

Data Protection Bill [HL]

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Fourth Marshalled List]

Amendment
No.

After Clause 174

LORD ASHTON OF HYDE

185A★ Insert the following new Clause –

“Framework for Data Processing by Government

Framework for Data Processing by Government

- (1) The Secretary of State may prepare a document, called the Framework for Data Processing by Government, which contains guidance about the processing of personal data in connection with the exercise of functions of –
 - (a) the Crown, a Minister of the Crown or a United Kingdom government department, and
 - (b) a person with functions of a public nature who is specified or described in regulations made by the Secretary of State.
- (2) The document may make provision relating to all of those functions or only to particular functions or persons.
- (3) The document may not make provision relating to, or to the functions of, a part of the Scottish Administration, the Welsh Government, a Northern Ireland Minister or a Northern Ireland department.
- (4) The Secretary of State may from time to time prepare amendments of the document or a replacement document.
- (5) Before preparing a document or amendments under this section, the Secretary of State must consult –
 - (a) the Commissioner, and
 - (b) any other person the Secretary of State considers it appropriate to consult.
- (6) Regulations under subsection (1)(b) are subject to the negative resolution procedure.
- (7) In this section, “Northern Ireland Minister” includes the First Minister and deputy First Minister in Northern Ireland.”

After Clause 174 - continued

185B★ Insert the following new Clause –

“Approval of the Framework

- (1) Before issuing a document prepared under section (*Framework for Data Processing by Government*), the Secretary of State must lay it before Parliament.
- (2) If, within the 40-day period, either House of Parliament resolves not to approve the document, the Secretary of State must not issue it.
- (3) If no such resolution is made within that period –
 - (a) the Secretary of State must issue the document, and
 - (b) the document comes into force at the end of the period of 21 days beginning with the day on which it is issued.
- (4) Nothing in subsection (2) prevents another version of the document being laid before Parliament.
- (5) In this section, “the 40-day period” means –
 - (a) if the document is laid before both Houses of Parliament on the same day, the period of 40 days beginning with that day, or
 - (b) if the document is laid before the Houses of Parliament on different days, the period of 40 days beginning with the later of those days.
- (6) In calculating the 40-day period, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses of Parliament are adjourned for more than 4 days.
- (7) This section applies in relation to amendments prepared under section (*Framework for Data Processing by Government*) as it applies in relation to a document prepared under that section.”

185C★ Insert the following new Clause –

“Publication and review of the Framework

- (1) The Secretary of State must publish a document issued under section (*Approval of the Framework*)(3).
- (2) Where an amendment of a document is issued under section (*Approval of the Framework*)(3), the Secretary of State must publish –
 - (a) the amendment, or
 - (b) the document as amended by it.
- (3) The Secretary of State must keep under review the document issued under section (*Approval of the Framework*)(3) for the time being in force.
- (4) Where the Secretary of State becomes aware that the terms of such a document could result in a breach of an international obligation of the United Kingdom, the Secretary of State must exercise the power under section (*Framework for Data Processing by Government*)(4) with a view to remedying the situation.”

After Clause 174 - continued

185D★ Insert the following new Clause –

“Effect of the Framework

- (1) When carrying out processing of personal data which is the subject of a document issued under section (*Approval of the Framework*)(3) which is for the time being in force, a person must have regard to the document.
- (2) A failure to act in accordance with a provision of such a document does not of itself make a person liable to legal proceedings in a court or tribunal.
- (3) A document issued under section (*Approval of the Framework*)(3), including an amendment or replacement document, is admissible in evidence in legal proceedings.
- (4) In any legal proceedings before a court or tribunal, the court or tribunal must take into account a provision of any document issued under section (*Approval of the Framework*)(3) in determining a question arising in the proceedings if –
 - (a) the question relates to a time when the provision was in force, and
 - (b) the provision appears to the court or tribunal to be relevant to the question.
- (5) In determining a question arising in connection with the carrying out of any of the Commissioner’s functions, the Commissioner must take into account a provision of a document issued under section (*Approval of the Framework*)(3) if –
 - (a) the question relates to a time when the provision was in force, and
 - (b) the provision appears to the Commissioner to be relevant to the question.”

Schedule 18

LORD ASHTON OF HYDE

188A★ Leave out Schedule 18 and insert the following new Schedule –

“SCHEDULE 18

MINOR AND CONSEQUENTIAL AMENDMENTS

Part 1

ACTS AND MEASURES

Parliamentary Commissioner Act 1967 (c. 13)

- 1 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 –
 - “(i) sections 137 to 147 , 153 to 155 or 164 to 166 of, or Schedule 15 to, the Data Protection Act 2017 (certain provisions relating to enforcement),”, and
 - (b) for paragraph (b) substitute –
 - “(b) the commission of an offence under –

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- (i) a provision of the Data Protection Act 2017 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc), or
- (ii) sections 76C or 77 of the Freedom of Information Act 2000 (offences of disclosing information and altering etc records with intent to prevent disclosure).”

Local Government Act 1974 (c. 7)

2 The Local Government Act 1974 is amended as follows.

3 In section 33A(1)(disclosure of information by Local Commissioner to Information Commissioner) –

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

“(i) sections 137 to 147 , 153 to 155 or 164 to 166 of, or Schedule 15 to, the Data Protection Act 2017 (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 2017 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc), or
- (ii) sections 76C or 77 of the Freedom of Information Act 2000 (offences of disclosing information and altering etc records with intent to prevent disclosure).”

4 In section 34O(1)(disclosure of information by Local Commissioner to Information Commissioner) –

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

“(i) sections 137 to 147 , 153 to 155 or 164 to 166 of, or Schedule 15 to, the Data Protection Act 2017 (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 2017 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc), or
- (ii) sections 76C or 77 of the Freedom of Information Act 2000 (offences of disclosing information and altering etc records with intent to prevent disclosure).”

