



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 7

#### SUPPLEMENTARY AND FINAL PROVISION

##### *Interpretation*

#### **205 General interpretation**

(1) In this Act—

“biometric data” means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of an individual, which allows or confirms the unique identification of that individual, such as facial images or dactyloscopic data;

“data concerning health” means personal data relating to the physical or mental health of an individual, including the provision of health care services, which reveals information about his or her health status;

“enactment” includes—

- (a) an enactment passed or made after this Act,
- (b) an enactment comprised in subordinate legislation,
- (c) an enactment comprised in, or in an instrument made under, a Measure or Act of the National Assembly for Wales,
- (d) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament, and
- (e) an enactment comprised in, or in an instrument made under, Northern Ireland legislation;

“genetic data” means personal data relating to the inherited or acquired genetic characteristics of an individual which gives unique information about the physiology or the health of that individual and which results, in particular, from an analysis of a biological sample from the individual in question;

“government department” includes the following (except in the expression “United Kingdom government department”)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) a part of the Scottish Administration;
- (b) a Northern Ireland department;
- (c) the Welsh Government;
- (d) a body or authority exercising statutory functions on behalf of the Crown;

“health record” means a record which—

- (a) consists of data concerning health, and
- (b) has been made by or on behalf of a health professional in connection with the diagnosis, care or treatment of the individual to whom the data relates;

“inaccurate”, in relation to personal data, means incorrect or misleading as to any matter of fact;

“international obligation of the United Kingdom” includes—

- (a) an EU obligation, and
- (b) an obligation that arises under an international agreement or arrangement to which the United Kingdom is a party;

“international organisation” means an organisation and its subordinate bodies governed by international law, or any other body which is set up by, or on the basis of, an agreement between two or more countries;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“publish” means make available to the public or a section of the public (and related expressions are to be read accordingly);

“subordinate legislation” has the meaning given in the Interpretation Act 1978;

“tribunal” means any tribunal in which legal proceedings may be brought;

“the Tribunal”, in relation to an application or appeal under this Act, means—

- (a) the Upper Tribunal, in any case where it is determined by or under Tribunal Procedure Rules that the Upper Tribunal is to hear the application or appeal, or
- (b) the First-tier Tribunal, in any other case.

(2) References in this Act to a period expressed in hours, days, weeks, months or years are to be interpreted in accordance with Article 3 of Regulation (EEC, Euratom) No. 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits, except in—

- (a) section 125(4), (7) and (8);
- (b) section 161(3), (5) and (6);
- (c) section 176(2);
- (d) section 178(2);
- (e) section 182(8) and (9);
- (f) section 183(4);
- (g) section 192(3), (5) and (6);
- (h) section 197(3) and (4);
- (i) paragraph 23(4) and (5) of Schedule 1;
- (j) paragraphs 5(4) and 6(4) of Schedule 3;
- (k) Schedule 5;

- (l) paragraph 11(5) of Schedule 12;
  - (m) Schedule 15;
- (and the references in section 5 to terms used in Chapter 2 or 3 of Part 2 do not include references to a period expressed in hours, days, weeks, months or years).
- (3) Section 3(14)(b) (interpretation of references to Chapter 2 of Part 2 in Parts 5 to 7) and the amendments in Schedule 19 which make equivalent provision are not to be treated as implying a contrary intention for the purposes of section 20(2) of the Interpretation Act 1978, or any similar provision in another enactment, as it applies to other references to, or to a provision of, Chapter 2 of Part 2 of this Act.