

Changes to legislation: Data Protection Act 2018, Cross Heading: Immigration is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

EXEMPTIONS ETC FROM THE [F1UK GDPR]

Textual Amendments

- F1** Words in Sch. 2 heading substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 92(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

PART 1

ADAPTATIONS AND RESTRICTIONS [F1AS DESCRIBED IN] ARTICLES 6(3) AND 23(1)

Textual Amendments

- F1** Words in Sch. 2 Pt. 1 heading substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 92(3)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

Immigration

- 4 (1) The [F1relevant UK GDPR provisions] do not apply to personal data processed [F2by the Secretary of State] for any of the following purposes—
- (a) the maintenance of effective immigration control, or
 - (b) the investigation or detection of activities that would undermine the maintenance of effective immigration control,
- to the extent that the application of those provisions would be likely to prejudice any of the matters mentioned in paragraphs (a) and (b).

^{F3}[^{F4}(1A).....

^{F5}(1B).....

(1C) Paragraphs 4A and 4B make provision about ^{F6}... safeguards in connection with the exemption in [^{F7}sub-paragraph (1)].]

- (2) [^{F8}In sub-paragraph (1) and paragraph 4A, the “relevant UK GDPR provisions”] are the following provisions of the [^{F9}UK GDPR] (the rights and obligations in which may be restricted by virtue of Article 23(1) of the [^{F9}UK GDPR])—

- (a) Article 13(1) to (3) (personal data collected from data subject: information to be provided);

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- (b) Article 14(1) to (4) (personal data collected other than from data subject: information to be provided);
- (c) Article 15(1) to (3) (confirmation of processing, access to data and safeguards for third country transfers);
- (d) Article 17(1) and (2) (right to erasure);
- (e) Article 18(1) (restriction of processing);
- (f) Article 21(1) (objections to processing);
- (g) Article 5 (general principles) so far as its provisions correspond to the rights and obligations provided for in the provisions mentioned in sub-paragraphs (a) to (f).

(That is, the listed GDPR provisions other than Article 16 (right to rectification), Article 19 (notification obligation regarding rectification or erasure of personal data or restriction of processing) and Article 20(1) and (2) (right to data portability) and, subject to sub-paragraph (2)(g) of this paragraph, the provisions of Article 5 listed in paragraph 1(b).)

^{F10}(3)

^{F11}(4)

Textual Amendments

- F1** Words in Sch. 2 para. 4(1) substituted (8.3.2024) by The Data Protection Act 2018 (Amendment of Schedule 2 Exemptions) Regulations 2024 (S.I. 2024/342), regs. 1(2), **2(2)**
- F2** Words in Sch. 2 para. 4(1) inserted (31.1.2022) by The Data Protection Act 2018 (Amendment of Schedule 2 Exemptions) Regulations 2022 (S.I. 2022/76), regs. 1(2), **2(2)(a)**
- F3** Sch. 2 para. 4(1A) omitted (8.3.2024) by virtue of The Data Protection Act 2018 (Amendment of Schedule 2 Exemptions) Regulations 2024 (S.I. 2024/342), regs. 1(2), **2(3)**
- F4** Sch. 2 para. 4(1A)-(1C) inserted (31.1.2022) by The Data Protection Act 2018 (Amendment of Schedule 2 Exemptions) Regulations 2022 (S.I. 2022/76), regs. 1(2), **2(2)(b)**
- F5** Sch. 2 para. 4(1B) omitted (8.3.2024) by virtue of The Data Protection Act 2018 (Amendment of Schedule 2 Exemptions) Regulations 2024 (S.I. 2024/342), regs. 1(2), **2(3)**
- F6** Word in Sch. 2 para. 4(1C) omitted (8.3.2024) by virtue of The Data Protection Act 2018 (Amendment of Schedule 2 Exemptions) Regulations 2024 (S.I. 2024/342), regs. 1(2), **2(4)(a)**
- F7** Words in Sch. 2 para. 4(1C) substituted (8.3.2024) by The Data Protection Act 2018 (Amendment of Schedule 2 Exemptions) Regulations 2024 (S.I. 2024/342), regs. 1(2), **2(4)(b)**
- F8** Words in Sch. 2 para. 4(2) substituted (8.3.2024) by The Data Protection Act 2018 (Amendment of Schedule 2 Exemptions) Regulations 2024 (S.I. 2024/342), regs. 1(2), **2(5)**
- F9** Words in Sch. 2 para. 4(2) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 92(8)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Sch. 2 para. 4(3) omitted (31.1.2022) by virtue of The Data Protection Act 2018 (Amendment of Schedule 2 Exemptions) Regulations 2022 (S.I. 2022/76), regs. 1(2), **2(2)(d)**
- F11** Sch. 2 para. 4(4) omitted (31.1.2022) by virtue of The Data Protection Act 2018 (Amendment of Schedule 2 Exemptions) Regulations 2022 (S.I. 2022/76), regs. 1(2), **2(2)(d)**

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

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

- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)