Consumer Credit Act 1974 (c. 39)

5 The Consumer Credit Act 1974 is amended as follows.

6 In section 157(2A)(duty to disclose name etc of agency) –

(a) in paragraph (a), for “the Data Protection Act 1998” substitute “the GDPR”, and

(b) in paragraph (b), after “any” insert “other”.

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- 7 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)”.
- 8 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 2017 (see section 2 (10), (11) and (14) of that Act);”.

Medical Act 1983 (c. 54)

- 9 The Medical Act 1983 is amended as follows.
- 10 (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 2017 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.”
- 11 (1) Section 35A (General Medical Council’s power to require disclosure of information) is amended as follows.
- (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 2017 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.”
- 12 In section 55 (interpretation), at the appropriate place insert –
““the GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (10), (11) and (14) of that Act);”.
- 13 (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 2017 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.”

Dentists Act 1984 (c. 24)

- 14 The Dentists Act 1984 is amended as follows.

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- 15 (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 2017 (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 2017 (GDPR provisions to be adapted or restricted: disclosures required by law).”
- (4) After subsection (10) insert –
- “(11) In this section, “the GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (10), (11) and (14) of that Act).”
- 16 (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
- (b) the listed provisions in paragraph 1 of Schedule 11 to the Data Protection Act 2017 (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 2017 (GDPR provisions to be adapted or restricted: disclosures required by law).”
- (4) After subsection (10) insert –
- “(11) In this section, “the GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (10), (11) and (14) of that Act).”

Access to Medical Reports Act 1988 (c. 28)

- 17 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 2017 (see section 183 of that Act);”.

Opticians Act 1989 (c. 44)

- 18 (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 –

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“(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 2017 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 –

“(10) In this section, “the GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (10), (11) and (14) of that Act).”

Human Fertilisation and Embryology Act 1990 (c. 37)

19 (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 2017 (see section 2 of that Act).”

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

20 (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 2017 (see section 2 of that Act).”

Tribunals and Inquiries Act 1992 (c. 53)

21 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 112 of the Data Protection Act 2017”.

Health Service Commissioners Act 1993 (c. 46)

22 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 137 to 147, 153 to 155 or 164 to 166 of, or Schedule 15 to, the Data Protection Act 2017 (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 2017 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc), or

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- (ii) sections 76C or 77 of the Freedom of Information Act 2000 (offences of disclosing information and altering etc records with intent to prevent disclosure).”

Data Protection Act 1998 (c. 29)

23 The Data Protection Act 1998 is repealed.

Crime and Disorder Act 1998 (c. 37)

24 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 2017 (see section 2 (2) and (14) of that Act))”.

Food Standards Act 1999 (c. 28)

25 (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 “–
“the data protection legislation” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act);”.

Immigration and Asylum Act 1999 (c. 33)

26 (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 2017 (see section 2 (10), (11) and (14) of that Act).”

Financial Services and Markets Act 2000 (c. 8)

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

28 In section 86(9)(exempt offers to the public), for “the Data Protection Act 1998 or any directly applicable EU legislation relating to data protection” substitute “–

- (a) the data protection legislation, or
- (b) any directly applicable EU legislation which is not part of the data protection legislation but which relates to data protection”.

29 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”.

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

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- 31 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”.
- 32 In section 417 (definitions), at the appropriate place insert –
 ““the data protection legislation” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act);”.

Terrorism Act 2000 (c. 11)

- 33 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 2017 (see section 2 (2) and (14) of that Act))”.

Freedom of Information Act 2000 (c. 36)

- 34 The Freedom of Information Act 2000 is amended as follows.
- 35 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,”.
- 36 In section 18 (the Information Commissioner) omit subsection (1).
- 37 (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 22 (1) of the Data Protection Act 2017 (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 14, 15 or 24 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2017, or
 (b) on a request under section 43 (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) 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
 - (ii) would do so if the exemptions in section 22 (1) of the Data Protection Act 2017 (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 43 (1)(a) of the Data Protection Act 2017 (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 32 (1) of the Data Protection Act 2017;
 - “data subject” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act);
 - “the GDPR”, “personal data” and “processing” have the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (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.”
- 38 Omit section 49 (reports to be laid before Parliament).
- 39 For section 61 (appeal proceedings) substitute—
- “61 Appeal proceedings**

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- (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—
 - (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 2017 (see section 2 (2), (4) and (14) of that Act).”

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

41 After section 76A insert—

“76B Disclosure of information to Commissioner or Tribunal

No enactment or rule of law prohibiting or restricting the disclosure of information precludes a person from providing the Commissioner, the First-tier Tribunal or the Upper Tribunal with information necessary for the discharge of their functions under this Act.

