



Data Protection Act 2018

2018 CHAPTER 12

PART 2

GENERAL PROCESSING

CHAPTER 2

[^{F1} THE UK GDPR]

Transfers of personal data to third countries etc

[^{F1}17A Transfers based on adequacy regulations

- (1) The Secretary of State may by regulations specify any of the following which the Secretary of State considers ensures an adequate level of protection of personal data—
 - (a) a third country,
 - (b) a territory or one or more sectors within a third country,
 - (c) an international organisation, or
 - (d) a description of such a country, territory, sector or organisation.
- (2) For the purposes of the UK GDPR and this Part of this Act, a transfer of personal data to a third country or an international organisation is based on adequacy regulations if, at the time of the transfer, regulations made under this section are in force which specify, or specify a description which includes—
 - (a) in the case of a third country, the country or a relevant territory or sector within the country, or
 - (b) in the case of an international organisation, the organisation.
- (3) Regulations under this section may specify that the Secretary of State considers that an adequate level of protection of personal data is ensured only for a transfer specified or described in the regulations and, if they do so, only such a transfer may rely on those regulations for the purposes of subsection (2).

Changes to legislation: Data Protection Act 2018, Section 17A is up to date with all changes known to be in force on or before 05 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

- (4) Article 45(2) of the UK GDPR makes provision about the assessment of the adequacy of the level of protection for the purposes of this section and section 17B.
- (5) Regulations under this section—
- (a) where they relate to a third country, must specify their territorial and sectoral application;
 - (b) where applicable, must specify the independent supervisory authority or authorities referred to in Article 45(2)(b) of the UK GDPR.
- (6) Regulations under this section may, among other things—
- (a) provide that in relation to a country, territory, sector, organisation or transfer specified, or falling within a description specified, in the regulations, section 17B(1) has effect as if it required the reviews described there to be carried out at such shorter intervals as are specified in the regulations;
 - (b) identify a transfer of personal data by any means, including by reference to the controller or processor, the recipient, the personal data transferred or the means by which the transfer is made or by reference to relevant legislation, lists or other documents, as they have effect from time to time;
 - (c) confer a discretion on a person.
- (7) Regulations under this section are subject to the negative resolution procedure.]

Textual Amendments

F1 Ss. 17A-17C 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. 23** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

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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\(3\)](#)