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SCHEDULES

SCHEDULE 19 **U.K.**

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1 **U.K.**

AMENDMENTS OF PRIMARY LEGISLATION

Registration Service Act 1953 (c. 37)

- 1 (1) Section 19AC of the Registration Service Act 1953 (codes of practice) is amended as follows.
- (2) In subsection (2), for “issued under section 52B (data-sharing code) of the Data Protection Act 1998” substitute “prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 125(4) of that Act”.
- (3) In subsection (11), for “section 51(3) of the Data Protection Act 1998” substitute “section 128 of the Data Protection Act 2018”.

Veterinary Surgeons Act 1966 (c. 36)

- 2 (1) Section 1A of the Veterinary Surgeons Act 1966 (functions of the Royal College of Veterinary Surgeons as competent authority) is amended as follows.
- (2) In subsection (8)—
- (a) omit “personal data protection legislation in the United Kingdom that implements”,
- (b) for paragraph (a) substitute—
- “(a) the GDPR; and”, and
- (c) in paragraph (b), at the beginning insert “legislation in the United Kingdom that implements”.
- (3) In subsection (9), after “section” insert “—
- “the GDPR” means [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), read with Chapter 2 of Part 2 of the Data Protection Act 2018;”.

Parliamentary Commissioner Act 1967 (c. 13)

- 3 In section 11AA(1) of the Parliamentary Commissioner Act 1967 (disclosure of information by Parliamentary Commissioner to Information Commissioner)—
- (a) in paragraph (a), for sub-paragraph (i) substitute—

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“(i) sections 142 to 154, 160 to 164 or 174 to 176 of, or Schedule 15 to, the Data Protection Act 2018 (certain provisions relating to enforcement),” and

(b) for paragraph (b) substitute—

“(b) the commission of an offence under—

(i) a provision of the Data Protection Act 2018 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc), or

(ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc records with intent to prevent disclosure).”

Local Government Act 1974 (c. 7)

4 The Local Government Act 1974 is amended as follows.

5 In section 33A(1) (disclosure of information by Local Commissioner to Information Commissioner)—

(a) in paragraph (a), for sub-paragraph (i) substitute—

“(i) sections 142 to 154, 160 to 164 or 174 to 176 of, or Schedule 15 to, the Data Protection Act 2018 (certain provisions relating to enforcement),” and

(b) for paragraph (b) substitute—

“(b) the commission of an offence under—

(i) a provision of the Data Protection Act 2018 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc), or

(ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc records with intent to prevent disclosure).”

6 In section 34O(1) (disclosure of information by Local Commissioner to Information Commissioner)—

(a) in paragraph (a), for sub-paragraph (i) substitute—

“(i) sections 142 to 154, 160 to 164 or 174 to 176 of, or Schedule 15 to, the Data Protection Act 2018 (certain provisions relating to enforcement),” and

(b) for paragraph (b) substitute—

“(b) the commission of an offence under—

(i) a provision of the Data Protection Act 2018 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc), or

(ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc records with intent to prevent disclosure).”

Consumer Credit Act 1974 (c. 39)

7 The Consumer Credit Act 1974 is amended as follows.

8 In section 157(2A) (duty to disclose name etc of agency)—

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- (a) in paragraph (a), for “the Data Protection Act 1998” substitute “ the GDPR ”, and
- (b) in paragraph (b), after “any” insert “ other ”.
- 9 In section 159(1)(a) (correction of wrong information) for “section 7 of the Data Protection Act 1998” substitute “ Article 15(1) to (3) of the GDPR (confirmation of processing, access to data and safeguards for third country transfers) ”.
- 10 In section 189(1) (definitions), at the appropriate place insert—
- ““the GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10), (11) and (14) of that Act);”.
- Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22))*
- 11 The Pharmacy (Northern Ireland) Order 1976 is amended as follows.
- 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—
- “(4) In Schedule 2C, “the GDPR” means [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), read with Chapter 2 of Part 2 of the Data Protection Act 2018.”
- 14 In article 22A(6) (Directive [2005/36/EC](#): functions of competent authority etc.), before sub-paragraph (a) insert—
- “(za) “the GDPR” means [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), read with Chapter 2 of Part 2 of the Data Protection Act 2018;”.
- 15 (1) Schedule 2C (Directive [2005/36/EC](#): European professional card) is amended as follows.
- (2) In paragraph 8(1) (access to data), for “Directive [95/46/EC](#)” substitute “ the GDPR ”.
- (3) In paragraph 9 (processing data), omit sub-paragraph (2) (deeming the Society to be the controller for the purposes of Directive [95/46/EC](#)).
- 16 (1) The table in Schedule 2D (functions of the Society under Directive [2005/36/EC](#)) is amended as follows.
- (2) In the entry for Article 56(2), in the second column, for “Directive [95/46/EC](#)” substitute “ the GDPR ”.
- (3) In the entry for Article 56a(4), in the second column, for “Directive [95/46/EC](#)” substitute “ the GDPR ”.
- 17 (1) Paragraph 2 of Schedule 3 (fitness to practice: disclosure of information) is amended as follows.
- (2) In sub-paragraph (2)(a), after “provision” insert “ or the GDPR ”.
- (3) For sub-paragraph (3) substitute—

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“(3) In determining for the purposes of sub-paragraph (2)(a) whether a disclosure is prohibited, it is to be assumed for the purposes of paragraph 5(2) of Schedule 2 to the Data Protection Act 2018 and paragraph 3(2) of Schedule 11 to that Act (exemptions from certain provisions of the data protection legislation: disclosures required by law) that the disclosure is required by this paragraph.”

(4) After sub-paragraph (4) insert—

“(5) In this paragraph, “the GDPR” and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).”

Representation of the People Act 1983 (c. 2)

- 18 (1) Schedule 2 to the Representation of the People Act 1983 (provisions which may be contained in regulations as to registration etc) is amended as follows.
- (2) In paragraph 1A(5), for “the Data Protection Act 1998” substitute “ Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act) ”.
- (3) In paragraph 8C(2), for “the Data Protection Act 1998” substitute “ Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act) ”.
- (4) In paragraph 11A—
- (a) in sub-paragraph (1) for “who are data users to supply data, or documents containing information extracted from data and” substitute “ to supply information ”, and
- (b) omit sub-paragraph (2).

Medical Act 1983 (c. 54)

19 The Medical Act 1983 is amended as follows.

- 20 (1) Section 29E (evidence) is amended as follows.
- (2) In subsection (5), after “enactment” insert “ or the GDPR ”.
- (3) For subsection (7) substitute—

“(7) In determining for the purposes of subsection (5) whether a disclosure is prohibited, it is to be assumed for the purposes of paragraph 5(2) of Schedule 2 to the Data Protection Act 2018 and paragraph 3(2) of Schedule 11 to that Act (exemptions from certain provisions of the data protection legislation: disclosures required by law) that the disclosure is required by this section.”

(4) In subsection (9), at the end insert—

““the GDPR” and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).”

- 21 (1) Section 35A (General Medical Council's power to require disclosure of information) is amended as follows.

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- (2) In subsection (4), after “enactment” insert “ or the GDPR ”.
- (3) For subsection (5A) substitute—
- “(5A) In determining for the purposes of subsection (4) whether a disclosure is prohibited, it is to be assumed for the purposes of paragraph 5(2) of Schedule 2 to the Data Protection Act 2018 and paragraph 3(2) of Schedule 11 to that Act (exemptions from certain provisions of the data protection legislation: disclosures required by law) that the disclosure is required by this section.”
- (4) In subsection (7), at the end insert—
- ““the GDPR” and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).”
- 22 In section 49B(7) ([Directive 2005/36](#): designation of competent authority etc.), after “Schedule 4A” insert “—
- “the GDPR” means [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), read with Chapter 2 of Part 2 of the Data Protection Act 2018;”.
- 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 General Medical Council) is amended as follows.
- (2) In sub-paragraph (2)(a), after “enactment” insert “ or the GPDR ”.
- (3) After sub-paragraph (3) insert—
- “(4) In this paragraph, “the GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10), (11) and (14) of that Act).”
- 25 (1) Paragraph 5A of Schedule 4 (professional performance assessments and health assessments) is amended as follows.
- (2) In sub-paragraph (8), after “enactment” insert “ or the GDPR ”.
- (3) For sub-paragraph (8A) substitute—
- “(8A) In determining for the purposes of sub-paragraph (8) whether a disclosure is prohibited, it is to be assumed for the purposes of paragraph 5(2) of Schedule 2 to the Data Protection Act 2018 and paragraph 3(2) of Schedule 11 to that Act (exemptions from certain provisions of the data protection legislation: disclosures required by law) that the disclosure is required by this paragraph.”
- (4) After sub-paragraph (13) insert—
- “(14) In this paragraph, “the GDPR” and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).”

