



Data Protection Act 2018

2018 CHAPTER 12

PART 2

GENERAL PROCESSING

CHAPTER 2

THE GDPR

Meaning of certain terms used in the GDPR

6 Meaning of “controller”

- (1) The definition of “controller” in Article 4(7) of the GDPR has effect subject to—
 - (a) subsection (2),
 - (b) section 209, and
 - (c) section 210.
- (2) For the purposes of the GDPR, where personal data is processed only—
 - (a) for purposes for which it is required by an enactment to be processed, and
 - (b) 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.

7 Meaning of “public authority” and “public body”

- (1) For the purposes of the GDPR, the following (and only the following) are “public authorities” and “public bodies” under the law of the United Kingdom—
 - (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](#)), and

Status: This is the original version (as it was originally enacted).

- (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 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 described in subsection (1)(a) or (b) is not a “public authority” or “public body” for the purposes of the GDPR.
- (5) Regulations under this section are subject to the affirmative resolution procedure.