) in paragraph 1, in...
- 35 Chapter V of the GDPR (transfers of data to third countries or international organisations)
- 36 In Article 46 (transfers subject to appropriate safeguards)—
- 37 In Article 47 (binding corporate rules)— (a) in paragraph 1,...
- 38 In Article 49 (derogations for specific situations)—
- 39 In Article 50 (international co-operation for the protection of personal...
- 40 Section 1 of Chapter VI of the GDPR (independent supervisory authorities: independent status)
- 41 In Article 52 (independence)— (a) in paragraph 2—
- 42 Omit Article 53 (general conditions for the members of the...
- 43 Omit Article 54 (rules on the establishment of the supervisory...
- 44 Section 2 of Chapter VI of the GDPR (independent supervisory authorities: competence, tasks and powers)

- 45 Omit Article 56 (competence of the lead supervisory authority).
- 46 In Article 57 (tasks)— (a) in paragraph 1, in the...
- 47 In Article 58 (powers)— (a) in paragraph 1, in point...
- 48 In Article 59 (activity reports)— (a) for “, the government...
- 49 Chapter VII of the GDPR (co-operation and consistency)
- 50 Chapter VIII of the GDPR (remedies, liability and penalties)
- 51 In Article 78 (right to an effective judicial remedy against...
- 52 In Article 79 (right to an effective judicial remedy against...
- 53 In Article 80 (representation of data subjects)—
- 54 Omit Article 81 (suspension of proceedings).
- 55 In Article 82 (right to compensation and liability), for paragraph...
- 56 In Article 83 (general conditions for imposing administrative fines)—
- 57 In Article 84 (penalties)— (a) for paragraph 1 substitute— The rules on
other penalties applicable to infringements of this...
- 58 Chapter IX of the GDPR (provisions relating to specific processing
situations)
- 59 In Article 86 (processing and public access to official documents),...
- 60 Omit Article 87 (processing of national identification number).
- 61 Omit Article 88 (processing in the context of employment).
- 62 In Article 89 (safeguards and derogations relating to processing for...
- 63 Omit Article 90 (obligations of secrecy).
- 64 Omit Article 91 (existing data protection rules of churches and...
- 65 Chapter X of the GDPR (delegated acts and implementing acts)
- 66 Omit Article 93 (committee procedure).
- 67 Chapter XI of the GDPR (final provisions)
- 68 Omit Article 95 (relationship with Directive 2002/58/EC).
- 69 In Article 96 (relationship with previously concluded Agreements), for
“by...
- 70 Omit Article 97 (Commission reports).
- 71 Omit Article 98 (Commission reviews).
- 72 Omit Article 99 (entry into force and application).
- PART 2 — MODIFICATIONS TO CHAPTER 2 OF PART 2
- 73 Introductory
- 74 General modifications
- 75 Exemptions

SCHEDULE 7 — Competent authorities

- 1 Any United Kingdom government department other than a non-
ministerial government...
- 2 The Scottish Ministers.
- 3 Any Northern Ireland department.
- 4 The Welsh Ministers.
- 5 Chief officers of police and other policing bodies
- 6 The Commissioner of Police of the Metropolis.
- 7 The Commissioner of Police for the City of London.
- 8 The Chief Constable of the Police Service of Northern Ireland....
- 9 The chief constable of the Police Service of Scotland.
- 10 The chief constable of the British Transport Police.
- 11 The chief constable of the Civil Nuclear Constabulary.
- 12 The chief constable of the Ministry of Defence Police.
- 13 The Provost Marshal of the Royal Navy Police.
- 14 The Provost Marshal of the Royal Military Police.
- 15 The Provost Marshal of the Royal Air Force Police.

- 16 The chief officer of— (a) a body of constables appointed...
- 17 A body established in accordance with a collaboration agreement under...
- 18 The Director General of the Independent Office for Police Conduct....
- 19 The Police Investigations and Review Commissioner.
- 20 The Police Ombudsman for Northern Ireland.
- 21 Other authorities with investigatory functions
- 22 The Welsh Revenue Authority.
- 23 Revenue Scotland.
- 24 The Director General of the National Crime Agency.
- 25 The Director of the Serious Fraud Office.
- 26 The Director of Border Revenue.
- 27 The Financial Conduct Authority.
- 28 The Health and Safety Executive.
- 29 The Competition and Markets Authority.
- 30 The Gas and Electricity Markets Authority.
- 31 The Food Standards Agency.
- 32 Food Standards Scotland.
- 33 Her Majesty's Land Registry.
- 34 The Criminal Cases Review Commission.
- 35 The Scottish Criminal Cases Review Commission.
- 36 Authorities with functions relating to offender management
- 37 The Youth Justice Board for England and Wales.
- 38 The Parole Board for England and Wales.
- 39 The Parole Board for Scotland.
- 40 The Parole Commissioners for Northern Ireland.
- 41 The Probation Board for Northern Ireland.
- 42 The Prisoner Ombudsman for Northern Ireland.
- 43 A person who has entered into a contract for the...
- 44 A person who has entered into a contract with the...
- 45 A person who is, under or by virtue of any...
- 46 A youth offending team established under section 39 of the...
- 47 Other authorities
- 48 The Director of Public Prosecutions for Northern Ireland.
- 49 The Lord Advocate.
- 50 A Procurator Fiscal.
- 51 The Director of Service Prosecutions.
- 52 The Information Commissioner.
- 53 The Scottish Information Commissioner.
- 54 The Scottish Courts and Tribunal Service.
- 55 The Crown agent.
- 56 A court or tribunal.

SCHEDULE 8 — Conditions for sensitive processing under Part 3

- 1 Statutory etc purposes
- 2 Administration of justice
- 3 Protecting individual's vital interests
- 4 Safeguarding of children and of individuals at risk
- 5 Personal data already in the public domain
- 6 Legal claims
- 7 Judicial acts
- 8 Preventing fraud
- 9 Archiving etc

SCHEDULE 9 — Conditions for processing under Part 4

- 1 The data subject has given consent to the processing.
- 2 The processing is necessary— (a) for the performance of a...
- 3 The processing is necessary for compliance with a legal obligation...
- 4 The processing is necessary in order to protect the vital...
- 5 The processing is necessary— (a) for the administration of justice,...
- 6 (1) The processing is necessary for the purposes of legitimate...

