



Data Protection Act 2018

2018 CHAPTER 12

PART 4

INTELLIGENCE SERVICES PROCESSING

CHAPTER 2

PRINCIPLES

The data protection principles

86 The first data protection principle

- (1) The first data protection principle is that the processing of personal data must be—
 - (a) lawful, and
 - (b) fair and transparent.
- (2) The processing of personal data is lawful only if and to the extent that—
 - (a) at least one of the conditions in Schedule 9 is met, and
 - (b) in the case of sensitive processing, at least one of the conditions in Schedule 10 is also met.
- (3) The Secretary of State may by regulations amend Schedule 10—
 - (a) by adding conditions;
 - (b) by omitting conditions added by regulations under paragraph (a).
- (4) Regulations under subsection (3) are subject to the affirmative resolution procedure.
- (5) In determining whether the processing of personal data is fair and transparent, regard is to be had to the method by which it is obtained.
- (6) For the purposes of subsection (5), data is to be treated as obtained fairly and transparently if it consists of information obtained from a person who—

Status: This is the original version (as it was originally enacted).

- (a) is authorised by an enactment to supply it, or
 - (b) is required to supply it by an enactment or by an international obligation of the United Kingdom.
- (7) In this section, “sensitive processing” means—
- (a) the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership;
 - (b) the processing of genetic data for the purpose of uniquely identifying an individual;
 - (c) the processing of biometric data for the purpose of uniquely identifying an individual;
 - (d) the processing of data concerning health;
 - (e) the processing of data concerning an individual’s sex life or sexual orientation;
 - (f) the processing of personal data as to—
 - (i) the commission or alleged commission of an offence by an individual, or
 - (ii) proceedings for an offence committed or alleged to have been committed by an individual, the disposal of such proceedings or the sentence of a court in such proceedings.