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**Changes to legislation:** Data Protection Act 2018, Cross Heading: Archiving in the public interest 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

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## SCHEDULES

### SCHEDULE 2

#### EXEMPTIONS ETC FROM THE [F1UK GDPR]

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##### 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 6

#### DEROGATIONS ETC F1... FOR RESEARCH, STATISTICS AND ARCHIVING

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##### Textual Amendments

- F1** Words in Sch. 2 Pt. 6 heading omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), Sch. 2 para. 92(22) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

#### *Archiving in the public interest*

- 28 (1) The listed GDPR provisions do not apply to personal data processed for archiving purposes in the public interest to the extent that the application of those provisions would prevent or seriously impair the achievement of those purposes.

This is subject to [F1sub-paragraphs (3) and (4)].

- (2) For the purposes of this paragraph, the listed GDPR provisions are the following provisions of the [F2UK GDPR]—

- (a) Article 15(1) to (3) (confirmation of processing, access to data and safeguards for third country transfers);
- (b) Article 16 (right to rectification);
- (c) Article 18(1) (restriction of processing);
- (d) Article 19 (notification obligation regarding rectification or erasure of personal data or restriction of processing);
- (e) Article 20(1) (right to data portability);
- (f) Article 21(1) (objections to processing).

- (3) The exemption in sub-paragraph (1) is available only where the personal data is processed in accordance with Article 89(1) of the [F3UK GDPR] (as supplemented by section 19).

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- [<sup>F4</sup>(4) Where processing for a purpose described in sub-paragraph (1) serves at the same time another purpose, the exemption in sub-paragraph (1) is available only where the personal data is processed for a purpose referred to in that sub-paragraph.]

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#### Textual Amendments

- F1** Words in Sch. 2 para. 28(1) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 92(24)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. 2 para. 28(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(24)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Sch. 2 para. 28(3) 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(24)(c)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Sch. 2 para. 28(4) inserted (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(24)(d)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

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#### Commencement Information

- I1** Sch. 2 para. 28 in force at 25.5.2018 by S.I. 2018/625, **reg. 2(1)(b)**

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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\(3\)](#)