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- 26 (1) The table in Schedule 4A (functions of the General Medical Council as competent authority under [Directive 2005/36](#)) is amended as follows.
- (2) In the entry for Article 56(2), in the second column, for “Directive [95/46/EC](#)” substitute “the GDPR”.
- (3) In the entry for Article 56a(4), in the second column, for “Directive [95/46/EC](#)” substitute “the GDPR”.

Dentists Act 1984 (c. 24)

27 The Dentists Act 1984 is amended as follows.

28 (1) Section 33B (the General Dental Council's power to require disclosure of information: the dental profession) is amended as follows.

(2) In subsection (3), after “enactment” insert “ or relevant provision of the GDPR ”.

(3) For subsection (4) substitute—

“(4) For the purposes of subsection (3)—

“relevant enactment” means any enactment other than—

(a) this Act, or

(b) the listed provisions in paragraph 1 of Schedule 11 to the Data Protection Act 2018 (exemptions to Part 4 : disclosures required by law);

“relevant provision of the GDPR” means any provision of the GDPR apart from the listed GDPR provisions in paragraph 1 of Schedule 2 to the Data Protection Act 2018 (GDPR provisions to be adapted or restricted: disclosures required by law).”

(4) After subsection (10) insert—

“(11) In this section, “the GDPR” and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).”

29 In section 36ZA(6) ([Directive 2005/36](#): designation of competent authority etc), after “Schedule 4ZA—” insert—

““the GDPR” means [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), read with Chapter 2 of Part 2 of the Data Protection Act 2018;”.

30 (1) Section 36Y (the General Dental Council's power to require disclosure of information: professions complementary to dentistry) is amended as follows.

(2) In subsection (3), after “enactment” insert “ or relevant provision of the GDPR ”.

(3) For subsection (4) substitute—

“(4) For the purposes of subsection (3)—

“relevant enactment” means any enactment other than—

(a) this Act, or

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(b) the listed provisions in paragraph 1 of Schedule 11 to the Data Protection Act 2018 (exemptions to Part 4 : disclosures required by law);

“relevant provision of the GDPR” means any provision of the GDPR apart from the listed GDPR provisions in paragraph 1 of Schedule 2 to the Data Protection Act 2018 (GDPR provisions to be adapted or restricted: disclosures required by law).”

(4) After subsection (10) insert—

“(11) In this section, “the GDPR” and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).”

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 the General Dental Council under section 36ZA(3)) is amended as follows.

(2) In the entry for Article 56(2), in the second column, for “Directive 95/46/EC” substitute “ the GDPR ”.

(3) In the entry for Article 56a(4), in the second column, for “Directive 95/46/EC” substitute “ the GDPR ”.

Companies Act 1985 (c. 6)

33 In section 449(11) of the Companies Act 1985 (provision for security of information obtained), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.

Access to Medical Reports Act 1988 (c. 28)

34 In section 2(1) of the Access to Medical Reports Act 1988 (interpretation), for the definition of “health professional” substitute—

““health professional” has the same meaning as in the Data Protection Act 2018 (see section 204 of that Act);”.

Opticians Act 1989 (c. 44)

35 (1) Section 13B of the Opticians Act 1989 (the Council's power to require disclosure of information) is amended as follows.

(2) In subsection (3), after “enactment” insert “ or the GDPR ”.

(3) For subsection (4) substitute—

“(4) In determining for the purposes of subsection (3) whether a disclosure is prohibited, it is to be assumed for the purposes of paragraph 5(2) of Schedule 2 to the Data Protection Act 2018 and paragraph 3(2) of Schedule 11 to that Act (exemptions from certain provisions of the data protection legislation: disclosures required by law) that the disclosure is required by this section.”

(4) After subsection (9) insert—

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“(10) In this section, “the GDPR” and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).”

Access to Health Records Act 1990 (c. 23)

36 The Access to Health Records Act 1990 is amended as follows.

37 For section 2 substitute—

“2 Health professionals

In this Act, “health professional” has the same meaning as in the Data Protection Act 2018 (see section 204 of that Act).”

38 (1) Section 3 (right of access to health records) is amended as follows.

(2) In subsection (2), omit “Subject to subsection (4) below.”.

(3) In subsection (4), omit from “other than the following” to the end.

Human Fertilisation and Embryology Act 1990 (c. 37)

39 (1) Section 33D of the Human Fertilisation and Embryology Act 1990 (disclosure for the purposes of medical or other research) is amended as follows.

(2) In subsection (6), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.

(3) In subsection (9), at the appropriate place insert—

““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)

40 (1) Section 251B of the Trade Union and Labour Relations (Consolidation) Act 1992 (prohibition on disclosure of information) is amended as follows.

(2) In subsection (3), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.

(3) After subsection (6) insert—

“(7) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Tribunals and Inquiries Act 1992 (c. 53)

41 In the table in Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992 (tribunals to which the Act applies), in the second column, in paragraph 14(a), for “section 6 of the Data Protection Act 1998” substitute “ section 114 of the Data Protection Act 2018 ”.

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Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I. 5))

- 42 (1) Article 90B of the Industrial Relations (Northern Ireland) Order 1992 (prohibition on disclosure of information held by the Labour Relations Agency) is amended as follows.
- (2) In paragraph (3), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) After paragraph (6) insert—
- “(7) In this Article, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Health Service Commissioners Act 1993 (c. 46)

- 43 In section 18A(1) of the Health Service Commissioners Act 1993 (power to disclose information)—
- (a) in paragraph (a), for sub-paragraph (i) substitute—
- “(i) sections 142 to 154, 160 to 164 or 174 to 176 of, or Schedule 15 to, the Data Protection Act 2018 (certain provisions relating to enforcement),” and
- (b) for paragraph (b) substitute—
- “(b) the commission of an offence under—
- (i) a provision of the Data Protection Act 2018 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc), or
- (ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc records with intent to prevent disclosure).”

Data Protection Act 1998 (c. 29)

- 44 The Data Protection Act 1998 is repealed, with the exception of section 62 and paragraphs 13, 15, 16, 18 and 19 of Schedule 15 (which amend other enactments).

Crime and Disorder Act 1998 (c. 37)

- 45 In section 17A(4) of the Crime and Disorder Act 1998 (sharing of information), for “(within the meaning of the Data Protection Act 1998)” substitute “ (within the meaning of Parts 5 to 7 of the Data Protection Act 2018 (see section 3(2) and (14) of that Act)) ”.

Food Standards Act 1999 (c. 28)

- 46 (1) Section 19 of the Food Standards Act 1999 (publication etc by the Food Standards Agency of advice and information) is amended as follows.
- (2) In subsection (2), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) In subsection (8), after “section” insert “—

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“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

Immigration and Asylum Act 1999 (c. 33)

47 (1) Section 13 of the Immigration and Asylum Act 1999 (proof of identity of persons to be removed or deported) is amended as follows.

(2) For subsection (4) substitute—

“(4) For the purposes of Article 49(1)(d) of the GDPR, the provision under this section of identification data is a transfer of personal data which is necessary for important reasons of public interest.”

(3) After subsection (4) insert—

“(4A) “The GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10), (11) and (14) of that Act).”

Financial Services and Markets Act 2000 (c. 8)

48 The Financial Services and Markets Act 2000 is amended as follows.

^{F1}49

Textual Amendments

F1 Sch. 19 para. 49 omitted (21.7.2019) by virtue of [The Financial Services and Markets Act 2000 \(Prospectus\) Regulations 2019 \(S.I. 2019/1043\)](#), regs. 1(1), 37

50 In section 391A(6)(b) (publication: special provisions relating to the capital requirements directive), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.

51 In section 391C(7)(a) (publication: special provisions relating to the UCITS directive), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.

52 In section 391D(9)(a) (publication: special provisions relating to the markets in financial instruments directive), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.

