



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 2 **U.K.**

#### GENERAL PROCESSING

### CHAPTER 2 **U.K.**

#### [<sup>F1</sup> THE UK GDPR]

#### *Meaning of certain terms used in the [<sup>F1</sup>UK GDPR]*

#### Textual Amendments

- F1** Words in s. 6 cross-heading substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 8** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

#### **6** Meaning of “controller” **U.K.**

- (1) The definition of “controller” in Article 4(7) of the [<sup>F2</sup>UK GDPR] has effect subject to—
- subsection (2),
  - section 209, and
  - section 210.
- (2) For the purposes of the [<sup>F3</sup>UK GDPR], where personal data is processed only—
- for purposes for which it is required by an enactment to be processed, and
  - by means by which it is required by an enactment to be processed,
- the person on whom the obligation to process the data is imposed by the enactment (or, if different, one of the enactments) is the controller.

*Changes to legislation: Data Protection Act 2018, Cross Heading: Meaning of certain terms used in the UK GDPR is up to date with all changes known to be in force on or before 26 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) View outstanding changes*

### Textual Amendments

- F2** Words in s. 6(1) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), [Sch. 2 para. 9](#) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 6(2) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), [Sch. 2 para. 9](#) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

## 7 Meaning of “public authority” and “public body” **U.K.**

- (1) For the purposes of the [<sup>F4</sup>UK GDPR], the following (and only the following) are “public authorities” and “public bodies” <sup>F5</sup>...—
- (a) a public authority as defined by the Freedom of Information Act 2000,
  - (b) a Scottish public authority as defined by the Freedom of Information (Scotland) Act 2002 (asp 13),
- [<sup>F6</sup>(ba) the Advanced Research and Invention Agency,] and
- (c) an authority or body specified or described by the Secretary of State in regulations,
- subject to subsections (2), (3) and (4).
- (2) An authority or body that falls within subsection (1) is only a “public authority” or “public body” for the purposes of the [<sup>F7</sup>UK GDPR] when performing a task carried out in the public interest or in the exercise of official authority vested in it.
- (3) The references in subsection (1)(a) and (b) to public authorities and Scottish public authorities as defined by the Freedom of Information Act 2000 and the Freedom of Information (Scotland) Act 2002 (asp 13) do not include any of the following that fall within those definitions—
- (a) a parish council in England;
  - (b) a community council in Wales;
  - (c) a community council in Scotland;
  - (d) a parish meeting constituted under section 13 of the Local Government Act 1972;
  - (e) a community meeting constituted under section 27 of that Act;
  - (f) charter trustees constituted—
    - (i) under section 246 of that Act,
    - (ii) under Part 1 of the Local Government and Public Involvement in Health Act 2007, or
    - (iii) by the Charter Trustees Regulations 1996 (S.I. 1996/263).
- (4) The Secretary of State may by regulations provide that a person specified or described in the regulations that is a public authority [<sup>F8</sup>described or mentioned in subsection (1) (a), (b) or (ba)] is not a “public authority” or “public body” for the purposes of the [<sup>F9</sup>UK GDPR].
- (5) Regulations under this section are subject to the affirmative resolution procedure.

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### Textual Amendments

- F4** Words in s. 7(1) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), [Sch. 2 para. 10\(2\)\(a\)](#) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 7(1) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), [Sch. 2 para. 10\(2\)\(b\)](#) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F6** S. 7(1)(ba) inserted (25.1.2023) by [Advanced Research and Invention Agency Act 2022 \(c. 4\)](#), s. 13(1), [Sch. 3 para. 14\(a\)](#); S.I. 2023/58, reg. 2
- F7** Words in s. 7(2) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), [Sch. 2 para. 10\(3\)](#) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in s. 7(4) substituted (25.1.2023) by [Advanced Research and Invention Agency Act 2022 \(c. 4\)](#), s. 13(1), [Sch. 3 para. 14\(b\)](#); S.I. 2023/58, reg. 2
- F9** Words in s. 7(4) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), [Sch. 2 para. 10\(3\)](#) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

### Commencement Information

- I1** S. 7 in force at Royal Assent for specified purposes, see s. 212(2)(f)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 204(1)(l) inserted by [S.I. 2024/374 Sch. 5 para. 7](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)