76C Confidentiality of information provided to Commissioner

- (1) A person who is or has been the Commissioner, or a member of the Commissioner’s staff or an agent of the Commissioner, must not disclose information which—
 - (a) has been obtained by, or provided to, the Commissioner under or for the purposes of this Act,

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- (b) relates to an identified or identifiable individual or business, and
 - (c) is not available to the public from other sources at the time of the disclosure and has not previously been available to the public from other sources,
- unless the disclosure is made with lawful authority.
- (2) For the purposes of subsection (1), a disclosure is made with lawful authority only if and to the extent that—
 - (a) the disclosure was made with the consent of the individual or of the person for the time being carrying on the business,
 - (b) the information was provided for the purpose of its being made available to the public (in whatever manner) under a provision of this Act or the data protection legislation,
 - (c) the disclosure was made for the purposes of, and is necessary for, the discharge of a function under this Act or the data protection legislation,
 - (d) the disclosure was made for the purposes of, and is necessary for, the discharge of an EU obligation,
 - (e) the disclosure was made for the purposes of criminal or civil proceedings, however arising, or
 - (f) having regard to the rights, freedoms and legitimate interests of any person, the disclosure was necessary in the public interest.
 - (3) It is an offence for a person knowingly or recklessly to disclose information in contravention of subsection (1).
 - (4) A person guilty of an offence under this section is liable—
 - (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;
 - (c) on conviction on indictment, to a fine.
 - (5) No proceedings for an offence under this section may be instituted—
 - (a) in England and Wales, except by the Commissioner or by or with the consent of the Director of Public Prosecutions;
 - (b) in Northern Ireland, except by the Commissioner or by or with the consent of the Director of Public Prosecutions for Northern Ireland.”
- 42 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,”.
- 43 In section 84 (interpretation), at the appropriate place insert—
 ““the data protection legislation” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act);”.
- Political Parties, Elections and Referendums Act 2000 (c. 41)*
- 44 (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—

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“(6) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act).”

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

45 The Public Finance and Accountability (Scotland) Act 2000 is amended as follows.

46 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”.

47 In section 26C(3)(a)(power to require disclosure of data), for “the Data Protection Act 1998 (c. 29)” substitute “the data protection legislation”.

48 In section 29(1)(interpretation), at the appropriate place insert –
 ““the data protection legislation” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act);”.

Criminal Justice and Police Act 2001 (c. 16)

49 The Criminal Justice and Police Act 2001 is amended as follows.

50 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 2017;”.

51 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 2017”, and

(b) for “paragraph 9” substitute “paragraph 11 (matters exempt from inspection and seizure: privileged communications)”.

52 In Schedule 1 (powers of seizure) –

(a) omit paragraph 65, and

(b) after paragraph 73R insert –

“Data Protection Act 2017

73S The power of seizure conferred by paragraphs 1 and 2 of Schedule 15 to the Data Protection Act 2017 (powers of entry and inspection).”

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

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

54 (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 2017 (see section 2 of that Act);”.

55 (1) Part 1 of Schedule 4 (extension of existing disclosure powers) is amended as follows.

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- (2) Omit paragraph 42.
- (3) After paragraph 52 insert –
“52A Section 76C(1) of the Freedom of Information Act 2000.”
- (4) After paragraph 53F insert –
“53G Section 127 (1) of the Data Protection Act 2017.”

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

- 56 (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 2017 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” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (10), (11) and (14) of that Act).”

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

- 57 (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 2017 (see section 2 of that Act).”

Proceeds of Crime Act 2002 (c. 29)

- 58 The Proceeds of Crime Act 2002 is amended as follows.
- 59 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 2017 (see section 2 (2) and (14) of that Act))”.
- 60 In section 436(3)(a)(disclosure of information to certain Directors), for “the Data Protection Act 1998 (c. 29)” substitute “the data protection legislation”.
- 61 In section 438(8)(a)(disclosure of information by certain Directors), for “the Data Protection Act 1998 (c. 29)” substitute “the data protection legislation”.
- 62 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”.

Schedule 18 - continued

63 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”.

64 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 2017 (see section 2 of that Act).”

Scottish Public Services Ombudsman Act 2002 (asp 11)

65 (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 137 to 147, 153 to 155 or 164 to 166 of, or Schedule 15 to, the Data Protection Act 2017 (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 2017 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc), or

(b) sections 76C or 77 of the Freedom of Information Act 2000 (offences of disclosing information and altering etc records with intent to prevent disclosure).”

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

66 The Freedom of Information (Scotland) Act 2002 is amended as follows.

67 In section 2(2)(e)(ii)(absolute exemptions), omit “by virtue of subsection (2)(a)(i) or (b) of that section”.

68 (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 22 (1) of the Data Protection Act 2017 (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 –

Schedule 18 - continued

- (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 14, 15 or 24 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2017, or
 - (b) on a request under section 43 (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) 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 32 (1) of the Data Protection Act 2017;
- “data subject” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act);
- “the GDPR”, “personal data” and “processing” have the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (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)

- 69 Schedule 5 to the Courts Act 2003 (collection of fines) is amended as follows.
- 70 (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 2017 (see section 2 of that Act).”
- 71 (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 2017 (see section 2 of that Act);”.

Sexual Offences Act 2003 (c. 42)

Schedule 18 - continued

- 72 (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.
- (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 2017 (see section 2 of that Act);”.

Criminal Justice Act 2003 (c. 44)

- 73 The Criminal Justice Act 2003 is amended as follows.
- 74 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”.
- 75 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 2017 (see section 2 of that Act).”

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

- 76 (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 2017 (see section 2 of that Act);”.

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

- 77 (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 2017 (see section 2 of that Act).”

Children Act 2004 (c. 31)

- 78 The Children Act 2004 is amended as follows.
- 79 (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 2017 (see section 2 of that Act).”
- 80 (1) Section 29 (information databases: Wales) is amended as follows.

Schedule 18 - continued

- (2) In subsection (14)(e) for “the Data Protection Act 1998 (c. 29)” substitute “the data protection legislation”.
- (3) After subsection (14) insert—
 - “(15) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act).”

Constitutional Reform Act 2005 (c. 4)

- 81 (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 2017 (see section 2 of that Act).”

Mental Capacity Act 2005 (c. 9)

- 82 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 2017 (see section 184 of that Act);”.