53 In section 417 (definitions), at the appropriate place insert—

““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

Terrorism Act 2000 (c. 11)

54 In section 21F(2)(d) of the Terrorism Act 2000 (other permitted disclosures between institutions etc) for “(within the meaning of section 1 of the Data Protection Act 1998)” substitute “ (within the meaning of Parts 5 to 7 of the Data Protection Act 2018 (see section 3(2) and (14) of that Act)) ”.

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Freedom of Information Act 2000 (c. 36)

- 55 The Freedom of Information Act 2000 is amended as follows.
- 56 In section 2(3) (absolute exemptions), for paragraph (f) substitute—
- “(f) section 40(1),
 - (fa) section 40(2) so far as relating to cases where the first condition referred to in that subsection is satisfied.”.
- 57 In section 18 (the Information Commissioner), omit subsection (1).
- 58 (1) Section 40 (personal information) is amended as follows.
- (2) In subsection (2)—
 - (a) in paragraph (a), for “do” substitute “ does ”, and
 - (b) in paragraph (b), for “either the first or the second” substitute “ the first, second or third ”.
 - (3) For subsection (3) substitute—
 - “(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—
 - (a) would contravene any of the data protection principles, or
 - (b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.
 - (3B) The second condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene Article 21 of the GDPR (general processing: right to object to processing).”
 - (4) For subsection (4) substitute—
 - “(4A) The third condition is that—
 - (a) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for access to personal data, the information would be withheld in reliance on provision made by or under section 15, 16 or 26 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2018, or
 - (b) on a request under section 45(1)(b) of that Act (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.”
 - (5) For subsection (5) substitute—
 - “(5A) The duty to confirm or deny does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1).
 - (5B) The duty to confirm or deny does not arise in relation to other information if or to the extent that any of the following applies—
 - (a) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a)—
 - (i) would (apart from this Act) contravene any of the data protection principles, or

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- (ii) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded;
- (b) giving a member of the public the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene Article 21 of the GDPR (general processing: right to object to processing);
- (c) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for confirmation of whether personal data is being processed, the information would be withheld in reliance on a provision listed in subsection (4A)(a);
- (d) on a request under section 45(1)(a) of the Data Protection Act 2018 (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.”

(6) Omit subsection (6).

(7) For subsection (7) substitute—

“(7) In this section—

“the data protection principles” means the principles set out in—

- (a) Article 5(1) of the GDPR, and
- (b) section 34(1) of the Data Protection Act 2018;

“data subject” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“the GDPR”, “personal data”, “processing” and references to a provision of Chapter 2 of Part 2 of the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(2), (4), (10), (11) and (14) of that Act).

- (8) In determining for the purposes of this section whether the lawfulness principle in Article 5(1)(a) of the GDPR would be contravened by the disclosure of information, Article 6(1) of the GDPR (lawfulness) is to be read as if the second sub-paragraph (disapplying the legitimate interests gateway in relation to public authorities) were omitted.”

59 Omit section 49 (reports to be laid before Parliament).

60 For section 61 (appeal proceedings) substitute—

“61 Appeal proceedings

- (1) Tribunal Procedure Rules may make provision for regulating the exercise of rights of appeal conferred by sections 57(1) and (2) and 60(1) and (4).
- (2) In relation to appeals under those provisions, Tribunal Procedure Rules may make provision about—
 - (a) securing the production of material used for the processing of personal data, and
 - (b) the inspection, examination, operation and testing of equipment or material used in connection with the processing of personal data.
- (3) Subsection (4) applies where—

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- (a) a person does something, or fails to do something, in relation to proceedings before the First-tier Tribunal on an appeal under those provisions, and
 - (b) if those proceedings were proceedings before a court having power to commit for contempt, the act or omission would constitute contempt of court.
- (4) The First-tier Tribunal may certify the offence to the Upper Tribunal.
- (5) Where an offence is certified under subsection (4), the Upper Tribunal may—
- (a) inquire into the matter, and
 - (b) deal with the person charged with the offence in any manner in which it could deal with the person if the offence had been committed in relation to the Upper Tribunal.
- (6) Before exercising the power under subsection (5)(b), the Upper Tribunal must—
- (a) hear any witness who may be produced against or on behalf of the person charged with the offence, and
 - (b) hear any statement that may be offered in defence.
- (7) In this section, “personal data” and “processing” have the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(2), (4) and (14) of that Act).”

Commencement Information

II Sch. 19 para. 60 in force at Royal Assent for specified purposes, see s. 212(2)(f)

61 In section 76(1) (disclosure of information between Commissioner and ombudsmen), for “the Data Protection Act 1998” substitute “the data protection legislation”.

62 After section 76A insert—

“76B Disclosure of information to Tribunal

- (1) No enactment or rule of law prohibiting or restricting the disclosure of information precludes a person from providing the First-tier Tribunal or the Upper Tribunal with information necessary for the discharge of their functions in connection with appeals under section 60 of this Act.
- (2) But this section does not authorise the making of a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (3) Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (2) has effect as if it included a reference to that Part.”

63 In section 77(1)(b) (offence of altering etc records with intent to prevent disclosure), omit “or section 7 of the Data Protection Act 1998.”

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- 64 In section 84 (interpretation), at the appropriate place insert—
- ““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

Political Parties, Elections and Referendums Act 2000 (c. 41)

- 65 (1) Paragraph 28 of Schedule 19C to the Political Parties, Elections and Referendums Act 2000 (civil sanctions: disclosure of information) is amended as follows.
- (2) In sub-paragraph (4)(a), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) After sub-paragraph (5) insert—
- “(6) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Public Finance and Accountability (Scotland) Act 2000 (asp 1)

- 66 The Public Finance and Accountability (Scotland) Act 2000 is amended as follows.
- 67 In section 26B(3)(a) (voluntary disclosure of data to Audit Scotland), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- 68 In section 26C(3)(a) (power to require disclosure of data), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- 69 In section 29(1) (interpretation), at the appropriate place insert—
- ““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

Criminal Justice and Police Act 2001 (c. 16)

- 70 The Criminal Justice and Police Act 2001 is amended as follows.
- 71 In section 57(1) (retention of seized items)—
- (a) omit paragraph (m), and
- (b) after paragraph (s) insert—
- “(t) paragraph 10 of Schedule 15 to the Data Protection Act 2018;”.
- 72 In section 65(7) (meaning of “legal privilege”)—
- (a) for “paragraph 1 of Schedule 9 to the Data Protection Act 1998 (c. 29)” substitute “ paragraphs 1 and 2 of Schedule 15 to the Data Protection Act 2018 ”, and
- (b) for “paragraph 9” substitute “ paragraph 11 (matters exempt from inspection and seizure: privileged communications) ”.
- 73 In Schedule 1 (powers of seizure)—
- (a) omit paragraph 65, and
- (b) after paragraph 73R insert—

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“Data Protection Act 2018

73S The power of seizure conferred by paragraphs 1 and 2 of Schedule 15 to the Data Protection Act 2018 (powers of entry and inspection).”

Anti-terrorism, Crime and Security Act 2001 (c.24)

74 The Anti-terrorism, Crime and Security Act 2001 is amended as follows.

75 (1) Section 19 (disclosure of information held by revenue departments) is amended as follows.

(2) In subsection (7), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.

(3) In subsection (9), after “section” insert “—

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

PROSPECTIVE

F276

Textual Amendments

F2 Sch. 19 para. 76 omitted (29.3.2019) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(3), [Sch. 4 para. 3](#)

Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3 (N.I.))

77 (1) Section 7A of the Health and Personal Social Services Act (Northern Ireland) 2001 (power to obtain information etc) is amended as follows.

(2) In subsection (3), after “provision” insert “ or the GDPR ”.

(3) For subsection (5) substitute—

“(5) In determining for the purposes of subsection (3) whether a disclosure is prohibited, it is to be assumed for the purposes of paragraph 5(2) of Schedule 2 to the Data Protection Act 2018 and paragraph 3(2) of Schedule 11 to that Act (exemptions from certain provisions of the data protection legislation: disclosures required by law) that the disclosure is required by this section.”

(4) After subsection (7) insert—

“(8) In this section, “the GDPR” and references to Schedule 2 to the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(10), (11) and (14) of that Act).”

