



Data Protection Act 2018

2018 CHAPTER 12

PART 2

GENERAL PROCESSING

CHAPTER 3

OTHER GENERAL PROCESSING

Scope

21 Processing to which this Chapter applies

- (1) This Chapter applies to the automated or structured processing of personal data in the course of—
 - (a) an activity which is outside the scope of European Union law, or
 - (b) an activity which falls within the scope of Article 2(2)(b) of the GDPR (common foreign and security policy activities),provided that the processing is not processing by a competent authority for any of the law enforcement purposes (as defined in Part 3) or processing to which Part 4 (intelligence services processing) applies.
- (2) This Chapter also applies to the manual unstructured processing of personal data held by an FOI public authority.
- (3) This Chapter does not apply to the processing of personal data by an individual in the course of a purely personal or household activity.
- (4) In this section—

“the automated or structured processing of personal data” means—

 - (a) the processing of personal data wholly or partly by automated means,and

Status: This is the original version (as it was originally enacted).

(b) the processing otherwise than by automated means of personal data which forms part of a filing system or is intended to form part of a filing system;

“the manual unstructured processing of personal data” means the processing of personal data which is not the automated or structured processing of personal data.

(5) In this Chapter, “FOI public authority” means—

- (a) a public authority as defined in the Freedom of Information Act 2000, or
- (b) a Scottish public authority as defined in the Freedom of Information (Scotland) Act 2002 ([asp 13](#)).

(6) References in this Chapter to personal data “held” by an FOI public authority are to be interpreted—

- (a) in relation to England and Wales and Northern Ireland, in accordance with section 3(2) of the Freedom of Information Act 2000, and
- (b) in relation to Scotland, in accordance with section 3(2), (4) and (5) of the Freedom of Information (Scotland) Act 2002 ([asp 13](#)),

but such references do not include information held by an intelligence service (as defined in section 82) on behalf of an FOI public authority.

(7) But personal data is not to be treated as “held” by an FOI public authority for the purposes of this Chapter, where—

- (a) section 7 of the Freedom of Information Act 2000 prevents Parts 1 to 5 of that Act from applying to the personal data, or
- (b) section 7(1) of the Freedom of Information (Scotland) Act 2002 ([asp 13](#)) prevents that Act from applying to the personal data.