SCHEDULE 10 — Conditions for sensitive processing under Part 4

- 1 Consent to particular processing
- 2 Right or obligation relating to employment
- 3 Vital interests of a person
- 4 Safeguarding of children and of individuals at risk
- 5 Data already published by data subject
- 6 Legal proceedings etc
- 7 Administration of justice, parliamentary, statutory etc and government purposes
- 8 Medical purposes
- 9 Equality

SCHEDULE 11 — Other exemptions under Part 4

- 1 Preliminary
- 2 Crime
- 3 Information required to be disclosed by law etc or in connection with legal proceedings
- 4 Parliamentary privilege
- 5 Judicial proceedings
- 6 Crown honours and dignities
- 7 Armed forces
- 8 Economic well-being
- 9 Legal professional privilege
- 10 Negotiations
- 11 Confidential references given by the controller
- 12 Exam scripts and marks
- 13 Research and statistics
- 14 Archiving in the public interest

SCHEDULE 12 — The Information Commissioner

- 1 Status and capacity
- 2 Appointment
- 3 Resignation and removal
- 4 Salary etc
- 5 Officers and staff
- 6 Carrying out of the Commissioner's functions by officers and staff
- 7 Authentication of the seal of the Commissioner
- 8 Presumption of authenticity of documents issued by the Commissioner
- 9 Money
- 10 Fees etc and other sums
- 11 Accounts
- 12 Scotland

SCHEDULE 13 — Other general functions of the Commissioner

- 1 General tasks

- 2 General powers
- 3 Definitions

SCHEDULE 14 — Co-operation and mutual assistance

PART 1 — LAW ENFORCEMENT DIRECTIVE

- 1 Co-operation
- 2 Requests for information and assistance from LED supervisory authorities
- 3 Fees
- 4 Restrictions on use of information
- 5 LED supervisory authority

PART 2 — DATA PROTECTION CONVENTION

- 6 Co-operation between the Commissioner and foreign designated authorities
- 7 Assisting persons resident outside the UK with requests under Article 14 of the Convention
- 8 Assisting UK residents with requests under Article 8 of the Convention
- 9 Restrictions on use of information
- 10 Foreign designated authority

SCHEDULE 15 — Powers of entry and inspection

- 1 Issue of warrants in connection with non-compliance and offences
- 2 Issue of warrants in connection with assessment notices
- 3 Restrictions on issuing warrants: processing for the special purposes
- 4 Restrictions on issuing warrants: procedural requirements
- 5 Content of warrants
- 6 Copies of warrants
- 7 Execution of warrants: reasonable force
- 8 Execution of warrants: time when executed
- 9 Execution of warrants: occupier of premises
- 10 Execution of warrants: seizure of documents etc
- 11 Matters exempt from inspection and seizure: privileged communications
- 12 Matters exempt from inspection and seizure: Parliamentary privilege
- 13 Partially exempt material
- 14 Return of warrants
- 15 Offences
- 16 Self-incrimination
- 17 Vessels, vehicles etc
- 18 Scotland
- 19 Northern Ireland

SCHEDULE 16 — Penalties

- 1 Meaning of “penalty”
- 2 Notice of intent to impose penalty
- 3 Contents of notice of intent
- 4 Giving a penalty notice
- 5 Contents of penalty notice
- 6 Period for payment of penalty
- 7 Variation of penalty
- 8 Cancellation of penalty
- 9 Enforcement of payment

SCHEDULE 17 — Review of processing of personal data for the purposes of journalism

- 1 Interpretation
- 2 Information notices
- 3 Assessment notices
- 4 Applications in respect of urgent notices

SCHEDULE 18 — Relevant records

- 1 Relevant records
- 2 Relevant health records
- 3 Relevant records relating to a conviction or caution
- 4 Relevant records relating to statutory functions
- 5 Data subject access right
- 6 Records stating that personal data is not processed
- 7 Power to amend

SCHEDULE 19 — Minor and consequential amendments

PART 1 — AMENDMENTS OF PRIMARY LEGISLATION

- 1 Registration Service Act 1953 (c. 37)
- 2 Veterinary Surgeons Act 1966 (c. 36)
- 3 Parliamentary Commissioner Act 1967 (c. 13)
- 4 Local Government Act 1974 (c. 7)
- 5 In section 33A(1) (disclosure of information by Local Commissioner to...
- 6 In section 34O(1) (disclosure of information by Local Commissioner to...
- 7 Consumer Credit Act 1974 (c. 39)
- 8 In section 157(2A) (duty to disclose name etc of agency)—...
- 9 In section 159(1)(a) (correction of wrong information) for “section 7...
- 10 In section 189(1) (definitions), at the appropriate place insert— “the...
- 11 Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22))
- 12 In article 2(2) (interpretation), omit the definition of “Directive 95/46/EC”....
- 13 In article 8D (European professional card), after paragraph (3) insert —...
- 14 In article 22A(6) (Directive 2005/36/EC: functions of competent authority etc.),...
- 15 (1) Schedule 2C (Directive 2005/36/EC: European professional card) is amended...
- 16 (1) The table in Schedule 2D (functions of the Society...
- 17 (1) Paragraph 2 of Schedule 3 (fitness to practice: disclosure...
- 18 Representation of the People Act 1983 (c. 2)
- 19 Medical Act 1983 (c. 54)
- 20 (1) Section 29E (evidence) is amended as follows.
- 21 (1) Section 35A (General Medical Council’s power to require disclosure...
- 22 In section 49B(7) (Directive 2005/36: designation of competent authority etc.),...
- 23 In section 55(1) (interpretation), omit the definition of “Directive 95/46/EC”....
- 24 (1) Paragraph 9B of Schedule 1 (incidental powers of the...
- 25 (1) Paragraph 5A of Schedule 4 (professional performance assessments and...