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Justice (Northern Ireland) Act 2002 (c. 26)

- 78 (1) Section 5A of the Justice (Northern Ireland) Act 2002 (disclosure of information to the Commission) is amended as follows.
- (2) In subsection (3)(a), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) After subsection (9) insert—
- “(10) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Proceeds of Crime Act 2002 (c. 29)

- 79 The Proceeds of Crime Act 2002 is amended as follows.
- 80 In section 333C(2)(d) (other permitted disclosures between institutions etc), for “(within the meaning of section 1 of the Data Protection Act 1998)” substitute “ (within the meaning of Parts 5 to 7 of the Data Protection Act 2018 (see section 3(2) and (14) of that Act)) ”.
- 81 In section 436(3)(a) (disclosure of information to certain Directors), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- 82 In section 438(8)(a) (disclosure of information by certain Directors), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- 83 In section 439(3)(a) (disclosure of information to Lord Advocate and to Scottish Ministers), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- 84 In section 441(7)(a) (disclosure of information by Lord Advocate and Scottish Ministers), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- 85 After section 442 insert—

“442A Data protection legislation

In this Part, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Enterprise Act 2002 (c. 40)

- 86 (1) Section 237 of the Enterprise Act 2002 (general restriction on disclosure) is amended as follows.
- (2) In subsection (4), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- (3) After subsection (6) insert—
- “(7) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

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Scottish Public Services Ombudsman Act 2002 (asp 11)

- 87 (1) In Schedule 5 to the Scottish Public Services Ombudsman Act 2002 (disclosure of information by the Ombudsman), the entry for the Information Commissioner is amended as follows.
- (2) In paragraph 1, for sub-paragraph (a) substitute—
- “(a) sections 142 to 154, 160 to 164 or 174 to 176 of, or Schedule 15 to, the Data Protection Act 2018 (certain provisions relating to enforcement),”.
- (3) For paragraph 2 substitute—
- “2 The commission of an offence under—
- (a) a provision of the Data Protection Act 2018 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc), or
- (b) section 77 of the Freedom of Information Act 2000 (offence of altering etc records with intent to prevent disclosure).”

Freedom of Information (Scotland) Act 2002 (asp 13)

- 88 The Freedom of Information (Scotland) Act 2002 is amended as follows.
- 89 In section 2(2)(e)(ii) (absolute exemptions), omit “by virtue of subsection (2)(a)(i) or (b) of that section”.
- 90 (1) Section 38 (personal information) is amended as follows.
- (2) In subsection (1), for paragraph (b) substitute—
- “(b) personal data and the first, second or third condition is satisfied (see subsections (2A) to (3A));”.
- (3) For subsection (2) substitute—
- “(2A) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act—
- (a) would contravene any of the data protection principles, or
- (b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.
- (2B) The second condition is that the disclosure of the information to a member of the public otherwise than under this Act would contravene Article 21 of the GDPR (general processing: right to object to processing).”
- (4) For subsection (3) substitute—
- “(3A) The third condition is that—
- (a) on a request under Article 15(1) of the GDPR (general processing: right of access by the data subject) for access to personal data, the information would be withheld in reliance on provision made by or under section 15, 16 or 26 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2018, or
- (b) on a request under section 45(1)(b) of that Act (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section.”

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(5) Omit subsection (4).

(6) In subsection (5), for the definitions of “the data protection principles” and of “data subject” and “personal data” substitute—

““the data protection principles” means the principles set out in—

- (a) Article 5(1) of the GDPR, and
- (b) section 34(1) of the Data Protection Act 2018;

“data subject” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“the GDPR”, “personal data”, “processing” and references to a provision of Chapter 2 of Part 2 of the Data Protection Act 2018 have the same meaning as in Parts 5 to 7 of that Act (see section 3(2), (4), (10), (11) and (14) of that Act);”.

(7) After that subsection insert—

“(5A) In determining for the purposes of this section whether the lawfulness principle in Article 5(1)(a) of the GDPR would be contravened by the disclosure of information, Article 6(1) of the GDPR (lawfulness) is to be read as if the second sub-paragraph (disapplying the legitimate interests gateway in relation to public authorities) were omitted.”

Courts Act 2003 (c. 39)

91 Schedule 5 to the Courts Act 2003 (collection of fines) is amended as follows.

92 (1) Paragraph 9C (disclosure of information in connection with making of attachment of earnings orders or applications for benefit deductions: supplementary) is amended as follows.

(2) In sub-paragraph (5), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.

(3) After sub-paragraph (5) insert—

“(6) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

93 (1) Paragraph 10A (attachment of earnings orders (Justice Act (Northern Ireland) 2016): disclosure of information) is amended as follows.

(2) In sub-paragraph (7), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.

(3) In sub-paragraph (8), at the appropriate place insert—

““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

Sexual Offences Act 2003 (c. 42)

94 (1) Section 94 of the Sexual Offences Act 2003 (Part 2: supply of information to the Secretary of State etc for verification) is amended as follows.

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(2) In subsection (6), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.

(3) In subsection (8), at the appropriate place insert—

““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

Criminal Justice Act 2003 (c. 44)

95 The Criminal Justice Act 2003 is amended as follows.

96 In section 327A(9) (disclosure of information about convictions etc of child sex offenders to members of the public), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.

97 In section 327B (disclosure of information about convictions etc of child sex offenders to members of the public: interpretation), after subsection (4) insert—

“(4A) “The data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)

98 (1) Section 279 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (information for research) is amended as follows.

(2) In subsection (2), for “research purposes within the meaning given by section 33 of the Data Protection Act 1998 (c. 29) (research, history and statistics)” substitute “ purposes mentioned in Article 89(1) of the GDPR (archiving in the public interest, scientific or historical research and statistics) ”.

(3) After subsection (9) insert—

“(10) In this section, “the GDPR” means [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation).”

Public Audit (Wales) Act 2004 (c. 23)

99 (1) Section 64C of the Public Audit (Wales) Act 2004 (voluntary provision of data) is amended as follows.

(2) In subsection (3)(a), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.

(3) In subsection (5), at the beginning insert “In this section—

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

Companies (Audit, Investigations and Community Enterprise) Act 2004 (c. 27)

100 The Companies (Audit, Investigations and Community Enterprise) Act 2004 is amended as follows.

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- 101 (1) Section 15A (disclosure of information by tax authorities) is amended as follows.
- (2) In subsection (2)—
- (a) omit “within the meaning of the Data Protection Act 1998”, and
- (b) for “that Act” substitute “ the data protection legislation ”.
- (3) After subsection (7) insert—
- “(8) In this section—
- “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
- “personal data” has the same meaning as in Parts 5 to 7 of that Act (see section 3(2) and (14) of that Act).”
- 102 (1) Section 15D (permitted disclosure of information obtained under compulsory powers) is amended as follows.
- (2) In subsection (7), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) After subsection (7) insert—
- “(8) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Domestic Violence, Crime and Victims Act 2004 (c. 28)

- 103 (1) Section 54 of the Domestic Violence, Crime and Victims Act 2004 (disclosure of information) is amended as follows.
- (2) In subsection (7), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- (3) After subsection (8) insert—
- “(9) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Children Act 2004 (c. 31)

- 104 The Children Act 2004 is amended as follows.
- 105 (1) Section 12 (information databases) is amended as follows.
- (2) In subsection (13)(e) for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- (3) After subsection (13) insert—
- “(14) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”
- 106 (1) Section 29 (information databases: Wales) is amended as follows.
- (2) In subsection (14)(e) for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- (3) After subsection (14) insert—

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“(15) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Constitutional Reform Act 2005 (c. 4)

107 (1) Section 107 of the Constitutional Reform Act 2005 (disclosure of information to the Commission) is amended as follows.

(2) In subsection (3)(a), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.

(3) After subsection (9) insert—

“(10) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Mental Capacity Act 2005 (c. 9)

108 In section 64 of the Mental Capacity Act 2005 (interpretation), for the definition of “health record” substitute—

““health record” has the same meaning as in the Data Protection Act 2018 (see section 205 of that Act);”.

Public Services Ombudsman (Wales) Act 2005 (c. 10)

109 (1) Section 34X of the Public Services Ombudsman (Wales) Act 2005 (disclosure of information) is amended as follows.