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

- 83 (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 137 to 147, 153 to 155 or 164 to 166 of, or Schedule 15 to, the Data Protection Act 2017 (certain provisions relating to enforcement);”.
 - (3) For subsection (5) substitute—
 - “(5) The offences are those under—
 - (a) a provision of the Data Protection Act 2017 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc);
 - (b) sections 76C or 77 of the Freedom of Information Act 2000 (offences of disclosing information and altering etc records with intent to prevent disclosure).”

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

- 84 (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—
 - “(2) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act).”

Gambling Act 2005 (c. 19)

Schedule 18 - continued

- 85 (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 2017 (see section 2 of that Act).”

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

- 86 (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 137 to 147, 153 to 155 or 164 to 166 of, or Schedule 15 to, the Data Protection Act 2017 (certain provisions relating to enforcement);”.
 - (3) For subsection (8) substitute –
 - “(8) The offences are those under –
 - (a) a provision of the Data Protection Act 2017 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc); or
 - (b) sections 76C or 77 of the Freedom of Information Act 2000 (offences of disclosing information and altering etc records with intent to prevent disclosure).”

National Health Service Act 2006 (c. 41)

- 87 The National Health Service Act 2006 is amended as follows.
- 88 (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 2017 (see section 2 of that Act);”.
- 89 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 2017 (see section 2 (4) and (14) of that Act)”.

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

- 90 The National Health Service (Wales) Act 2006 is amended as follows.
- 91 (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 2017 (see section 2 of that Act).”

Schedule 18 - continued

- 92 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 2017 (see section 2 (4) and (14) of that Act)”.

Tribunals, Courts and Enforcement Act 2007 (c. 15)

- 93 The Tribunals, Courts and Enforcement Act 2007 is amended as follows.
- 94 In section 11(5)(b)(right to appeal to Upper Tribunal), for “section 28(4) or (6) of the Data Protection Act 1998 (c. 29)” substitute “section 25 (3) or (5), 77 (5) or (7) or 109 (3) or (5) of the Data Protection Act 2017”.
- 95 In section 13(8)(a)(right to appeal to the Court of Appeal), for “section 28(4) or (6) of the Data Protection Act 1998 (c. 29)” substitute “section 25 (3) or (5), 77 (5) or (7) or 109 (3) or (5) of the Data Protection Act 2017”.

Statistics and Registration Service Act 2007 (c. 18)

- 96 The Statistics and Registration Service Act 2007 is amended as follows.
- 97 (1) Section 45A (information held by other public authorities) is amended as follows.
- (2) In subsection (8), for “section 51(3) of the Data Protection Act 1998” substitute “section 124 of the Data Protection Act 2017”.
 - (3) In subsection (9), for “the Data Protection Act 1998” substitute “the data protection legislation”.
 - (4) In subsection (12)(a), for “the Data Protection Act 1998” substitute “the data protection legislation”.
 - (5) In subsection 12(c), after the first “legislation” insert “(which is not part of the data protection legislation)”.
- 98 (1) Section 45B(3)(access to information held by Crown bodies etc) is amended as follows.
- (2) In paragraph (a), for “the Data Protection Act 1998” substitute “the data protection legislation”.
 - (3) In paragraph (c), after the first “legislation” insert “(which is not part of the data protection legislation)”.
- 99 (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)”.
- 100 In section 45D(9)(b)(power to require disclosure by undertakings), for “the Data Protection Act 1998” substitute “the data protection legislation”.
- 101(1) Section 45E (further provision about powers in sections 45B, 45C and 45D) is amended as follows.

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- (2) In subsection (6), for “section 52B (data-sharing code) of the Data Protection Act 1998” substitute “section 119 of the Data Protection Act 2017 (data-sharing code)”.
 - (3) In subsection (16), for “section 51(3) of the Data Protection Act 1998” substitute “section 124 of the Data Protection Act 2017”.
 - (4) In subsection (17), for “the Data Protection Act 1998” substitute “the data protection legislation”.
- 102(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 124 of the Data Protection Act 2017”.
 - (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”.
- 103(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”).
- 104 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 2017 (see section 2 of that Act);”.
- Serious Crime Act 2007 (c. 27)*
- 105 The Serious Crime Act 2007 is amended as follows.
- 106(1) Section 5A (verification and disclosure of information) is amended as follows.
- (2) In subsection (6) –
 - (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 2017 (see section 2 of that Act).”
- 107(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 2017 (see section 2 of that Act).”
- 108(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”.

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- (3) In subsection (9), at the appropriate place insert –
 ““the data protection legislation” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act).”

Legal Services Act 2007 (c. 29)

109(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 2017 (see section 2 of that Act).”

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

110 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 2017 (see section 2 (4) and (14) of that Act).”

Criminal Justice and Immigration Act 2008 (c. 4)

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

112 Omit –

- (a) section 77 (power to alter penalty for unlawfully obtaining etc personal data), and
 (b) section 78 (new defence for obtaining etc for journalism and other special purposes).

113(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 2017 (see section 2 of that Act).”

Regulatory Enforcement and Sanctions Act 2008 (c. 13)

114(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 2017 (see section 2 of that Act).”

Health and Social Care Act 2008 (c. 14)

Schedule 18 - continued

- 115 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 2017 (see section 2 (4) and (14) of that Act);”.

Counter-Terrorism Act 2008 (c. 28)

- 116(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 2017 (see section 2 of that Act).”

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

- 117(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 –
 - “(7A) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act).”

Banking Act 2009 (c. 1)

- 118(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 2017 (see section 2 of that Act);”.

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

- 119(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 2017 (see section 2 of that Act).”

Marine and Coastal Access Act 2009 (c. 23)

- 120 The Marine and Coastal Access Act 2009 is amended as follows.
- 121(1) Paragraph 13 of Schedule 7 (further provision about civil sanctions under Part 4: disclosure of information) is amended as follows.