- 26 (1) The table in Schedule 4A (functions of the General...
27 Dentists Act 1984 (c. 24)
28 (1) Section 33B (the General Dental Council’s power to require...
29 In section 36ZA(6) (Directive 2005/36: designation of competent
authority etc),...
30 (1) Section 36Y (the General Dental Council’s power to require...
31 In section 53(1) (interpretation), omit the definition of “Directive 95/46/
EC”....
32 (1) The table in Schedule 4ZA (Directive 2005/36: functions of...
33 Companies Act 1985 (c. 6)
34 Access to Medical Reports Act 1988 (c. 28)
35 Opticians Act 1989 (c. 44)
36 Access to Health Records Act 1990 (c. 23)
37 For section 2 substitute— Health professionals In this Act, “health
professional” has the same meaning as...
38 (1) Section 3 (right of access to health records) is...
39 Human Fertilisation and Embryology Act 1990 (c. 37)
40 Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)
41 Tribunals and Inquiries Act 1992 (c. 53)
42 Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I.
5))
43 Health Service Commissioners Act 1993 (c. 46)
44 Data Protection Act 1998 (c. 29)
45 Crime and Disorder Act 1998 (c. 37)
46 Food Standards Act 1999 (c. 28)
47 Immigration and Asylum Act 1999 (c. 33)
48 Financial Services and Markets Act 2000 (c. 8)
49 In section 86(9) (exempt offers to the public), for “the...
50 In section 391A(6)(b) (publication: special provisions relating to the
capital...
51 In section 391C(7)(a) (publication: special provisions relating to the
UCITS...
52 In section 391D(9)(a) (publication: special provisions relating to the
markets...
53 In section 417 (definitions), at the appropriate place insert— “the...
54 Terrorism Act 2000 (c. 11)
55 Freedom of Information Act 2000 (c. 36)
56 In section 2(3) (absolute exemptions), for paragraph (f) substitute—
57 In section 18 (the Information Commissioner), omit subsection (1).
58 (1) Section 40 (personal information) is amended as follows.
59 Omit section 49 (reports to be laid before Parliament).
60 For section 61 (appeal proceedings) substitute— Appeal proceedings (1)
Tribunal Procedure Rules may make provision for regulating the...
61 In section 76(1) (disclosure of information between Commissioner and
ombudsmen),...
62 After section 76A insert— Disclosure of information to Tribunal (1) No
enactment or rule of law prohibiting or restricting...
63 In section 77(1)(b) (offence of altering etc records with intent...
64 In section 84 (interpretation), at the appropriate place insert— “the...
65 Political Parties, Elections and Referendums Act 2000 (c. 41)
66 Public Finance and Accountability (Scotland) Act 2000 (asp 1)
67 In section 26B(3)(a) (voluntary disclosure of data to Audit Scotland),...
68 In section 26C(3)(a) (power to require disclosure of data), for...

- 69 In section 29(1) (interpretation), at the appropriate place insert— “the...
- 70 Criminal Justice and Police Act 2001 (c. 16)
- 71 In section 57(1) (retention of seized items)—
- 72 In section 65(7) (meaning of “legal privilege”)—
- 73 In Schedule 1 (powers of seizure)— (a) omit paragraph 65,...
- 74 Anti-terrorism, Crime and Security Act 2001 (c.24)
- 75 (1) Section 19 (disclosure of information held by revenue departments)...
- 76 (1) Part 1 of Schedule 4 (extension of existing disclosure...
- 77 Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3 (N.I.))
- 78 Justice (Northern Ireland) Act 2002 (c. 26)
- 79 Proceeds of Crime Act 2002 (c. 29)
- 80 In section 333C(2)(d) (other permitted disclosures between institutions etc), for...
- 81 In section 436(3)(a) (disclosure of information to certain Directors), for...
- 82 In section 438(8)(a) (disclosure of information by certain Directors), for...
- 83 In section 439(3)(a) (disclosure of information to Lord Advocate and...
- 84 In section 441(7)(a) (disclosure of information by Lord Advocate and...
- 85 After section 442 insert— Data protection legislation In this Part, “the data protection legislation” has the same...
- 86 Enterprise Act 2002 (c. 40)
- 87 Scottish Public Services Ombudsman Act 2002 (asp 11)
- 88 Freedom of Information (Scotland) Act 2002 (asp 13)
- 89 In section 2(2)(e)(ii) (absolute exemptions), omit “by virtue of subsection...
- 90 (1) Section 38 (personal information) is amended as follows.
- 91 Courts Act 2003 (c. 39)
- 92 (1) Paragraph 9C (disclosure of information in connection with making...
- 93 (1) Paragraph 10A (attachment of earnings orders (Justice Act (Northern...))
- 94 Sexual Offences Act 2003 (c. 42)
- 95 Criminal Justice Act 2003 (c. 44)
- 96 In section 327A(9) (disclosure of information about convictions etc of...
- 97 In section 327B (disclosure of information about convictions etc of...
- 98 Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)
- 99 Public Audit (Wales) Act 2004 (c. 23)
- 100 Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27)
- 101 (1) Section 15A (disclosure of information by tax authorities) is...
- 102 (1) Section 15D (permitted disclosure of information obtained under compulsory...
- 103 Domestic Violence, Crime and Victims Act 2004 (c. 28)
- 104 Children Act 2004 (c. 31)
- 105 (1) Section 12 (information databases) is amended as follows.
- 106 (1) Section 29 (information databases: Wales) is amended as follows....
- 107 Constitutional Reform Act 2005 (c. 4)
- 108 Mental Capacity Act 2005 (c. 9)
- 109 Public Services Ombudsman (Wales) Act 2005 (c. 10)
- 110 Commissioners for Revenue and Customs Act 2005 (c. 11)