(2) In subsection (4), for paragraph (a) substitute—

“(a) sections 142 to 154, 160 to 164 or 174 to 176 of, or Schedule 15 to, the Data Protection Act 2018 (certain provisions relating to enforcement);”.

(3) For subsection (5) substitute—

“(5) The offences are those under—

(a) a provision of the Data Protection Act 2018 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc);

(b) section 77 of the Freedom of Information Act 2000 (offence of altering etc records with intent to prevent disclosure).”

Commissioners for Revenue and Customs Act 2005 (c. 11)

110 (1) Section 22 of the Commissioners for Revenue and Customs Act 2005 (data protection, etc) is amended as follows.

(2) The existing text becomes subsection (1).

(3) In that subsection, in paragraph (a), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.

(4) After that subsection insert—

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“(2) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Gambling Act 2005 (c. 19)

- 111 (1) Section 352 of the Gambling Act 2005 (data protection) is amended as follows.
- (2) The existing text becomes subsection (1).
- (3) In that subsection, for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- (4) After that subsection insert—

“(2) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Commissioner for Older People (Wales) Act 2006 (c. 30)

- 112 (1) Section 18 of the Commissioner for Older People (Wales) Act 2006 (power to disclose information) is amended as follows.
- (2) In subsection (7), for paragraph (a) substitute—
- “(a) sections 142 to 154, 160 to 164 or 174 to 176 of, or Schedule 15 to, the Data Protection Act 2018 (certain provisions relating to enforcement);”.
- (3) For subsection (8) substitute—
- “(8) The offences are those under—
- (a) a provision of the Data Protection Act 2018 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc); or
- (b) section 77 of the Freedom of Information Act 2000 (offence of altering etc records with intent to prevent disclosure).”

National Health Service Act 2006 (c. 41)

- 113 The National Health Service Act 2006 is amended as follows.
- 114 (1) Section 251 (control of patient information) is amended as follows.
- (2) In subsection (7), for “made by or under the Data Protection Act 1998 (c 29)” substitute “ of the data protection legislation ”.
- (3) In subsection (13), at the appropriate place insert—
- ““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.
- 115 (1) Section 264C (provision and disclosure of information about health service products: supplementary) is amended as follows.
- (2) In subsection (2), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) After subsection (3) insert—

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“(4) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

- 116 In paragraph 7B(3) of Schedule 1 (further provision about the Secretary of State and services under the Act), for “has the same meaning as in the Data Protection Act 1998” substitute “has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act) ”.

National Health Service (Wales) Act 2006 (c. 42)

- 117 The National Health Service (Wales) Act 2006 is amended as follows.

- 118 (1) Section 201C (provision of information about medical supplies: supplementary) is amended as follows.

(2) In subsection (2), for “the Data Protection Act 1998” substitute “the data protection legislation ”.

(3) After subsection (3) insert—

“(4) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

- 119 In paragraph 7B(3) of Schedule 1 (further provision about the Welsh Ministers and services under the Act), for “has the same meaning as in the Data Protection Act 1998” substitute “has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act) ”.

Companies Act 2006 (c. 46)

- 120 The Companies Act 2006 is amended as follows.

- 121 In section 458(2) (disclosure of information by tax authorities)—

(a) for “within the meaning of the Data Protection Act 1998 (c. 29)” substitute “within the meaning of Parts 5 to 7 of the Data Protection Act 2018 (see section 3(2) and (14) of that Act) ”, and

(b) for “that Act” substitute “the data protection legislation ”.

- 122 In section 461(7) (permitted disclosure of information obtained under compulsory powers), for “the Data Protection Act 1998 (c. 29)” substitute “the data protection legislation ”.

- 123 In section 948(9) (restrictions on disclosure) for “the Data Protection Act 1998 (c. 29)” substitute “the data protection legislation ”.

- 124 In section 1173(1) (minor definitions: general), at the appropriate place insert—

““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

- 125 In section 1224A(7) (restrictions on disclosure), for “the Data Protection Act 1998” substitute “the data protection legislation ”.

- 126 In section 1253D(3) (restriction on transfer of audit working papers to third countries), for “the Data Protection Act 1998” substitute “the data protection legislation ”.

- 127 In section 1261(1) (minor definitions: Part 42), at the appropriate place insert—

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- (3) In paragraph (c), after the first “legislation” insert “ (which is not part of the data protection legislation) ”.
- 137 (1) Section 45C(13) (power to require disclosures by other public authorities) is amended as follows.
- (2) In paragraph (b), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) In paragraph (d), after the first “legislation” insert “ (which is not part of the data protection legislation) ”.
- 138 In section 45D(9)(b) (power to require disclosure by undertakings), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- 139 (1) Section 45E (further provision about powers in sections 45B, 45C and 45D) is amended as follows.
- (2) In subsection (6), for “issued under section 52B (data-sharing code) of the Data Protection Act 1998” substitute “ prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 125(4) of that Act ”.
- (3) In subsection (16), for “section 51(3) of the Data Protection Act 1998” substitute “ section 128 of the Data Protection Act 2018 ”.
- (4) In subsection (17), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- 140 (1) Section 53A (disclosure by the Statistics Board to devolved administrations) is amended as follows.
- (2) In subsection (9), for “section 51(3) of the Data Protection Act 1998” substitute “ section 128 of the Data Protection Act 2018 ”.
- (3) In subsection (10), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (4) In subsection (12)(b), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- 141 (1) Section 54 (Data Protection Act 1998 and Human Rights Act 1998) is amended as follows.
- (2) In the heading, omit “Data Protection Act 1998 and”.
- (3) Omit paragraph (a) (together with the final “or”).
- 142 In section 67 (general interpretation: Part 1), at the appropriate place insert—
- ““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

Serious Crime Act 2007 (c. 27)

- 143 The Serious Crime Act 2007 is amended as follows.
- 144 (1) Section 5A (verification and disclosure of information) is amended as follows.
- (2) In subsection (6)—

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- (a) for “the Data Protection Act 1998” substitute “ the data protection legislation ”, and
- (b) for “are” substitute “ is ”.

(3) After subsection (6) insert—

“(7) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

- 145 (1) Section 68 (disclosure of information to prevent fraud) is amended as follows.
- (2) In subsection (4)(a), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- (3) In subsection (8), at the appropriate place insert—

““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

- 146 (1) Section 85 (disclosure of information by Revenue and Customs) is amended as follows.
- (2) In subsection (8)(a), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- (3) In subsection (9), at the appropriate place insert—

““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Legal Services Act 2007 (c. 29)

- 147 (1) Section 169 of the Legal Services Act 2007 (disclosure of information to the Legal Services Board) is amended as follows.
- (2) In subsection (3)(a), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- (3) After subsection (8) insert—

“(9) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Adoption and Children (Scotland) Act 2007 (asp 4)

- 148 In section 74 of the Adoption and Children (Scotland) Act 2007 (disclosure of medical information about parents), for subsection (5) substitute—

“(5) In subsection (4)(e), “processing” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act).”

Criminal Justice and Immigration Act 2008 (c. 4)

- 149 The Criminal Justice and Immigration Act 2008 is amended as follows.

150 Omit—

- (a) section 77 (power to alter penalty for unlawfully obtaining etc personal data), and

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(b) section 78 (new defence for obtaining etc for journalism and other special purposes).

151 (1) Section 114 (supply of information to Secretary of State etc) is amended as follows.

(2) In subsection (5), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.

(3) After subsection (6) insert—

“(6A) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Regulatory Enforcement and Sanctions Act 2008 (c. 13)

152 (1) Section 70 of the Regulatory Enforcement and Sanctions Act 2008 (disclosure of information) is amended as follows.

(2) In subsection (4)(a), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.

(3) After subsection (5) insert—

“(6) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Health and Social Care Act 2008 (c. 14)

153 In section 20A(5) of the Health and Social Care Act 2008 (functions relating to processing of information by registered persons), in the definition of “processing”, for “the Data Protection Act 1998” substitute “ Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act); ”.

Counter-Terrorism Act 2008 (c. 28)

154 (1) Section 20 of the Counter-Terrorism Act 2008 (disclosure and the intelligence services: supplementary provisions) is amended as follows.

(2) In subsection (2)(a), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.

(3) After subsection (4) insert—

“(5) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Public Health etc. (Scotland) Act 2008 (asp 5)

155 (1) Section 117 of the Public Health etc. (Scotland) Act 2008 (disclosure of information) is amended as follows.

