



# Data Protection Act 1984

## 1984 CHAPTER 35

### PART V

#### GENERAL

#### **38 Application to government departments and police**

- (1) Except as provided in subsection (2) below, a government department shall be subject to the same obligations and liabilities under this Act as a private person; and for the purposes of this Act each government department shall be treated as a person separate from any other government department and a person in the public service of the Crown shall be treated as a servant of the government department to which his responsibilities or duties relate.
- (2) A government department shall not be liable to prosecution under this Act but—
  - (a) sections 5(3) and 15(2) above (and, so far as relating to those provisions, sections 5(5) and 15(3) above) shall apply to any person who by virtue of this section falls to be treated as a servant of the government department in question; and
  - (b) section 6(6) above and paragraph 12 of Schedule 4 to this Act shall apply to a person in the public service of the Crown as they apply to any other person.
- (3) For the purposes of this Act—
  - (a) the constables under the direction and control of a chief officer of police shall be treated as his servants ; and
  - (b) the members of any body of constables maintained otherwise than by a police authority shall be treated as the servants—
    - (i) of the authority or person by whom that body is maintained, and
    - (ii) in the case of any members of such a body who are under the direction and control of a chief officer, of that officer.
- (4) In the application of subsection (3) above to Scotland, for the reference to a chief officer of police there shall be substituted a reference to a chief constable.

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*Status: This is the original version (as it was originally enacted).*

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- (5) In the application of subsection (3) above to Northern Ireland, for the reference to a chief officer of police there shall be substituted a reference to the Chief Constable of the Royal Ulster Constabulary and for the reference to a police authority there shall be substituted a reference to the Police Authority for Northern Ireland.