-
- 111 Gambling Act 2005 (c. 19)
 - 112 Commissioner for Older People (Wales) Act 2006 (c. 30)
 - 113 National Health Service Act 2006 (c. 41)
 - 114 (1) Section 251 (control of patient information) is amended as...
 - 115 (1) Section 264C (provision and disclosure of information about health...
 - 116 In paragraph 7B(3) of Schedule 1 (further provision about the...
 - 117 National Health Service (Wales) Act 2006 (c. 42)
 - 118 (1) Section 201C (provision of information about medical supplies: supplementary)...
 - 119 In paragraph 7B(3) of Schedule 1 (further provision about the...
 - 120 Companies Act 2006 (c. 46)
 - 121 In section 458(2) (disclosure of information by tax authorities)—
 - 122 In section 461(7) (permitted disclosure of information obtained under compulsory...
 - 123 In section 948(9) (restrictions on disclosure) for “the Data Protection...
 - 124 In section 1173(1) (minor definitions: general), at the appropriate place...
 - 125 In section 1224A(7) (restrictions on disclosure), for “the Data Protection...
 - 126 In section 1253D(3) (restriction on transfer of audit working papers...
 - 127 In section 1261(1) (minor definitions: Part 42), at the appropriate...
 - 128 In section 1262 (index of defined expressions: Part 42), at...
 - 129 In Schedule 8 (index of defined expressions: general), at the...
 - 130 Tribunals, Courts and Enforcement Act 2007 (c. 15)
 - 131 In section 11(5)(b) (right to appeal to Upper Tribunal), for...
 - 132 In section 13(8)(a) (right to appeal to the Court of...
 - 133 Statistics and Registration Service Act 2007 (c. 18)
 - 134 (1) Section 45 (information held by HMRC) is amended as...
 - 135 (1) Section 45A (information held by other public authorities) is...
 - 136 (1) Section 45B(3) (access to information held by Crown bodies...
 - 137 (1) Section 45C(13) (power to require disclosures by other public...
 - 138 In section 45D(9)(b) (power to require disclosure by undertakings), for...
 - 139 (1) Section 45E (further provision about powers in sections 45B,...
 - 140 (1) Section 53A (disclosure by the Statistics Board to devolved...
 - 141 (1) Section 54 (Data Protection Act 1998 and Human Rights...
 - 142 In section 67 (general interpretation: Part 1), at the appropriate...
 - 143 Serious Crime Act 2007 (c. 27)
 - 144 (1) Section 5A (verification and disclosure of information) is amended...
 - 145 (1) Section 68 (disclosure of information to prevent fraud) is...
 - 146 (1) Section 85 (disclosure of information by Revenue and Customs)...
 - 147 Legal Services Act 2007 (c. 29)
 - 148 Adoption and Children (Scotland) Act 2007 (asp 4)
 - 149 Criminal Justice and Immigration Act 2008 (c. 4)
 - 150 Omit— (a) section 77 (power to alter penalty for unlawfully...
 - 151 (1) Section 114 (supply of information to Secretary of State...
 - 152 Regulatory Enforcement and Sanctions Act 2008 (c. 13)
 - 153 Health and Social Care Act 2008 (c. 14)
 - 154 Counter-Terrorism Act 2008 (c. 28)
 - 155 Public Health etc. (Scotland) Act 2008 (asp 5)
 - 156 Banking Act 2009 (c. 1)
 - 157 Borders, Citizenship and Immigration Act 2009 (c. 11)
 - 158 Marine and Coastal Access Act 2009 (c. 23)

- 159 (1) Paragraph 13 of Schedule 7 (further provision about civil...
- 160 (1) Paragraph 9 of Schedule 10 (further provision about fixed...
- 161 Coroners and Justice Act 2009 (c. 25)
- 162 Broads Authority Act 2009 (c. i)
- 163 Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1
(N.I.))
- 164 Terrorist Asset-Freezing etc. Act 2010 (c. 38)
- 165 Marine (Scotland) Act 2010 (asp 5)
- 166 Charities Act 2011 (c. 25)
- 167 Welsh Language (Wales) Measure 2011 (nawm 1)
- 168 (1) Section 22 (power to disclose information) is amended as...
- 169 (1) Paragraph 8 of Schedule 2 (inquiries by the Commissioner...
- 170 Safeguarding Board Act (Northern Ireland) 2011 (c. 7 (N.I.))
- 171 Health and Social Care Act 2012 (c. 7)
- 172 In section 250(7) (power to publish information standards), for the...
- 173 (1) Section 251A (consistent identifiers) is amended as follows.
- 174 (1) Section 251B (duty to share information) is amended as...
- 175 Protection of Freedoms Act 2012 (c. 9)
- 176 (1) Section 27 (exceptions and further provision about consent and...
- 177 In section 28(1) (interpretation: Chapter 2), for the definition of...
- 178 In section 29(7) (code of practice for surveillance camera systems),...
- 179 HGV Road User Levy Act 2013 (c. 7)
- 180 Crime and Courts Act 2013 (c. 22)
- 181 (1) Section 42 (other interpretive provisions) is amended as follows....
- 182 (1) Paragraph 1 of Schedule 7 (statutory restrictions on disclosure)...
- 183 Marine Act (Northern Ireland) 2013 (c. 10 (N.I.))
- 184 Local Audit and Accountability Act 2014 (c. 2)
- 185 Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)
- 186 Immigration Act 2014 (c. 22)
- 187 Care Act 2014 (c. 23)
- 188 Social Services and Well-being (Wales) Act 2014 (anaw 4)
- 189 Counter-Terrorism and Security Act 2015 (c. 6)
- 190 Small Business, Enterprise and Employment Act 2015 (c. 26)
- 191 Modern Slavery Act 2015 (c. 30)
- 192 Human Trafficking and Exploitation (Criminal Justice and Support for
Victims) Act (Northern Ireland) 2015 (c. 2 (N.I.))
- 193 In section 13(5) (duty to notify National Crime Agency about...
- 194 In section 25(1) (interpretation of this Act), at the appropriate...
- 195 In paragraph 18(5) of Schedule 3 (supply of information to...
- 196 Justice Act (Northern Ireland) 2015 (c. 9 (N.I.))
- 197 Immigration Act 2016 (c. 19)
- 198 Investigatory Powers Act 2016 (c. 25)
- 199 In section 1(5)(b), for sub-paragraph (ii) substitute—
- 200 In section 199 (bulk personal datasets: interpretation), for
subsection (2)...
- 201 In section 202(4) (restriction on use of class BPD warrants),...
- 202 In section 206 (additional safeguards for health records), for
subsection...
- 203 (1) Section 237 (information gateway) is amended as follows.
- 204 Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4 (N.I.))
- 205 Health and Social Care (Control of Data Processing) Act (Northern
Ireland) 2016 (c. 12 (N.I.))
- 206 Mental Capacity Act (Northern Ireland) 2016 (c. 18 (N.I.))