(2) In subsection (6), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.

(3) After subsection (7) insert—

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“(7A) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Banking Act 2009 (c. 1)

- 156 (1) Section 83ZY of the Banking Act 2009 (special resolution regime: publication of notices etc) is amended as follows.
- (2) In subsection (10), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) In subsection (11), after “section” insert “—
- “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

Borders, Citizenship and Immigration Act 2009 (c. 11)

- 157 (1) Section 19 of the Borders, Citizenship and Immigration Act 2009 (use and disclosure of customs information: application of statutory provisions) is amended as follows.
- (2) In subsection (1)(a), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- (3) After subsection (4) insert—
- “(5) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Marine and Coastal Access Act 2009 (c. 23)

- 158 The Marine and Coastal Access Act 2009 is amended as follows.
- 159 (1) Paragraph 13 of Schedule 7 (further provision about civil sanctions under Part 4: disclosure of information) is amended as follows.
- (2) In sub-paragraph (5)(a), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- (3) After sub-paragraph (6) insert—
- “(7) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”
- 160 (1) Paragraph 9 of Schedule 10 (further provision about fixed monetary penalties: disclosure of information) is amended as follows.
- (2) In sub-paragraph (5)(a), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- (3) After sub-paragraph (6) insert—
- “(7) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

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Coroners and Justice Act 2009 (c. 25)

- 161 In Schedule 21 to the Coroners and Justice Act 2009 (minor and consequential amendments), omit paragraph 29(3).

Broads Authority Act 2009 (c. i)

- 162 (1) Section 38 of the Broads Authority Act 2009 (provision of information) is amended as follows.
- (2) In subsection (3), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- (3) In subsection (6), after “section” insert “—
“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1 (N.I.))

- 163 (1) Section 13 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (functions of the Regional Agency) is amended as follows.
- (2) In subsection (8), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- (3) After subsection (8) insert—
“(9) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Terrorist Asset-Freezing etc. Act 2010 (c. 38)

- 164 (1) Section 25 of the Terrorist Asset-Freezing etc. Act 2010 (application of provisions) is amended as follows.
- (2) In subsection (2)(a), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) In subsection (6), at the appropriate place insert—
““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

Marine (Scotland) Act 2010 (asp 5)

- 165 (1) Paragraph 12 of Schedule 2 to the Marine (Scotland) Act 2010 (further provision about civil sanctions under Part 4: disclosure of information) is amended as follows.
- (2) In sub-paragraph (5)(a), for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”.
- (3) After sub-paragraph (6) insert—
“(7) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

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Charities Act 2011 (c. 25)

- 166 (1) Section 59 of the Charities Act 2011 (disclosure: supplementary) is amended as follows.
- (2) The existing text becomes subsection (1).
- (3) In that subsection, in paragraph (a), for “the Data Protection Act 1998” substitute “the data protection legislation”.
- (4) After that subsection insert—
- “(2) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Welsh Language (Wales) Measure 2011 (nawm 1)

- 167 The Welsh Language (Wales) Measure 2011 is amended as follows.
- 168 (1) Section 22 (power to disclose information) is amended as follows.
- (2) In subsection (4)—
- (a) in the English language text, for paragraph (a) substitute—
- “(a) sections 142 to 154, 160 to 164 or 174 to 176 of, or Schedule 15 to, the Data Protection Act 2018 (certain provisions relating to enforcement);”, and
- (b) in the Welsh language text, for paragraph (a) substitute—
- “(a) adrannau 142 i 154, 160 i 164, neu 174 i 176 o Ddeddf Diogelu Data 2018 neu Atodlen 15 i'r Ddeddf honno (darpariaethau penodol yn ymwneud â gofodi);”.
- (3) For subsection (5)—
- (a) in the English language text substitute—
- “(5) The offences referred to under subsection (3)(b) are those under—
- (a) a provision of the Data Protection Act 2018 other than paragraph 15 of Schedule 15 (obstruction of exercise of warrant etc); or
- (b) section 77 of the Freedom of Information Act 2000 (offence of altering etc records with intent to prevent disclosure).”, and
- (b) in the Welsh language text substitute—
- “(5) Y tramgwyddau y cyfeirir atynt yn is-adran (3)(b) yw'r rhai—
- (a) o dan ddarpariaeth yn Neddf Diogelu Data 2018 ac eithrio paragraff 15 o Atodlen 15 (rhwystro gweithredu gwarant etc); neu
- (b) o dan adran 77 o Ddeddf Rhyddid Gwybodaeth 2000 (trosedd o altro etc cofnodion gyda'r bwriad o atal datgelu).”
- (4) In subsection (8)—
- (a) in the English language text, for “the Data Protection Act 1998” substitute “the data protection legislation”, and
- (b) in the Welsh language text, for “gymhwyso Deddf Diogelu Data 1998” substitute “gymhwyso'r ddeddfwriaeth diogelu data”.

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(5) In subsection (9)—

(a) at the appropriate place in the English language text insert—

““the data protection legislation” (“*y ddeddfwriaeth diogelu data*”) has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”, and

(b) at the appropriate place in the Welsh language text insert—

““mae i “*y ddeddfwriaeth diogelu data*” yr un ystyr ag a roddir i “the data protection legislation” yn Neddf Diogelu Data 2018 (gweler adran 3 o'r Ddeddf honno);”.

169 (1) Paragraph 8 of Schedule 2 (inquiries by the Commissioner: reports) is amended as follows.

(2) In sub-paragraph (7)—

(a) in the English language text, for “the Data Protection Act 1998” substitute “the data protection legislation”, and

(b) in the Welsh language text, for “*gymhwyso Deddf Diogelu Data 1998*” substitute “*gymhwyso'r ddeddfwriaeth diogelu data*”.

(3) In sub-paragraph (8)—

(a) in the English language text, after “this paragraph” insert “—

“the data protection legislation” (“*y ddeddfwriaeth diogelu data*”) has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”, and

(b) in the Welsh language text, after “*hwn*” insert—

““mae i “*y ddeddfwriaeth diogelu data*” yr un ystyr ag a roddir i “the data protection legislation” yn Neddf Diogelu Data 2018 (gweler adran 3 o'r Ddeddf honno);”.

Safeguarding Board Act (Northern Ireland) 2011 (c. 7 (N.I))

170 (1) Section 10 of the Safeguarding Board Act (Northern Ireland) 2011 (duty to cooperate) is amended as follows.

(2) In subsection (3), for “the Data Protection Act 1998 (c. 29)” substitute “the data protection legislation”.

(3) After subsection (3) insert—

“(4) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Health and Social Care Act 2012 (c. 7)

171 The Health and Social Care Act 2012 is amended as follows.

172 In section 250(7) (power to publish information standards), for the definition of “processing” substitute—

““processing” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act);”.

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- 173 (1) Section 251A (consistent identifiers) is amended as follows.
- (2) In subsection (7)(a), for “made by or under the Data Protection Act 1998” substitute “of the data protection legislation”.
- (3) After subsection (8) insert—
- “(9) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”
- 174 (1) Section 251B (duty to share information) is amended as follows.
- (2) In subsection (5)(a), for “made by or under the Data Protection Act 1998” substitute “of the data protection legislation”.
- (3) After subsection (6) insert—
- “(7) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Protection of Freedoms Act 2012 (c. 9)

- 175 The Protection of Freedoms Act 2012 is amended as follows.
- 176 (1) Section 27 (exceptions and further provision about consent and notification) is amended as follows.
- (2) In subsection (5), for “the Data Protection Act 1998” substitute “the data protection legislation”.
- (3) After subsection (5) insert—
- “(6) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”
- 177 In section 28(1) (interpretation: Chapter 2), for the definition of “processing” substitute—
- ““processing” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act);”.
- 178 In section 29(7) (code of practice for surveillance camera systems), for the definition of “processing” substitute—
- ““processing” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act);”.

