



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART IV

#### EXEMPTIONS

#### 31 Regulatory activity.

- (1) Personal data processed for the purposes of discharging functions to which this subsection applies are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of those functions.
- (2) Subsection (1) applies to any relevant function which is designed—
  - (a) for protecting members of the public against—
    - (i) financial loss due to dishonesty, malpractice or other seriously improper conduct by, or the unfitness or incompetence of, persons concerned in the provision of banking, insurance, investment or other financial services or in the management of bodies corporate,
    - (ii) financial loss due to the conduct of discharged or undischarged bankrupts, or
    - (iii) dishonesty, malpractice or other seriously improper conduct by, or the unfitness or incompetence of, persons authorised to carry on any profession or other activity,
  - (b) for protecting charities [<sup>F1</sup>or community interest companies] against misconduct or mismanagement (whether by trustees [<sup>F2</sup>, directors] or other persons) in their administration,
  - (c) for protecting the property of charities [<sup>F1</sup>or community interest companies] from loss or misapplication,
  - (d) for the recovery of the property of charities [<sup>F1</sup>or community interest companies],
  - (e) for securing the health, safety and welfare of persons at work, or
  - (f) for protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work.

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- (3) In subsection (2) “relevant function” means—
- (a) any function conferred on any person by or under any enactment,
  - (b) any function of the Crown, a Minister of the Crown or a government department, or
  - (c) any other function which is of a public nature and is exercised in the public interest.
- (4) Personal data processed for the purpose of discharging any function which—
- (a) is conferred by or under any enactment on—
    - (i) the Parliamentary Commissioner for Administration,
    - (ii) the Commission for Local Administration in England [<sup>F3</sup>[<sup>F4</sup>or] , the Commission for Local Administration in Wales]<sup>F5</sup> . . . ,
    - (iii) the Health Service Commissioner for England [<sup>F6</sup>[<sup>F7</sup>or] , the Health Service Commissioner for Wales]<sup>F8</sup> . . . ,
    - [<sup>F9</sup>(iv) the Public Services Ombudsman for Wales,]
    - (v) the Assembly Ombudsman for Northern Ireland, <sup>F10</sup> . . .
    - (vi) the Northern Ireland Commissioner for Complaints, [<sup>F11</sup>or]
    - [<sup>F12</sup>(vii) the Scottish Public Services Ombudsman, and]
  - (b) is designed for protecting members of the public against—
    - (i) maladministration by public bodies,
    - (ii) failures in services provided by public bodies, or
    - (iii) a failure of a public body to provide a service which it was a function of the body to provide,

are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of that function.
- [<sup>F13</sup>(4A) Personal data processed for the purpose of discharging any function which is conferred by or under Part XVI of the Financial Services and Markets Act 2000 on the body established by the Financial Services Authority for the purposes of that Part are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of the function.]
- [<sup>F14</sup>(4B) Personal data processed for the purposes of discharging any function of the Legal Services Board are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of the function.]
- [<sup>F15</sup>(4C) Personal data processed for the purposes of the function of considering a complaint under the scheme established under Part 6 of the Legal Services Act 2007 (legal complaints) are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of the function.]
- (5) Personal data processed for the purpose of discharging any function which—
- (a) is conferred by or under any enactment on the [<sup>F16</sup>the Office of Fair Trading] , and
  - (b) is designed—
    - (i) for protecting members of the public against conduct which may adversely affect their interests by persons carrying on a business,

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- (ii) for regulating agreements or conduct which have as their object or effect the prevention, restriction or distortion of competition in connection with any commercial activity, or
  - (iii) for regulating conduct on the part of one or more undertakings which amounts to the abuse of a dominant position in a market,are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of that function.
- [<sup>F17</sup>(5A) Personal data processed by a CPC enforcer for the purpose of discharging any function conferred on such a body by or under the CPC Regulation are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of that function.
- (5B) In subsection (5A)—
  - (a) “CPC enforcer” has the meaning given to it in section 213(5A) of the Enterprise Act 2002 but does not include the Office of Fair Trading;
  - (b) “CPC Regulation” has the meaning given to it in section 235A of that Act.]
- [<sup>F18</sup>(6) Personal data processed for the purpose of the function of considering a complaint under section 113(1) or (2) or 114(1) or (3) of the Health and Social Care (Community Health and Standards) Act 2003, or section 24D, 26<sup>F19</sup> . . . or 26ZB of the Children Act 1989, are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of that function.]
- [<sup>F20</sup>(7) Personal data processed for the purpose of discharging any function which is conferred by or under Part 3 of the Local Government Act 2000 on—
  - (a) the monitoring officer of a relevant authority,
  - (b) <sup>F21</sup> . . . or
  - (c) the Public Services Ombudsman for Wales,are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of that function.
- (8) In subsection (7)—
  - (a) “relevant authority” has the meaning given by section 49(6) of the Local Government Act 2000, and
  - (b) any reference to the monitoring officer of a relevant authority, or to an ethical standards officer, has the same meaning as in Part 3 of that Act.]