- 207 Justice Act (Northern Ireland) 2016 (c. 21 (N.I.))
 208 (1) Section 17 (disclosure of information) is amended as follows....
 209 In section 44(3) (disclosure of information)— (a) in paragraph (a),...
 210 Policing and Crime Act 2017 (c. 3)
 211 Children and Social Work Act 2017 (c. 12)
 212 Higher Education and Research Act 2017 (c. 29)
 213 (1) Section 63 (cooperation and information sharing by the Office...
 214 (1) Section 112 (cooperation and information sharing between the
 Office...
 215 Digital Economy Act 2017 (c. 30)
 216 (1) Section 40 (further provisions about disclosures under sections 35...
 217 (1) Section 43 (codes of practice) is amended as follows....
 218 (1) Section 49 (further provision about disclosures under section 48)...
 219 (1) Section 52 (code of practice) is amended as follows....
 220 (1) Section 57 (further provision about disclosures under section 56)...
 221 (1) Section 60 (code of practice) is amended as follows....
 222 (1) Section 65 (supplementary provision about disclosures under
 section 64)...
 223 (1) Section 70 (code of practice) is amended as follows....
 224 Omit sections 108 to 110 (charges payable to the Information...
 225 Landfill Disposals Tax (Wales) Act 2017 (anaw 3)
 226 Additional Learning Needs and Educational Tribunal (Wales) Act 2018
 (anaw 2)
 227 This Act
 PART 2 — AMENDMENTS OF OTHER LEGISLATION
 228 Estate Agents (Specified Offences) (No. 2) Order 1991 (S.I. 1991/1091)
 229 Channel Tunnel (International Arrangements) Order 1993 (S.I.
 1993/1813)
 230 Access to Health Records (Northern Ireland) Order 1993 (S.I.
 1993/1250 (N.I. 4))
 231 In Article 4 (health professionals), for paragraph (1) substitute—
 232 In Article 5(4)(a) (fees for access to health records), for...
 233 Channel Tunnel (Miscellaneous Provisions) Order 1994 (S.I.
 1994/1405)
 234 European Primary and Specialist Dental Qualifications Regulations
 1998 (S.I. 1998/811)
 235 (1) Regulation 2(1) (interpretation) is amended as follows.
 236 (1) The table in Schedule A1 (functions of the GDC...
 237 Scottish Parliamentary Corporate Body (Crown Status) Order 1999 (S.I.
 1999/677)
 238 Northern Ireland Assembly Commission (Crown Status) Order 1999
 (S.I. 1999/3145)
 239 Data Protection (Corporate Finance Exemption) Order 2000 (S.I.
 2000/184)
 240 Data Protection (Conditions under Paragraph 3 of Part II of Schedule 1)
 Order 2000 (S.I. 2000/185)
 241 Data Protection (Functions of Designated Authority) Order 2000 (S.I.
 2000/186)
 242 Data Protection (International Co-operation) Order 2000 (S.I. 2000/190)
 243 Data Protection (Subject Access) (Fees and Miscellaneous Provisions)
 Regulations 2000 (S.I. 2000/191)
 244 Consumer Credit (Credit Reference Agency) Regulations 2000 (S.I.
 2000/290)

- 245 Data Protection (Subject Access Modification) (Health) Order 2000 (S.I. 2000/413)
- 246 Data Protection (Subject Access Modification) (Education) Order 2000 (S.I. 2000/414)
- 247 Data Protection (Subject Access Modification) (Social Work) Order 2000 (S.I. 2000/415)
- 248 Data Protection (Crown Appointments) Order 2000 (S.I. 2000/416)
- 249 Data Protection (Processing of Sensitive Personal Data) Order 2000 (S.I. 2000/417)
- 250 Data Protection (Miscellaneous Subject Access Exemptions) Order 2000 (S.I. 2000/419)
- 251 Data Protection (Designated Codes of Practice) (No. 2) Order 2000 (S.I. 2000/1864)
- 252 Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341)
- 253 In regulation 3(1) (interpretation), at the appropriate places insert—
“Article...
- 254 In regulation 26(3)(a) (applications for registration), for “the Data Protection...
- 255 In regulation 26A(2)(a) (application for alteration of register in respect...
- 256 In regulation 32ZA(3)(f) (annual canvass), for “the Data Protection Act...
- 257 In regulation 61A (conditions on the use, supply and inspection...
- 258 (1) Regulation 92(2) (interpretation and application of Part VI etc)...
- 259 In regulation 96(2A)(b)(i) (restriction on use of the full register),...
- 260 In regulation 97(5) and (6) (supply of free copy of...
- 261 In regulation 97A(7) and (8) (supply of free copy of...
- 262 In regulation 99(6) and (7) (supply of free copy of...
- 263 In regulation 109A(9) and (10) (supply of free copy of...
- 264 In regulation 119(2) (conditions on the use, supply and disclosure...
- 265 Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497)
- 266 In regulation 3(1) (interpretation), at the appropriate places, insert—
“Article...
- 267 In regulation 26(3)(a) (applications for registration), for “the Data Protection...
- 268 In regulation 26A(2)(a) (application for alteration of register in respect...
- 269 In regulation 32ZA(3)(f) (annual canvass), for “the Data Protection Act...
- 270 In regulation 61(3) (records and lists kept under Schedule 4),...
- 271 In regulation 61A (conditions on the use, supply and inspection...
- 272 (1) Regulation 92(2) (interpretation of Part VI etc) is amended...
- 273 In regulation 95(3)(b)(i) (restriction on use of the full register),...
- 274 In regulation 96(5) and (6) (supply of free copy of...
- 275 In regulation 98(6) and (7) (supply of free copy of...
- 276 In regulation 108A(9) and (10) (supply of full register to...
- 277 In regulation 119(2) (conditions on the use, supply and disclosure...
- 278 Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001 (S.I. 2001/2188)
- 279 Nursing and Midwifery Order 2001 (S.I. 2002/253)
- 280 (1) Article 3 (the Nursing and Midwifery Council and its...
- 281 (1) Article 25 (the Council’s power to require disclosure of...