HGV Road User Levy Act 2013 (c. 7)

- 179 (1) Section 14A of the HGV Road User Levy Act 2013 (disclosure of information by Revenue and Customs) is amended as follows.
- (2) In subsection (5), for “the Data Protection Act 1998” substitute “the data protection legislation”.
- (3) After subsection (5) insert—
- “(6) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

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Crime and Courts Act 2013 (c. 22)

- 180 The Crime and Courts Act 2013 is amended as follows.
- 181 (1) Section 42 (other interpretive provisions) is amended as follows.
- (2) In subsection (5)(a), for “section 13 of the Data Protection Act 1998 (damage or distress suffered as a result of a contravention of a requirement of that Act)” substitute “ Article 82 of the GDPR or section 168 or 169 of the Data Protection Act 2018 (compensation for contravention of the data protection legislation) ”.
- (3) After subsection (5) insert—
- “(5A) In subsection (5)(a), “the GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10), (11) and (14) of that Act).”
- 182 (1) Paragraph 1 of Schedule 7 (statutory restrictions on disclosure) is amended as follows.
- (2) The existing text becomes sub-paragraph (1).
- (3) In that sub-paragraph, in paragraph (a)—
- (a) for “the Data Protection Act 1998” substitute “ the data protection legislation ”, and
- (b) for “are” substitute “ is ”.
- (4) After that sub-paragraph, insert—
- “(2) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Marine Act (Northern Ireland) 2013 (c. 10 (N.I.))

- 183 (1) Paragraph 8 of Schedule 2 to the Marine Act (Northern Ireland) 2013 (further provision about fixed monetary penalties under section 35: disclosure of information) is amended as follows.
- (2) In sub-paragraph (5)(a), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) After sub-paragraph (6) insert—
- “(7) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Local Audit and Accountability Act 2014 (c. 2)

- 184 (1) Paragraph 3 of Schedule 9 to the Local Audit and Accountability Act 2014 (data matching: voluntary provision of data) is amended as follows.
- (2) In sub-paragraph (3)(a), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) After sub-paragraph (3) insert—
- “(3A) “The data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”
- (4) In sub-paragraph (4), for “comprise or include” substitute “ comprises or includes ”.

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Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)

- 185 (1) Paragraph 7 of Schedule 4 to the Anti-social Behaviour, Crime and Policing Act 2014 (anti-social behaviour case reviews: information) is amended as follows.
- (2) In sub-paragraph (4)—
- (a) for “the Data Protection Act 1998” substitute “ the data protection legislation ”, and
- (b) for “are” substitute “ is ”.
- (3) After sub-paragraph (5) insert—
- “(6) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Immigration Act 2014 (c. 22)

- 186 (1) Paragraph 6 of Schedule 6 to the Immigration Act 2014 (information: limitation on powers) is amended as follows.
- (2) The existing text becomes sub-paragraph (1).
- (3) In that sub-paragraph, in paragraph (a)—
- (a) for “the Data Protection Act 1998” substitute “ the data protection legislation ”, and
- (b) for “are” substitute “ is ”.
- (4) After that sub-paragraph insert—
- “(2) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Care Act 2014 (c. 23)

- 187 In section 67(9) of the Care Act 2014 (involvement in assessment, plans etc), for paragraph (a) substitute—
- “(a) a health record (within the meaning given in section 205 of the Data Protection Act 2018),”.

Social Services and Well-being (Wales) Act 2014 (anaw 4)

- 188 In section 18(10)(b) of the Social Services and Well-being (Wales) Act 2014 (registers of sight-impaired, hearing-impaired and other disabled people)—
- (a) in the English language text, for “(within the meaning of the Data Protection Act 1998)” substitute “ (within the meaning of Parts 5 to 7 of the Data Protection Act 2018 (see section 3(2) and (14) of that Act)) ”, and
- (b) in the Welsh language text, for “(o fewn ystyr “personal data” yn Neddf Diogelu Data 1998)” substitute “(o fewn ystyr “ personal data ” yn Rhan 5 i 7 o Ddeddf Diogelu Data 2018 (gweler adran 3(2) a (14) o'r Ddeddf honno))”.

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Counter-Terrorism and Security Act 2015 (c. 6)

- 189 (1) Section 38 of the Counter-Terrorism and Security Act 2015 (support etc for people vulnerable to being drawn into terrorism: co-operation) is amended as follows.
- (2) In subsection (4)(a), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) After subsection (4) insert—
- “(4A) “The data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Small Business, Enterprise and Employment Act 2015 (c. 26)

- 190 (1) Section 6 of the Small Business, Enterprise and Employment Act 2015 (application of listed provisions to designated credit reference agencies) is amended as follows.
- (2) In subsection (7)—
- (a) for paragraph (b) substitute—
- “(b) Article 15(1) to (3) of the GDPR (confirmation of processing, access to data and safeguards for third country transfers);”, and
- (b) omit paragraph (c).
- (3) After subsection (7) insert—
- “(7A) In subsection (7) “the GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10), (11) and (14) of that Act).”

Modern Slavery Act 2015 (c. 30)

- 191 (1) Section 54A of the Modern Slavery Act 2015 (Gangmasters and Labour Abuse Authority: information gateways) is amended as follows.
- (2) In subsection (5)(a), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) In subsection (9), after “section” insert “—
- “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2 (N.I.))

- 192 The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is amended as follows.
- 193 In section 13(5) (duty to notify National Crime Agency about suspected victims of certain offences) for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- 194 In section 25(1) (interpretation of this Act), at the appropriate place insert—
- ““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

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- 195 In paragraph 18(5) of Schedule 3 (supply of information to relevant Northern Ireland departments, Secretary of State, etc) for “the Data Protection Act 1998” substitute “ the data protection legislation ”.

Justice Act (Northern Ireland) 2015 (c. 9 (N.I.))

- 196 (1) Section 72 of the Justice Act (Northern Ireland) 2015 (supply of information to relevant Northern Ireland departments or Secretary of State) is amended as follows.
- (2) In subsection (5), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) In subsection (7), at the appropriate place insert—
- ““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

Immigration Act 2016 (c. 19)

- 197 (1) Section 7 of the Immigration Act 2016 (information gateways: supplementary) is amended as follows.
- (2) In subsection (2)(a), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) In subsection (11), at the appropriate place insert—
- ““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

Investigatory Powers Act 2016 (c. 25)

- 198 The Investigatory Powers Act 2016 is amended as follows.
- 199 In section 1(5)(b), for sub-paragraph (ii) substitute—
- “(ii) in section 170 of the Data Protection Act 2018 (unlawful obtaining etc of personal data);”.
- 200 In section 199 (bulk personal datasets: interpretation), for subsection (2) substitute—
- “(2) In this Part, “personal data” means—
- (a) personal data within the meaning of section 3(2) of the Data Protection Act 2018 which is subject to processing described in section 82(1) of that Act, and
- (b) data relating to a deceased individual where the data would fall within paragraph (a) if it related to a living individual.”

PROSPECTIVE

Status: Point in time view as at 02/12/2019. This version of this part contains provisions that are prospective.
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Textual Amendments

F3 Sch. 19 para. 201 omitted (29.3.2019) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(3), **Sch. 4 para. 3**

202 In section 206 (additional safeguards for health records), for subsection (7) substitute—

“(7) In subsection (6)—

“health professional” has the same meaning as in the Data Protection Act 2018 (see section 204(1) of that Act);

“health service body” has meaning given by section 204(4) of that Act.”

203 (1) Section 237 (information gateway) is amended as follows.

(2) In subsection (2), for “the Data Protection Act 1998” substitute “the data protection legislation”.

(3) After subsection (2) insert—

“(3) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4 (N.I.))

204 (1) Section 49 of the Police Services Ombudsman Act (Northern Ireland) 2016 (disclosure of information) is amended as follows.

(2) In subsection (4), for paragraph (a) substitute—

“(a) sections 142 to 154, 160 to 164 and 174 to 176 of, or Schedule 15 to, the Data Protection Act 2018 (certain provisions relating to enforcement),”.

(3) For subsection (5) substitute—

“(5) The offences are those under—

(a) any provision of the Data Protection Act 2018 other than paragraph 15 of Schedule 15 (powers of entry and inspection: offences),

(b) section 77 of the Freedom of Information Act 2000 (offence of altering etc records with intent to prevent disclosure).”

(4) After subsection (6) insert—

“(7) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Health and Social Care (Control of Data Processing) Act (Northern Ireland) 2016 (c. 12 (N.I.))

205 (1) Section 1 of the Health and Social Care (Control of Data Processing) Act (Northern Ireland) 2016 (control of information of a relevant person) is amended as follows.