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- (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 2017 (see section 2 of that Act).”
- 122(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 2017 (see section 2 of that Act).”

Broads Authority Act 2009 (c. i)

- 123(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 2017 (see section 2 of that Act);”.

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

- 124(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 2017 (see section 2 of that Act).”

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

- 125(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 2017 (see section 2 of that Act);”.

Marine (Scotland) Act 2010 (asp 5)

- 126(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”.

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(3) After sub-paragraph (6) insert –

“(7) In this paragraph, “the data protection legislation” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act).”

Charities Act 2011 (c. 25)

127(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 2017 (see section 2 of that Act).”

Welsh Language (Wales) Measure 2011 (nawm 1)

128 The Welsh Language (Wales) Measure 2011 is amended as follows.

129(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 137 to 147 , 153 to 155 or 164 to 166 of, or Schedule 15 to, the Data Protection Act 2017 (certain provisions relating to enforcement);”, and

(b) in the Welsh language text, for paragraph (a) substitute –

“(a) adrannau 137 i 147 , 153 i 155 , neu 164 i 166 o Ddeddf Diogelu Data 2017 neu Atodlen 15 i'r Ddeddf honno (darpariaethau penodol yn ymwneud â gorfodi);”.

(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 2017 other than paragraph 15 of Schedule 15 (obstruction of exercise of warrant etc); or

(b) sections 76C or 77 of the Freedom of Information Act 2000 (offences of disclosing information and 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 2017 ac eithrio paragraff 15 o Atodlen 15 (rhwystro gweithredu gwarant etc); neu

(b) o dan adran 76C neu 77 o Ddeddf Rhyddid Gwybodaeth 2000 (troseddau o ddatgelu gwybodaeth ac altro etc cofnodion gyda'r bwriad o atal datgelu).”

(4) In subsection (8) –

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- (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 “gymhwysio Deddf Diogelu Data 1998” substitute “gymhwysio’r ddeddfwriaeth diogelu data”.
- (5) In subsection (9) –
- (a) at the appropriate place in the English language text insert –
 - ““the data protection legislation” has the same meaning as in the Data Protection Act 2017 (see section 2 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 2017 (gweler adran 2 o’r Ddeddf honno);”.
- 130(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 “gymhwysio Deddf Diogelu Data 1998” substitute “ gymhwysio’r ddeddfwriaeth diogelu data”.
- (3) In sub-paragraph (8) –
- (a) in the English language text, after “paragraph” insert “ –
 - “the data protection legislation” has the same meaning as in the Data Protection Act 2017 (see section 2 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 2017 (gweler adran 2 o’r Ddeddf honno);”.
- Safeguarding Board Act (Northern Ireland) 2011 (c. 7 (N.I))*
- 131(1) Section 10 of the Safeguarding Board Act (Northern Ireland) 2011 (duty to co-operate) 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 2017 (see section 2 of that Act).”
- Health and Social Care Act 2012 (c. 7)*
- 132 The Health and Social Care Act 2012 is amended as follows.
- 133 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 2017 (see section 2 (4) and (14) of that Act);”.
- 134(1) Section 251A (consistent identifiers) is amended as follows.

Schedule 18 - continued

- (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 2017 (see section 2 of that Act).”
- 135(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 2017 (see section 2 of that Act).”

Protection of Freedoms Act 2012 (c. 9)

- 136 The Protection of Freedoms Act 2012 is amended as follows.
- 137(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 2017 (see section 2 of that Act).”
- 138 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 2017 (see section 2 (4) and (14) of that Act);”.
- 139 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 2017 (see section 2 (4) and (14) of that Act);”.

HGV Road User Levy Act 2013 (c. 7)

- 140(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 2017 (see section 2 of that Act).”

Crime and Courts Act 2013 (c. 22)

- 141 The Crime and Courts Act 2013 is amended as follows.
- 142(1) Section 42 (other interpretive provisions) is amended as follows.

Schedule 18 - continued

- (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 159 or 160 of the Data Protection Act 2017 (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 2017 (see section 2 (10), (11) and (14) of that Act).”
- 143(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 2017 (see section 2 of that Act).”

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

- 144(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 2017 (see section 2 of that Act).”

Local Audit and Accountability Act 2014 (c. 2)

- 145(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 2017 (see section 2 of that Act).”
 - (4) In sub-paragraph (4), for “comprise or include” substitute “comprises or includes”.

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

- 146(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) –

Schedule 18 - continued

(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 2017 (see section 2 of that Act).”

Immigration Act 2014 (c. 22)

147(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 2017 (see section 2 of that Act).”

Care Act 2014 (c. 23)

148 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 184 of the Data Protection Act 2017),”.

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

149 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 2017 (see section 2 (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 2017 (gweler adran 2 (2) a (14) o’r Ddeddf honno))”.

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

150(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 2017 (see section 2 of that Act).”

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

Schedule 18 - continued

- 151(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 2017 (see section 2 (10), (11) and (14) of that Act).”

Modern Slavery Act 2015 (c. 30)

- 152(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 2017 (see section 2 of that Act);”.

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

- 153 The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 is amended as follows.
- 154 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”.
- 155 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 2017 (see section 2 of that Act);”.
- 156 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.))

- 157(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 2017 (see section 2 of that Act);”.

Schedule 18 - continued*Immigration Act 2016 (c. 19)*

- 158(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 2017 (see section 2 of that Act);”.