- 282 In article 39B (European professional card), after paragraph (2) insert
—...
- 283 In article 40(6) (Directive 2005/36/EC: designation of competent
authority etc),...
- 284 (1) Schedule 2B (Directive 2005/36/EC: European professional card) is
amended...
- 285 (1) The table in Schedule 3 (functions of the Council...
- 286 In Schedule 4 (interpretation), omit the definition of “Directive 95/46/
EC”....
- 287 Electronic Commerce (EC Directive) Regulations 2002 (S.I. 2002/2013)
- 288 In paragraph (1)(b) for “the Data Protection Directive and the...
- 289 In paragraph (3)— (a) omit the definitions of “Data Protection...
- 290 Data Protection (Processing of Sensitive Personal Data) (Elected
Representatives) Order 2002 (S.I. 2002/2905)
- 291 Privacy and Electronic Communications (EC Directive) Regulations
2003 (S.I. 2003/2426)
- 292 In regulation 2(1) (interpretation), in the definition of “the Information...
- 293 (1) Regulation 4 (relationship between these Regulations and the Data...
- 294 Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls)
Order 2003 (S.I. 2003/2818)
- 295 In article 8(2) (exercise of powers by French officers in...
- 296 In article 11(4) (exercise of powers by UK immigration officers...
- 297 Pupils’ Educational Records (Scotland) Regulations 2003 (S.S.I.
2003/581)
- 298 (1) Regulation 2 (interpretation) is amended as follows.
- 299 (1) Regulation 6 (circumstances where information should not be
disclosed)...
- 300 In regulation 9 (fees), for paragraph (1) substitute—
- 301 European Parliamentary Elections (Northern Ireland) Regulations 2004
(S.I. 2004/1267)
- 302 (1) Paragraph 74(1) (interpretation) is amended as follows.
- 303 In paragraph 77(2)(b) (conditions on the use, supply and disclosure...
- 304 Freedom of Information and Data Protection (Appropriate Limit and
Fees) Regulations 2004 (S.I. 2004/3244)
- 305 Environmental Information Regulations 2004 (S.I. 2004/3391)
- 306 (1) Regulation 2 (interpretation) is amended as follows.
- 307 (1) Regulation 13 (personal data) is amended as follows.
- 308 In regulation 14 (refusal to disclose information), in paragraph (3)(b),...
- 309 In regulation 18 (enforcement and appeal provisions), in
paragraph (5),...
- 310 Environmental Information (Scotland) Regulations 2004 (S.S.I.
2004/520)
- 311 (1) Regulation 2 (interpretation) is amended as follows.
- 312 (1) Regulation 11 (personal data) is amended as follows.
- 313 Licensing Act 2003 (Personal Licences) Regulations 2005 (S.I.
2005/41)
- 314 Education (Pupil Information) (England) Regulations 2005 (S.I.
2005/1437)
- 315 In regulation 3(5) (meaning of educational record) for “section 1(1)...
- 316 (1) Regulation 5 (disclosure of curricular and educational records) is...
- 317 Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005
(S.I. 2005/2042)

- 318 Register of Judgments, Orders and Fines Regulations 2005 (S.I. 2005/3595)
- 319 Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005 (S.S.I. 2005/494)
- 320 (1) Regulation 39 (sensitive information) is amended as follows.
- 321 Data Protection (Processing of Sensitive Personal Data) Order 2006 (S.I. 2006/2068)
- 322 National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236)
- 323 Mental Capacity Act 2005 (Loss of Capacity during Research Project) (England) Regulations 2007 (S.I. 2007/679)
- 324 National Assembly for Wales Commission (Crown Status) Order 2007 (S.I. 2007/1118)
- 325 Mental Capacity Act 2005 (Loss of Capacity during Research Project) (Wales) Regulations 2007 (S.I. 2007/837 (W.72))
- 326 Representation of the People (Absent Voting at Local Elections) (Scotland) Regulations 2007 (S.S.I. 2007/170)
- 327 Representation of the People (Post-Local Government Elections Supply and Inspection of Documents) (Scotland) Regulations 2007 (S.S.I. 2007/264)
- 328 Education (Pupil Records and Reporting) (Transitional) Regulations (Northern Ireland) 2007 (S.R. (N.I.) 2007 No. 43)
- 329 In regulation 2 (interpretation), at the appropriate place insert— “the...
- 330 In regulation 10(2) (duties of Boards of Governors), for “documents...
- 331 Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741)
- 332 Companies Act 2006 (Extension of Takeover Panel Provisions) (Isle of Man) Order 2008 (S.I. 2008/3122)
- 333 Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008 (S.I. 2008/3239 (W.286))
- 334 In regulation 2(1) (interpretation)— (a) at the appropriate place in...
- 335 (1) Regulation 25 (duty to co-operate by disclosing information as...
- 336 (1) Regulation 26 (responsible bodies requesting additional information be disclosed...
- 337 (1) Regulation 29 (occurrence reports) is amended as follows.
- 338 Energy Order 2003 (Supply of Information) Regulations (Northern Ireland) 2008 (S.R. (N.I.) 2008 No. 3)
- 339 Companies (Disclosure of Address) Regulations 2009 (S.I. 2009/214)
- 340 Overseas Companies Regulations 2009 (S.I. 2009/1801)
- 341 Data Protection (Processing of Sensitive Personal Data) Order 2009 (S.I. 2009/1811)
- 342 Provision of Services Regulations 2009 (S.I. 2009/2999)
- 343 INSPIRE Regulations 2009 (S.I. 2009/3157)
- 344 INSPIRE (Scotland) Regulations 2009 (S.S.I. 2009/440)
- 345 Controlled Drugs (Supervision of Management and Use) Regulations (Northern Ireland) 2009 (S.R. (N.I.) 2009 No. 225)
- 346 In regulation 2(2) (interpretation), at the appropriate place insert— “the...
- 347 (1) Regulation 25 (duty to co-operate by disclosing information as...
- 348 (1) Regulation 26 (responsible bodies requesting additional information be disclosed...
- 349 (1) Regulation 29 (occurrence reports) is amended as follows.

