



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 7

#### SUPPLEMENTARY AND FINAL PROVISION

##### *Interpretation*

#### **204 Meaning of “health professional” and “social work professional”**

- (1) In this Act, “health professional” means any of the following—
- (a) a registered medical practitioner;
  - (b) a registered nurse or midwife;
  - (c) a registered dentist within the meaning of the Dentists Act 1984 (see section 53 of that Act);
  - (d) a registered dispensing optician or a registered optometrist within the meaning of the Opticians Act 1989 (see section 36 of that Act);
  - (e) a registered osteopath with the meaning of the Osteopaths Act 1993 (see section 41 of that Act);
  - (f) a registered chiropractor within the meaning of the Chiropractors Act 1994 (see section 43 of that Act);
  - (g) a person registered as a member of a profession to which the Health <sup>F1</sup>... Professions Order 2001 (S.I. 2002/254) for the time being extends; <sup>F2</sup>...
  - (h) a registered pharmacist or a registered pharmacy technician within the meaning of the Pharmacy Order 2010 (S.I. 2010/231) (see article 3 of that Order);
  - (i) a registered person within the meaning of the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22)) (see Article 2 of that Order);
  - (j) a child psychotherapist;
  - (k) a scientist employed by a health service body as head of a department.
- (2) In this Act, “social work professional” means any of the following—

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*Changes to legislation: Data Protection Act 2018, Section 204 is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- [<sup>F3</sup>(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;]
  - (b) a person registered as a social worker in the register maintained by Social Care Wales under section 80 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);
  - (c) a person registered as a social worker in the register maintained by the Scottish Social Services Council under section 44 of the Regulation of Care (Scotland) Act 2001 (asp 8);
  - (d) a person registered as a social worker in the register maintained by the Northern Ireland Social Care Council under section 3 of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3 (N.I.)).
- (3) In subsection (1)(a) “registered medical practitioner” includes a person who is provisionally registered under section 15 or 21 of the Medical Act 1983 and is engaged in such employment as is mentioned in subsection (3) of that section.
- (4) In subsection (1)(k) “health service body” means any of the following—
- (a) the Secretary of State in relation to the exercise of functions under section 2A or 2B of, or paragraph 7C, 8 or 12 of Schedule 1 to, the National Health Service Act 2006;
  - (b) a local authority in relation to the exercise of functions under section 2B or 111 of, or any of paragraphs 1 to 7B or 13 of Schedule 1 to, the National Health Service Act 2006;
  - (c) a National Health Service trust first established under section 25 of the National Health Service Act 2006;
  - (d) a Special Health Authority established under section 28 of the National Health Service Act 2006;
  - (e) an NHS foundation trust;
  - (f) the National Institute for Health and Care Excellence;
  - [<sup>F4</sup>(g) NHS England;]
  - (h) a National Health Service trust first established under section 5 of the National Health Service and Community Care Act 1990;
  - (i) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
  - (j) a National Health Service trust first established under section 18 of the National Health Service (Wales) Act 2006;
  - (k) a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006;
  - (l) a Health Board within the meaning of the National Health Service (Scotland) Act 1978;
  - (m) a Special Health Board within the meaning of the National Health Service (Scotland) Act 1978;
  - (n) a National Health Service trust first established under section 12A of the National Health Service (Scotland) Act 1978;
  - (o) the managers of a State Hospital provided under section 102 of the National Health Service (Scotland) Act 1978;
  - [<sup>F5</sup>(p) .....
  - (q) a special health and social care agency established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990 (S.I. 1990/247 (N.I. 3));

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- (r) a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)).

#### Textual Amendments

- F1** Words in s. 204(1)(g) omitted (2.12.2019 at 00:01) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 227\(2\)\(a\)](#) (with [ss. 117, 209, 210](#)); S.I. 2019/1434, reg. 2(b)
- F2** Words in s. 204(1)(g) omitted (2.12.2019 at 00:01) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 227\(2\)\(b\)](#) (with [ss. 117, 209, 210](#)); S.I. 2019/1434, reg. 2(b)
- F3** S. 204(2)(a) substituted (2.12.2019 at 00:01) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 227\(3\)](#) (with [ss. 117, 209, 210](#)); S.I. 2019/1434, reg. 2(b)
- F4** S. 204(4)(g) substituted (1.2.2023) by [The Health and Social Care Information Centre \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/98\)](#), reg. 1(2), [Sch. para. 20](#) (with reg. 3)
- F5** S. 204(4)(p) omitted (30.11.2022) by virtue of [The Health and Social Care Act \(Northern Ireland\) 2022 \(Consequential Amendments\) Order 2022 \(S.I. 2022/1174\)](#), arts. 1(2), [12\(2\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13A inserted by [2024 c. 21 s. 31\(4\)](#)
- s. 204(1)(l) inserted by [S.I. 2024/374 Sch. 5 para. 7](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)