



Data Protection Act 2018

2018 CHAPTER 12

PART 3

LAW ENFORCEMENT PROCESSING

CHAPTER 5

TRANSFERS OF PERSONAL DATA TO THIRD COUNTRIES ETC

General principles for transfers

76 Transfers on the basis of special circumstances

- (1) A transfer of personal data to a third country or international organisation is based on special circumstances where the transfer is necessary—
 - (a) to protect the vital interests of the data subject or another person,
 - (b) to safeguard the legitimate interests of the data subject,
 - (c) for the prevention of an immediate and serious threat to the public security of a member State or a third country,
 - (d) in individual cases for any of the law enforcement purposes, or
 - (e) in individual cases for a legal purpose.
- (2) But subsection (1)(d) and (e) do not apply if the controller determines that fundamental rights and freedoms of the data subject override the public interest in the transfer.
- (3) Where a transfer of data takes place in reliance on subsection (1)—
 - (a) the transfer must be documented,
 - (b) the documentation must be provided to the Commissioner on request, and
 - (c) the documentation must include, in particular—
 - (i) the date and time of the transfer,
 - (ii) the name of and any other pertinent information about the recipient,

Status: This is the original version (as it was originally enacted).

- (iii) the justification for the transfer, and
 - (iv) a description of the personal data transferred.
- (4) For the purposes of this section, a transfer is necessary for a legal purpose if—
 - (a) it is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings) relating to any of the law enforcement purposes,
 - (b) it is necessary for the purpose of obtaining legal advice in relation to any of the law enforcement purposes, or
 - (c) it is otherwise necessary for the purposes of establishing, exercising or defending legal rights in relation to any of the law enforcement purposes.