



Data Protection Act 2018

2018 CHAPTER 12

PART 7

SUPPLEMENTARY AND FINAL PROVISION

Framework for Data Processing by Government

191 Framework for Data Processing by Government

- (1) The Secretary of State may prepare a document, called the Framework for Data Processing by Government, which contains guidance about the processing of personal data in connection with the exercise of functions of—
 - (a) the Crown, a Minister of the Crown or a United Kingdom government department, and
 - (b) a person with functions of a public nature who is specified or described in regulations made by the Secretary of State.
- (2) The document may make provision relating to all of those functions or only to particular functions or persons.
- (3) The document may not make provision relating to, or to the functions of, a part of the Scottish Administration, the Welsh Government, a Northern Ireland Minister or a Northern Ireland department.
- (4) The Secretary of State may from time to time prepare amendments of the document or a replacement document.
- (5) Before preparing a document or amendments under this section, the Secretary of State must consult—
 - (a) the Commissioner, and
 - (b) any other person the Secretary of State considers it appropriate to consult.
- (6) Regulations under subsection (1)(b) are subject to the negative resolution procedure.

Status: This is the original version (as it was originally enacted).

- (7) In this section, “Northern Ireland Minister” includes the First Minister and deputy First Minister in Northern Ireland.

192 Approval of the Framework

- (1) Before issuing a document prepared under section 191, the Secretary of State must lay it before Parliament.
- (2) If, within the 40-day period, either House of Parliament resolves not to approve the document, the Secretary of State must not issue it.
- (3) If no such resolution is made within that period—
 - (a) the Secretary of State must issue the document, and
 - (b) the document comes into force at the end of the period of 21 days beginning with the day on which it is issued.
- (4) Nothing in subsection (2) prevents another version of the document being laid before Parliament.
- (5) In this section, “the 40-day period” means—
 - (a) if the document is laid before both Houses of Parliament on the same day, the period of 40 days beginning with that day, or
 - (b) if the document is laid before the Houses of Parliament on different days, the period of 40 days beginning with the later of those days.
- (6) In calculating the 40-day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses of Parliament are adjourned for more than 4 days.
- (7) This section applies in relation to amendments prepared under section 191 as it applies in relation to a document prepared under that section.

193 Publication and review of the Framework

- (1) The Secretary of State must publish a document issued under section 192(3).
- (2) Where an amendment of a document is issued under section 192(3), the Secretary of State must publish—
 - (a) the amendment, or
 - (b) the document as amended by it.
- (3) The Secretary of State must keep under review the document issued under section 192(3) for the time being in force.
- (4) Where the Secretary of State becomes aware that the terms of such a document could result in a breach of an international obligation of the United Kingdom, the Secretary of State must exercise the power under section 191(4) with a view to remedying the situation.

194 Effect of the Framework

- (1) When carrying out processing of personal data which is the subject of a document issued under section 192(3) which is for the time being in force, a person must have regard to the document.

- (2) A failure to act in accordance with a provision of such a document does not of itself make a person liable to legal proceedings in a court or tribunal.
- (3) A document issued under section 192(3), including an amendment or replacement document, is admissible in evidence in legal proceedings.
- (4) In any legal proceedings before a court or tribunal, the court or tribunal must take into account a provision of any document issued under section 192(3) in determining a question arising in the proceedings if—
 - (a) the question relates to a time when the provision was in force, and
 - (b) the provision appears to the court or tribunal to be relevant to the question.
- (5) In determining a question arising in connection with the carrying out of any of the Commissioner's functions, the Commissioner must take into account a provision of a document issued under section 192(3) if—
 - (a) the question relates to a time when the provision was in force, and
 - (b) the provision appears to the Commissioner to be relevant to the question.