Status: Point in time view as at 02/12/2019. This version of this part contains provisions that are prospective.

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(2) In subsection (8), for “made by or under the Data Protection Act 1998” substitute “of the data protection legislation”.

(3) After subsection (12) insert—

“(12A) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Mental Capacity Act (Northern Ireland) 2016 (c. 18 (N.I.))

206 In section 306(1) of the Mental Capacity Act (Northern Ireland) 2016 (definitions for purposes of Act), for the definition of “health record” substitute—

““health record” has the meaning given by section 205 of the Data Protection Act 2018;”.

Justice Act (Northern Ireland) 2016 (c. 21 (N.I.))

207 The Justice Act (Northern Ireland) 2016 is amended as follows.

208 (1) Section 17 (disclosure of information) is amended as follows.

(2) In subsection (7), for “the Data Protection Act 1998” substitute “the data protection legislation”.

(3) In subsection (8), after “section” insert “—

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.

209 In section 44(3) (disclosure of information)—

(a) in paragraph (a), for “Part 5 of the Data Protection Act 1998” substitute “sections 142 to 154, 160 to 164 or 174 to 176 of, or Schedule 15 to, the Data Protection Act 2018”, and

(b) for paragraph (b) substitute—

“(b) the commission of an offence under—

(i) a provision of the Data Protection Act 2018 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc); or

(ii) section 77 of the Freedom of Information Act 2000 (offence of altering etc records with intent to prevent disclosure).”

Policing and Crime Act 2017 (c. 3)

210 (1) Section 50 of the Policing and Crime Act 2017 (Freedom of Information Act etc: Police Federation for England and Wales) is amended as follows.

(2) The existing text becomes subsection (1).

(3) In that subsection, in paragraph (b), for “the Data Protection Act 1998” substitute “the data protection legislation”.

(4) After that subsection, insert—

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“(2) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Children and Social Work Act 2017 (c. 12)

- 211 In Schedule 5 to the Children and Social Work Act 2017—
- (a) in Part 1 (general amendments to do with social workers etc in England), omit paragraph 6, and
 - (b) in Part 2 (renaming of Health and Social Work Professions Order 2001), omit paragraph 47(g).

Commencement Information

I2 Sch. 19 para. 211 in force at 2.12.2019 at 00:01 by [S.I. 2019/1434](#), [reg. 2\(a\)](#)

Higher Education and Research Act 2017 (c. 29)

- 212 The Higher Education and Research Act 2017 is amended as follows.
- 213 (1) Section 63 (cooperation and information sharing by the Office for Students) is amended as follows.
- (2) In subsection (6), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
 - (3) In subsection (7), at the appropriate place insert—

““the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);”.
- 214 (1) Section 112 (cooperation and information sharing between the Office for Students and UKRI) is amended as follows.
- (2) In subsection (6), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
 - (3) After subsection (6) insert —

“(7) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Digital Economy Act 2017 (c. 30)

- 215 The Digital Economy Act 2017 is amended as follows.
- 216 (1) Section 40 (further provisions about disclosures under sections 35 to 39) is amended as follows.
- (2) In subsection (8)(a), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
 - (3) After subsection (10) insert—

“(11) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

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- 217 (1) Section 43 (codes of practice) is amended as follows.
- (2) In subsection (2), for “issued under section 52B (data-sharing code) of the Data Protection Act 1998” substitute “ prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 125(4) of that Act ”.
- (3) In subsection (13), for “section 51(3) of the Data Protection Act 1998” substitute “ section 128 of the Data Protection Act 2018 ”.
- 218 (1) Section 49 (further provision about disclosures under section 48) is amended as follows.
- (2) In subsection (8)(a), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) After subsection (10) insert—
- “(11) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”
- 219 (1) Section 52 (code of practice) is amended as follows.
- (2) In subsection (2), for “issued under section 52B (data-sharing code) of the Data Protection Act 1998” substitute “ prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 125(4) of that Act ”.
- (3) In subsection (13), for “section 51(3) of the Data Protection Act 1998” substitute “ section 128 of the Data Protection Act 2018 (other codes of practice) ”.
- 220 (1) Section 57 (further provision about disclosures under section 56) is amended as follows.
- (2) In subsection (8)(a), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) After subsection (10) insert—
- “(11) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”
- 221 (1) Section 60 (code of practice) is amended as follows.
- (2) In subsection (2), for “issued under section 52B (data-sharing code) of the Data Protection Act 1998” substitute “ prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 125(4) of that Act ”.
- (3) In subsection (13), for “section 51(3) of the Data Protection Act 1998” substitute “ section 128 of the Data Protection Act 2018 (other codes of practice) ”.
- 222 (1) Section 65 (supplementary provision about disclosures under section 64) is amended as follows.
- (2) In subsection (2)(a), for “the Data Protection Act 1998” substitute “ the data protection legislation ”.
- (3) After subsection (8) insert—
- “(9) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”
- 223 (1) Section 70 (code of practice) is amended as follows.

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- (2) In subsection (2), for “issued under section 52B (data-sharing code) of the Data Protection Act 1998” substitute “ prepared under section 121 of the Data Protection Act 2018 (data-sharing code) and issued under section 125(4) of that Act ”.
- (3) In subsection (15), for “section 51(3) of the Data Protection Act 1998” substitute “ section 128 of the Data Protection Act 2018 (other codes of practice) ”.
- 224 Omit sections 108 to 110 (charges payable to the Information Commissioner).

Landfill Disposals Tax (Wales) Act 2017 (anaw 3)

- 225 (1) Section 60 of the Landfill Disposals Tax (Wales) Act 2017 (disclosure of information to the Welsh Revenue Authority) is amended as follows.
- (2) In subsection (4)(a)—
- (a) in the English language text, for “the Data Protection Act 1998 (c. 29)” substitute “ the data protection legislation ”, and
- (b) in the Welsh language text, for “torri Deddf Diogelu Data 1998 (p. 29)” substitute “torri'r ddeddfwriaeth diogelu data”.
- (3) After subsection (7)—
- (a) in the English language text insert—
- “(8) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”, and
- (b) in the Welsh language text insert—
- “(8) Yn yr adran hon, mae i “y ddeddfwriaeth diogelu data” yr un ystyr ag a roddir i “the data protection legislation” yn Neddf Diogelu Data 2018 (gweler adran 3 o'r Ddeddf honno).”

Additional Learning Needs and Educational Tribunal (Wales) Act 2018 (anaw 2)

- 226 (1) Section 4 of the Additional Learning Needs and Educational Tribunal (Wales) Act 2018 (additional learning needs code) is amended as follows.
- (2) In the English language text—
- (a) in subsection (9), omit from “and in this subsection” to the end, and
- (b) after subsection (9) insert—
- “(9A) In subsection (9)—
- “data subject” (“*testun y data*”) has the meaning given by section 3(5) of the Data Protection Act 2018;
- “personal data” (“*data personol*”) has the same meaning as in Parts 5 to 7 of that Act (see section 3(2) and (14) of that Act).”
- (3) In the Welsh language text—
- (a) in subsection (9), omit from “ac yn yr is-adran hon” to the end, and
- (b) after subsection (9) insert—
- “(9A) Yn is-adran (9)—

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mae i “data personol” yr un ystyr ag a roddir i “personal data” yn Rhannau 5 i 7 o Ddeddf Diogelu Data 2018 (gweler adran 3(2) a (14) o'r Ddeddf honno);
mae i “testun y data” yr ystyr a roddir i “data subject” gan adran 3(5) o'r Ddeddf honno.”

This Act

- 227 (1) Section 204 of this Act (meaning of “health professional” and “social work professional”) is amended as follows (to reflect the arrangements for the registration of social workers in England under Part 2 of the Children and Social Work Act 2017).
- (2) In subsection (1)(g)—
- (a) omit “and Social Work”, and
 - (b) omit “, other than the social work profession in England”.
- (3) In subsection (2), for paragraph (a) substitute—
- “(a) a person registered as a social worker in the register maintained by Social Work England under section 39(1) of the Children and Social Work Act 2017;”.

Commencement Information

I3 Sch. 19 para. 227 in force at 2.12.2019 at 00:01 by [S.I. 2019/1434](#), **reg. 2(b)**

Status:

Point in time view as at 02/12/2019. This version of this part contains provisions that are prospective.

Changes to legislation:

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