Investigatory Powers Act 2016 (c. 25)

- 159 The Investigatory Powers Act 2016 is amended as follows.
- 160 In section 1(5)(b), for sub-paragraph (ii) substitute –

“(ii) in section 161 of the Data Protection Act 2017 (unlawful obtaining etc of personal data),”.
- 161 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 2 (2) of the Data Protection Act 2017 which is subject to processing described in section 80 (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.”
- 162 In section 202(4)(restriction on use of class BPD warrants), in the definition of “sensitive personal data”, for “which is of a kind mentioned in section 2(a) to (f) of the Data Protection Act 1998” substitute “the processing of which would be sensitive processing for the purposes of section 84 (7) of the Data Protection Act 2017”.
- 163 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 2017 (see section 183 (1) of that Act);

“health service body” has the meaning given by section 183 (4) of that Act.”

- 164(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 2017 (see section 2 of that Act).”

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

- 165(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 –

Schedule 18 - continued

“(a) sections 137 to 147 , 153 to 155 and 164 to 166 of, or Schedule 15 to, the Data Protection Act 2017 (certain provisions relating to enforcement),”.

(3) For subsection (5) substitute –

“(5) The offences are those under –

(a) any provision of the Data Protection Act 2017 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc),

(b) sections 76C or 77 of the Freedom of Information Act 2000 (offences of disclosing information and 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 2017 (see section 2 of that Act).”

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

166(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.

(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 2017 (see section 2 of that Act).”

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

167 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 184 of the Data Protection Act 2017;”.

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

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

169(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 2017 (see section 2 of that Act);”.

170 In section 44(3)(disclosure of information) –

(a) in paragraph (a), for “Part 5 of the Data Protection Act 1998” substitute “sections 137 to 147 , 153 to 155 or 164 to 166 of, or Schedule 15 to, the Data Protection Act 2017”, and

(b) for paragraph (b) substitute –

“(b) the commission of an offence under –

Schedule 18 - continued

- (i) a provision of the Data Protection Act 2017 other than paragraph 15 of Schedule 15 (obstruction of execution of warrant etc); or
- (ii) sections 76C or 77 of the Freedom of Information Act 2000 (offences of disclosing information and altering etc records with intent to prevent disclosure).”

Policing and Crime Act 2017 (c. 3)

171(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 –
 - “(2) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act).”

Children and Social Work Act 2017 (c. 12)

172 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).

Higher Education and Research Act 2017 (c. 29)

173 The Higher Education and Research Act 2017 is amended as follows.

174(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 2017 (see section 2 of that Act);”.

175(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 2017 (see section 2 of that Act).”

Digital Economy Act 2017 (c. 30)

176 The Digital Economy Act 2017 is amended as follows.

177(1) Section 40 (further provisions about disclosures under sections 35 to 39) is amended as follows.

Schedule 18 - continued

- (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 2017 (see section 2 of that Act).”
- 178(1) Section 43 (codes of practice) is amended as follows.
- (2) In subsection (2), for “section 52B (data-sharing code) of the Data Protection Act 1998” substitute “section 119 of the Data Protection Act 2017 (data-sharing code)”.
 - (3) In subsection (13), for “section 51(3) of the Data Protection Act 1998” substitute “section 124 of the Data Protection Act 2017”.
- 179(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 2017 (see section 2 of that Act).”
- 180(1) Section 52 (code of practice) is amended as follows.
- (2) In subsection (2), for “section 52B (data-sharing code) of the Data Protection Act 1998” substitute “section 119 of the Data Protection Act 2017 (data-sharing code)”.
 - (3) In subsection (13), for “section 51(3) of the Data Protection Act 1998” substitute “section 124 of the Data Protection Act 2017 (other codes of practice)”.
- 181(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 2017 (see section 2 of that Act).”
- 182(1) Section 60 (code of practice) is amended as follows.
- (2) In subsection (2), for “section 52B (data-sharing code) of the Data Protection Act 1998” substitute “section 119 of the Data Protection Act 2017 (data-sharing code)”.
 - (3) In subsection (13), for “section 51(3) of the Data Protection Act 1998” substitute “section 124 of the Data Protection Act 2017 (other codes of practice)”.
- 183(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—

Schedule 18 - continued

“(9) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act).”

184(1) Section 70 (code of practice) is amended as follows.

- (2) In subsection (2), for “section 52B (data-sharing code) of the Data Protection Act 1998” substitute “section 119 of the Data Protection Act 2017 (data-sharing code)”.
- (3) In subsection (15), for “section 51(3) of the Data Protection Act 1998” substitute “section 124 of the Data Protection Act 2017 (other codes of practice)”.

185 Omit sections 108 to 110 (charges payable to the Information Commissioner).

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

186(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 2017 (see section 2 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 2017 (gweler adran 2 o’r Ddeddf honno).”

This Act

187(1) Section 183 (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;”.

Part 2

SUBORDINATE LEGISLATION

Channel Tunnel (International Arrangements) Order 1993 (S.I. 1993/1813)

188(1) Article 4 of the Channel Tunnel (International Arrangements) Order 1993 (application of enactments) is amended as follows.

- (2) In paragraph (2) –

Schedule 18 - continued

- (a) for “section 5 of the Data Protection Act 1998 (“the 1998 Act”), data which are” substitute “section 186 of the Data Protection Act 2017 (“the 2017 Act”), data which is”,
- (b) for “data controller” substitute “controller”, and
- (c) for “and the 1998 Act” substitute “and the 2017 Act”.

(3) In paragraph (3) –

- (a) for “section 5 of the 1998 Act, data which are” substitute “section 186 of the 2017 Act, data which is”,
- (b) for “data controller” substitute “controller”, and
- (c) for “and the 1998 Act” substitute “and the 2017 Act”.

Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 (S.I. 2003/2818)

189 The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 is amended as follows.

190 In Article 8(2)(exercise of powers by French officers in a control zone in the United Kingdom: disapplication of law of England and Wales) –

- (a) for “The Data Protection Act 1998” substitute “The Data Protection Act 2017”, and
- (b) for “are” substitute “is”.