#### Textual Amendments

- F1** Words in s. 31(2)(b)(c)(d) inserted (1.7.2005) by [Companies \(Audit, Investigations and Community Enterprise\) Act 2004 \(c. 27\)](#), [ss. 59\(3\)\(a\)](#), 65; S.I. 2004/3322, [art. 2\(3\)](#), Sch. 3 (subject to arts. 3-13)
- F2** Words in s. 31(2)(b) inserted (1.7.2005) by [Companies \(Audit, Investigations and Community Enterprise\) Act 2004 \(c. 27\)](#), [ss. 59\(3\)\(b\)](#), 65; S.I. 2004/3322, [art. 2\(3\)](#), Sch. 3 (subject to arts. 3-13)
- F3** Words in s. 31(4)(a)(ii) repealed (1.4.2006 for W) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), [ss. 39, 40](#), [Sch. 6 para. 60\(a\)](#), Sch. 7; S.I. 2005/2800, [art. 5](#)
- F4** Word in s. 31(4)(a)(ii) inserted (14.7.2004) by [The Scottish Public Services Ombudsman Act 2002 \(Consequential Provisions and Modifications\) Order 2004 \(S.I. 2004/1823\)](#), [art. 19\(a\)\(i\)](#)

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- F5** Words in s. 31(4)(a)(ii) omitted (14.7.2004) by virtue of The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), **art. 19(a)(ii)**
- F6** Words in s. 31(4)(a)(iii) repealed (1.4.2006 for W.) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, **Sch. 6 para. 60(b)**, Sch. 7; S.I. 2005/2800, **art. 5**
- F7** Word in s. 31(4)(a)(iii) inserted (14.7.2004) by The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), **art. 19(b)(i)**
- F8** Words in s. 31(4)(a)(iii) omitted (14.7.2004) by virtue of The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), **art. 19(b)(ii)**
- F9** S. 31(4)(a)(iv) substituted (1.4.2006 for W.) by Public Services Ombudsman (Wales) Act 2005 (c. 10), ss. 39, 40, **Sch. 6 para. 60(c)**, Sch. 7; S.I. 2005/2800, **art. 5**
- F10** Word in s. 31(4)(a)(v) omitted (14.7.2004) by virtue of The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), **art. 19(c)**
- F11** Word in s. 31(4)(a)(vi) substituted (14.7.2004) by The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), **art. 19(d)**
- F12** S. 31(4)(a)(vii) inserted (14.7.2004) by The Scottish Public Services Ombudsman Act 2002 (Consequential Provisions and Modifications) Order 2004 (S.I. 2004/1823), **art. 19(e)**
- F13** S. 31(4A) inserted (1.12.2001) by 2000 c. 8, s. 233; S.I. 2001/3538, **art. 2(1)**
- F14** S. 31(4B) inserted (1.1.2010) by Legal Services Act 2007 (c. 29), **ss. 170**, 211 (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(e)** (with art. 9)
- F15** S. 31(4C) inserted (6.10.2010) by Legal Services Act 2007 (c. 29), **ss. 153**, 211 (with ss. 29, 192, 193); S.I. 2010/2089, **art. 2(a)**
- F16** Words in s. 31(5)(a) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278(1), 279, **Sch. 25 para. 37**; S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F17** S. 31(5A)(5B) inserted (8.1.2007) by The Enterprise Act 2002 (Amendment) Regulations 2006 (S.I. 2006/3363), **reg. 29**
- F18** S. 31(6) inserted (1.6.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), **ss. 119**, 199; S.I. 2004/759, **art. 8**
- F19** Words in s. 31(6) repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 184, 188, Sch. 14 para. 32, **Sch. 18 Pt. 5**; S.I. 2007/935, **art. 5(gg)(ii)**
- F20** S. 31(7)(8) inserted (E.W.) (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 200**, 245 (with s. 201); S.I. 2008/172, **art. 4(k)**
- F21** S. 31(7)(b) repealed (31.1.2012 for E.W.) by Localism Act 2011 (c. 20), ss. 26, 237, 240, Sch. 4 para. 6(a), **Sch. 25 Pt. 5**; S.I. 2012/57, **art. 5(1)(c)(2)(a)**

**Modifications etc. (not altering text)**

- C1** S. 31 extended (2.12.1999) by S.I. 1999/3145, **arts. 1**, 9(3)(b); S.I. 1999/3208, **art. 2**

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