- 350 Data Protection (Monetary Penalties) (Maximum Penalty and Notices)
Regulations 2010 (S.I. 2010/31)
- 351 Pharmacy Order 2010 (S.I. 2010/231)
- 352 In article 3(1) (interpretation), omit the definition of “Directive 95/46/
EC”....
- 353 (1) Article 9 (inspection and enforcement) is amended as follows....
- 354 In article 33A (European professional card), after paragraph (2) insert
—...
- 355 (1) Article 49 (disclosure of information: general) is amended as...
- 356 (1) Article 55 (professional performance assessments) is amended as
follows....
- 357 In article 67(6) (Directive 2005/36/EC: designation of competent
authority etc.),...
- 358 (1) Schedule 2A (Directive 2005/36/EC: European professional card) is
amended...
- 359 (1) The table in Schedule 3 (Directive 2005/36/EC: designation of...
- 360 Data Protection (Monetary Penalties) Order 2010 (S.I. 2010/910)
- 361 National Employment Savings Trust Order 2010 (S.I. 2010/917)
- 362 In article 2 (interpretation)— (a) omit the definition of “data”...
- 363 (1) Article 10 (disclosure of requested data to the Secretary...
- 364 Local Elections (Northern Ireland) Order 2010 (S.I. 2010/2977)
- 365 Pupil Information (Wales) Regulations 2011 (S.I. 2011/1942 (W.209))
- 366 Debt Arrangement Scheme (Scotland) Regulations 2011 (S.S.I.
2011/141)
- 367 Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917)
- 368 (1) Schedule 2 (absent voting in Police and Crime Commissioner...
- 369 (1) Schedule 10 (access to marked registers and other documents...
- 370 Data Protection (Processing of Sensitive Personal Data) Order 2012
(S.I. 2012/1978)
- 371 Neighbourhood Planning (Referendums) Regulations 2012 (S.I.
2012/2031)
- 372 (1) Paragraph 29(1) (interpretation of Part 8) is amended as...
- 373 In paragraph 32(3)(b)(i), for “section 11(3) of the Data Protection...
- 374 In paragraph 33(6) and (7) (supply of copy of business...
- 375 In paragraph 34(6) and (7) (supply of copy of business...
- 376 In paragraph 39(8) and (97) (supply of copy of business...
- 377 In paragraph 45(2) (conditions on the use, supply and disclosure...
- 378 Controlled Drugs (Supervision of Management and Use) Regulations
2013 (S.I. 2013/373)
- 379 Communications Act 2003 (Disclosure of Information) Order 2014 (S.I.
2014/1825)
- 380 Criminal Justice and Data Protection (Protocol No. 36) Regulations
2014 (S.I. 2014/3141)
- 381 Data Protection (Assessment Notices) (Designation of National Health
Service Bodies) Order 2014 (S.I. 2014/3282)
- 382 The Control of Explosives Precursors etc Regulations (Northern
Ireland) 2014 (S.R. (N.I.) 2014 No. 224)
- 383 Control of Poisons and Explosives Precursors Regulations 2015 (S.I.
2015/966)
- 384 Companies (Disclosure of Date of Birth Information) Regulations 2015
(S.I. 2015/1694)
- 385 Small and Medium Sized Business (Credit Information) Regulations
2015 (S.I. 2015/1945)

- 386 (1) Regulation 12 (criteria for the designation of a credit...
387 (1) Regulation 15 (access to and correction of information for...
388 European Union (Recognition of Professional Qualifications)
Regulations 2015 (S.I. 2015/2059)
389 (1) Regulation 2(1) (interpretation) is amended as follows.
390 In regulation 5(5) (functions of competent authorities in the United...
391 In regulation 45(3) (processing and access to data regarding the...
392 In regulation 46(1) (processing and access to data regarding the...
393 In regulation 48(2) (processing and access to data regarding the...
394 In regulation 66(3) (exchange of information), for “Directives 95/46/
EC” substitute...
395 Scottish Parliament (Elections etc) Order 2015 (S.S.I. 2015/425)
396 (1) Schedule 3 (absent voting) is amended as follows.
397 (1) Schedule 8 (access to marked registers and other documents...
398 Recall of MPs Act 2015 (Recall Petition) Regulations 2016 (S.I.
2016/295)
399 Register of People with Significant Control Regulations 2016 (S.I.
2016/339)
400 (1) Paragraph 6 (disclosure to a credit reference agency) is...
401 In paragraph 12A (disclosure to a credit institution or a...
402 In Part 3 (interpretation), after paragraph 13 insert— In this Schedule,
“data protection obligations”, in relation to a...
403 Electronic Identification and Trust Services for Electronic Transactions
Regulations 2016 (S.I. 2016/696)
404 In regulation 2(1) (interpretation), omit the definition of “the 1998...
405 In regulation 3(3) (supervision), omit “under the 1998 Act”.
406 For Schedule 2 substitute— SCHEDULE 2 Information
Commissioner’s enforcement powers...
407 Court Files Privileged Access Rules (Northern Ireland) 2016 (S.R. (N.I.)
2016 No. 123)
408 In rule 5 (information that may released) for “Schedule 1...
409 In rule 7(2) (provision of information) for “Schedule 1 of...
410 Money Laundering, Terrorist Financing and Transfer of Funds
(Information on the Payer) Regulations 2017 (S.I. 2017/692)
411 In regulation 3(1) (interpretation), at the appropriate places insert—
“the...
412 In regulation 16(8) (risk assessment by the Treasury and Home...
413 In regulation 17(9) (risk assessment by supervisory authorities), for
“the...
414 For regulation 40(9)(c) (record keeping) substitute— (c) “data subject”
has...
415 (1) Regulation 41 (data protection) is amended as follows.
416 (1) Regulation 84 (publication: the Financial Conduct Authority) is
amended...
417 (1) Regulation 85 (publication: the Commissioners) is amended as
follows....
418 For regulation 106(a) (general restrictions) substitute— (a) a disclosure
in...
419 After paragraph 27 of Schedule 3 (relevant offences) insert— An
offence under the Data Protection Act 2018, apart from...
420 Scottish Partnerships (Register of People with Significant Control)
Regulations 2017 (S.I. 2017/694)