191 In Article 11(4)(exercise of powers by UK immigration officers and constables in a control zone in France: enactments having effect) –

- (a) for “The Data Protection Act 1998” substitute “The Data Protection Act 2017”,
- (b) for “are” substitute “is”, and
- (c) for “section 5” substitute “section 186”.

Environmental Information Regulations 2004 (S.I. 2004/3391)

192 The Environmental Information Regulations 2004 are amended as follows.

193(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1), at the appropriate places, insert –

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

- (a) Article 5(1) of the GDPR,
- (b) section 32 (1) of the Data Protection Act 2017, and
- (c) section 83 (1) of that Act;”;

““data subject” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act);”;

““the GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (10), (11) and (14) of that Act);”;

““personal data” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (2) and (14) of that Act);”.

(3) For paragraph (4) substitute –

“(4A) In these Regulations, references to the Data Protection Act 2017 have effect as if in Chapter 3 of Part 2 of that Act (other general processing) –

Schedule 18 - *continued*

- (a) the references to an FOI public authority were references to a public authority as defined in these Regulations, and
 - (b) the references to personal data held by such an authority were to be interpreted in accordance with regulation 3(2).”
- 194(1) Regulation 13 (personal data) is amended as follows.
- (2) For paragraph (1) substitute –
 - “(1) To the extent that the information requested includes personal data of which the applicant is not the data subject, a public authority must not disclose the personal data if –
 - (a) the first condition is satisfied, or
 - (b) the second or third condition is satisfied and, in all the circumstances of the case, the public interest in not disclosing the information outweighs the public interest in disclosing it.”
 - (3) For paragraph (2) substitute –
 - “(2A) The first condition is that the disclosure of the information to a member of the public otherwise than under these Regulations –
 - (a) would contravene any of the data protection principles, or
 - (b) would do so if the exemptions in section 22 (1) of the Data Protection Act 2017 (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 these Regulations would contravene –
 - (a) Article 21 of the GDPR (general processing: right to object to processing), or
 - (b) section 97 of the Data Protection Act 2017 (intelligence services processing: right to object to processing).”
 - (4) For paragraph (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 14, 15 or 24 of, or Schedule 2, 3 or 4 to, the Data Protection Act 2017,
 - (b) on a request under section 43 (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, or
 - (c) on a request under section 92 (1)(b) of that Act (intelligence services processing: rights of access by the data subject), the information would be withheld in reliance on a provision of Chapter 6 of Part 4 of that Act.”
 - (5) Omit paragraph (4).
 - (6) For paragraph (5) substitute –
 - “(5A) For the purposes of this regulation a public authority may respond to a request by neither confirming nor denying whether such information exists and is held by the public authority, whether or not it holds such information, to the extent that –

Schedule 18 - continued

- (a) the condition in paragraph (5B)(a) is satisfied, or
 - (b) a condition in paragraph (5B)(b) to (e) is satisfied and in all the circumstances of the case, the public interest in not confirming or denying whether the information exists outweighs the public interest in doing so.
- (5B) The conditions mentioned in paragraph (5A) are—
- (a) giving a member of the public the confirmation or denial—
 - (i) would (apart from these Regulations) contravene any of the data protection principles, or
 - (ii) would do so if the exemptions in section 22 (1) of the Data Protection Act 2017 (manual unstructured data held by public authorities) were disregarded;
 - (b) giving a member of the public the confirmation or denial would (apart from these Regulations) contravene Article 21 of the GDPR or section 97 of the Data Protection Act 2017 (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 paragraph (3A)(a);
 - (d) on a request under section 43 (1)(a) of the Data Protection Act 2017 (law enforcement processing: right of access by the data subject), the information would be withheld in reliance on subsection (4) of that section;
 - (e) on a request under section 92 (1)(a) of that Act (intelligence services processing: rights of access by the data subject), the information would be withheld in reliance on a provision of Chapter 6 of Part 4 of that Act.”
- (7) After that paragraph insert—
- “(6) In determining for the purposes of this regulation 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.”
- 195 In regulation 14 (refusal to disclose information), in paragraph (3)(b), for “regulations 13(2)(a)(ii) or 13(3)” substitute “regulation 13(1)(b) or (5A)”.
- 196 In regulation 18 (enforcement and appeal provisions), in paragraph (5), for “regulation 13(5)” substitute “regulation 13(5A)”.
- Environmental Information (Scotland) Regulations 2004 (S.S.I. 2004/520)*
- 197 The Environmental Information (Scotland) Regulations 2004 are amended as follows.
- 198(1) Regulation 2 (interpretation) is amended as follows.
- (2) In paragraph (1), at the appropriate places, insert—
 - ““the data protection principles” means the principles set out in—

