



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART IV

#### EXEMPTIONS

#### **32 Journalism, literature and art**

- (1) Personal data which are processed only for the special purposes are exempt from any provision to which this subsection relates if—
  - (a) the processing is undertaken with a view to the publication by any person of any journalistic, literary or artistic material,
  - (b) the data controller reasonably believes that, having regard in particular to the special importance of the public interest in freedom of expression, publication would be in the public interest, and
  - (c) the data controller reasonably believes that, in all the circumstances, compliance with that provision is incompatible with the special purposes.
- (2) Subsection (1) relates to the provisions of—
  - (a) the data protection principles except the seventh data protection principle,
  - (b) section 7,
  - (c) section 10,
  - (d) section 12, and
  - (e) section 14(1) to (3).
- (3) In considering for the purposes of subsection (1)(b) whether the belief of a data controller that publication would be in the public interest was or is a reasonable one, regard may be had to his compliance with any code of practice which—
  - (a) is relevant to the publication in question, and
  - (b) is designated by the Secretary of State by order for the purposes of this subsection.
- (4) Where at any time (“the relevant time”) in any proceedings against a data controller under section 7(9), 10(4), 12(8) or 14 or by virtue of section 13 the data controller

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*Status: This is the original version (as it was originally enacted).*

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claims, or it appears to the court, that any personal data to which the proceedings relate are being processed—

- (a) only for the special purposes, and
- (b) with a view to the publication by any person of any journalistic, literary or artistic material which, at the time twenty-four hours immediately before the relevant time, had not previously been published by the data controller,

the court shall stay the proceedings until either of the conditions in subsection (5) is met.

(5) Those conditions are—

- (a) that a determination of the Commissioner under section 45 with respect to the data in question takes effect, or
- (b) in a case where the proceedings were stayed on the making of a claim, that the claim is withdrawn.

(6) For the purposes of this Act “publish”, in relation to journalistic, literary or artistic material, means make available to the public or any section of the public.