- 421 Data Protection (Charges and Information) Regulations 2018 (S.I. 2018/480)
- 422 National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018 (S.S.I. 2018/66)
- 423 (1) Regulation 1 (citation and commencement) is amended as follows....
- 424 In regulation 3(1) (interpretation)— (a) omit the definition of “the...
- 425 (1) Schedule 6 (other contractual terms) is amended as follows....
- 426 National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2018 (S.S.I. 2018/67)
- 427 (1) Regulation 1 (citation and commencement) is amended as follows....
- 428 In regulation 3(1) (interpretation)— (a) omit the definition of “the...
- 429 (1) Schedule 1 (content of agreements) is amended as follows....

PART 3 — MODIFICATIONS

- 430 Introduction
- 431 General modifications
- 432 Specific modification of references to terms used in the Data Protection Act 1998

PART 4 — SUPPLEMENTARY

- 433 Definitions
- 434 Provision inserted in subordinate legislation by this Schedule

SCHEDULE 20 — Transitional provision etc

PART 1 — GENERAL

- 1 Interpretation

PART 2 — RIGHTS OF DATA SUBJECTS

- 2 Right of access to personal data under the 1998 Act
- 3 Right to prevent processing likely to cause damage or distress under the 1998 Act
- 4 Right to prevent processing for purposes of direct marketing under the 1998 Act
- 5 Automated processing under the 1998 Act
- 6 Compensation for contravention of the 1998 Act or Part 4 of the 2014 Regulations
- 7 Rectification, blocking, erasure and destruction under the 1998 Act
- 8 Jurisdiction and procedure under the 1998 Act
- 9 Exemptions under the 1998 Act
- 10 Prohibition by this Act of requirement to produce relevant records
- 11 Avoidance under this Act of certain contractual terms relating to health records

PART 3 — THE GDPR AND PART 2 OF THIS ACT

- 12 Exemptions from the GDPR: restrictions of rules in Articles 13 to 15 of the GDPR
- 13 Manual unstructured data held by FOI public authorities

PART 4 — LAW ENFORCEMENT AND INTELLIGENCE SERVICES PROCESSING

- 14 Logging
- 15 Regulation 50 of the 2014 Regulations (disapplication of the 1998 Act)
- 16 Maximum fee for data subject access requests to intelligence services

PART 5 — NATIONAL SECURITY CERTIFICATES

- 17 National security certificates: processing of personal data under the 1998 Act
- 18 National security certificates: processing of personal data under the 2018 Act

PART 6 — THE INFORMATION COMMISSIONER

- 19 Appointment etc
- 20 Accounts
- 21 Annual report
- 22 Fees etc received by the Commissioner
- 23 Paragraph 10 of Schedule 12 to this Act applies only...
- 24 Functions in connection with the Data Protection Convention
- 25 Co-operation with the European Commission: transfers of personal data
outside the EEA
- 26 Charges payable to the Commissioner by controllers
- 27 Requests for assessment
- 28 Codes of practice
- PART 7 — ENFORCEMENT ETC UNDER THE 1998 ACT
- 29 Interpretation of this Part
- 30 Information notices
- 31 Special information notices
- 32 Assessment notices
- 33 Enforcement notices
- 34 Determination by Commissioner as to the special purposes
- 35 Restriction on enforcement in case of processing for the special
purposes
- 36 Offences
- 37 Powers of entry
- 38 Monetary penalties
- 39 Appeals
- 40 Exemptions
- 41 Tribunal Procedure Rules
- 42 Obstruction etc
- 43 Enforcement etc under the 2014 Regulations
- PART 8 — ENFORCEMENT ETC UNDER THIS ACT
- 44 Information notices
- 45 Powers of entry
- 46 Tribunal Procedure Rules
- PART 9 — OTHER ENACTMENTS
- 47 Powers to disclose information to the Commissioner
- 48 Codes etc required to be consistent with the Commissioner's data-
sharing code
- 49 (1) This paragraph applies in relation to the original statement...
- 50 Consumer Credit Act 1974
- 51 Freedom of Information Act 2000
- 52 (1) This paragraph applies where a request for information was...
- 53 (1) Tribunal Procedure Rules made under paragraph 7(1)(b) of
Schedule...
- 54 (1) The repeal of paragraph 8 of Schedule 6 to...
- 55 (1) The amendment of section 77 of the 2000 Act...
- 56 Freedom of Information (Scotland) Act 2002
- 57 Access to Health Records (Northern Ireland) Order 1993 (S.I.
1993/1250 (N.I. 4))
- 58 Privacy and Electronic Communications (EC Directive) Regulations
2003 (S.I. 2003/2450)
- 59 Health and Personal Social Services (Quality, Improvement and
Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))
- 60 Environmental Information Regulations 2004 (S.I. 2004/3391)

- 61 Environmental Information (Scotland) Regulations 2004 (S.S.I.
2004/520)