Schedule 18 - continued

- (a) Article 5(1) of the GDPR, and
 - (b) section 32 (1) of the Data Protection Act 2017;”;
 - ““data subject” has the same meaning as in the Data Protection Act 2017 (see section 2 of that Act);”;
 - ““the GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (10), (11) and (14) of that Act);”;
 - ““personal data” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (2) and (14) of that Act);”.
- (3) For paragraph (3) substitute –
- “(3A) In these Regulations, references to the Data Protection Act 2017 have effect as if in Chapter 3 of Part 2 of that Act (other general processing) –
- (a) the references to an FOI public authority were references to a Scottish public authority as defined in these Regulations, and
 - (b) the references to personal data held by such an authority were to be interpreted in accordance with paragraph (2) of this regulation.”
- 199(1) Regulation 11 (personal data) is amended as follows.
- (2) For paragraph (2) substitute –
- “(2) To the extent that environmental information requested includes personal data of which the applicant is not the data subject, a Scottish public authority must not make the personal data available if –
- (a) the first condition set out in paragraph (3A) is satisfied, or
 - (b) the second or third condition set out in paragraph (3B) or (4A) is satisfied and, in all the circumstances of the case, the public interest in making the information available is outweighed by that in not doing so.”
- (3) For paragraph (3) substitute –
- “(3A) The first condition is that the disclosure of the information to a member of the public otherwise than under these Regulations –
- (a) would contravene any of the data protection principles, or
 - (b) would do so if the exemptions in section 22 (1) of the Data Protection Act 2017 (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 these Regulations would contravene Article 21 of the GDPR (general processing: right to object to processing).”
- (4) For paragraph (4) substitute –
- “(4A) The third condition is that any of the following applies to the information –
- (a) it is exempt from the obligation under Article 15(1) of the GDPR (general processing: right of access by the data subject) to provide access to, and information about, personal data by virtue of provision made by or under section 14 , 15 or 24 of, or Schedule 2 , 3 or 4 to, the Data Protection Act 2017, or

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- (b) on a request under section 43 (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) Omit paragraph (5).
- (6) After paragraph (6) insert—
 - “(7) In determining, for the purposes of this regulation, 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.”

Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 (S.I. 2005/2042)

- 200(1) Regulation 45 of the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 (sensitive information) is amended as follows.
- (2) In paragraph (1)(d)—
 - (a) omit “, within the meaning of section 1(1) of the Data Protection Act 1998”, and
 - (b) for “(2) or (3)” substitute “(1A), (1B) or (1C)”.
 - (3) After paragraph (1) insert—
 - “(1A) The condition in this paragraph is that the disclosure of the information to a member of the public—
 - (a) would contravene any of the data protection principles, or
 - (b) would do so if the exemptions in section 22 (1) of the Data Protection Act 2017 (manual unstructured data held by public authorities) were disregarded.
 - (1B) The condition in this paragraph is that the disclosure of the information to a member of the public would contravene—
 - (a) Article 21 of the GDPR (general processing: right to object to processing), or
 - (b) section 97 of the Data Protection Act 2017 (intelligence services processing: right to object to processing).
 - (1C) The condition in this paragraph 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 14 , 15 or 24 of, or Schedule 2 , 3 or 4 to, the Data Protection Act 2017,
 - (b) on a request under section 43 (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, or
 - (c) on a request under section 92 (1)(b) of that Act (intelligence services processing: rights of access by the data subject), the information would be withheld in reliance on a provision of Chapter 6 of Part 4 of that Act.
 - (1D) In this regulation—
 - “the data protection principles” means the principles set out in—

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- (a) Article 5(1) of the GDPR,
- (b) section 32 (1) of the Data Protection Act 2017, and
- (c) section 83 (1) of that Act;

“the GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (10), (11) and (14) of that Act);
 “personal data” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (2) and (14) of that Act).”

- (1E) In determining for the purposes of this regulation 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.”

- (4) Omit paragraphs (2) to (4).

INSPIRE Regulations 2009 (S.I. 2009/3157)

- 201(1) Regulation 9 of the INSPIRE Regulations 2009 (public access to spatial data sets and spatial data services) is amended as follows.

- (2) In paragraph (2) –

- (a) omit “or” at the end of sub-paragraph (a),
- (b) for sub-paragraph (b) substitute –
 - “(b) Article 21 of the GDPR (general processing: right to object to processing), or
 - (c) section 97 of the Data Protection Act 2017 (intelligence services processing: right to object to processing).”, and
- (c) omit the words following sub-paragraph (b).

- (3) After paragraph (7) insert –

- “(8) In this regulation –
 - “the data protection principles” means the principles set out in –
 - (a) Article 5(1) of the GDPR,
 - (b) section 32 (1) of the Data Protection Act 2017, and
 - (c) section 83 (1) of that Act;
 - “the GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (10), (11) and (14) of that Act);
 - “personal data” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2017 (see section 2 (2) and (14) of that Act).

- (9) In determining for the purposes of this regulation 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.”

Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141)

- 202 In the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014, omit Part 4 (data protection in relation to police and judicial co- operation in criminal matters).

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Control of Explosives Precursors etc Regulations (Northern Ireland) 2014 (S.R.(N.I.) 2014 No. 224)

- 203 In regulation 6 of the Control of Explosives Precursors etc Regulations (Northern Ireland) 2014 (applications) –
- (a) in paragraph (9) omit sub-paragraph (b) and the word “and” before it, and
 - (b) in paragraph (11) omit the definition of “processing” and “sensitive personal data” and the word “and” before it.

Control of Poisons and Explosives Precursors Regulations 2015 (S.I. 2015/966)

- 204 In regulation 3 of the Control of Poisons and Explosives Precursors Regulations 2015 (applications in relation to licences under section 4A of the Poisons Act 1972) –
- (a) in paragraph (7) omit sub-paragraph (b) and the word “and” before it, and
 - (b) omit paragraph (8).

Provision inserted in subordinate legislation by this Schedule

- 205 Provision inserted into subordinate legislation by this Schedule may be amended or revoked as if it had been inserted using the power under which the subordinate legislation was originally made.”

Clause 193

LORD ASHTON OF HYDE

- 188B★** Page 111, line 27, at end insert “(ignoring extent by virtue of an Order in Council)”
- 188C★** Page 111, line 27, at end insert –
- “() Where there is a power to extend a part of an Act by Order in Council to any of the Channel Islands, the Isle of Man or any of the British overseas territories, the power may be exercised in relation to an amendment or repeal of that part which is made by or under this Act.”

Data Protection Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

14 November 2017
