



# Data Protection Act 1998

## 1998 CHAPTER 29

### PART VI

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **70 Supplementary definitions.**

(1) In this Act, unless the context otherwise requires—

“business” includes any trade or profession;

“the Commissioner” means [<sup>F1</sup> the Information Commissioner];

“credit reference agency” has the same meaning as in the <sup>M1</sup>Consumer Credit Act 1974;

“the Data Protection Directive” means Directive [95/46/EC](#) on the protection of individuals with regard to the processing of personal data and on the free movement of such data;

“EEA State” means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“enactment” includes an enactment passed after this Act [<sup>F2</sup>and any enactment comprised in, or in any instrument made under, an Act of the Scottish Parliament];

[<sup>F3</sup>“government department” includes—

(a) any part of the Scottish Administration;

(b) a Northern Ireland department;

(c) the Welsh Assembly Government;

(d) any body or authority exercising statutory functions on behalf of the Crown.]

“Minister of the Crown” has the same meaning as in the Ministers of the <sup>M2</sup>Crown Act 1975;

*Status: Point in time view as at 01/04/2013. This version of this provision has been superseded.*

*Changes to legislation: Data Protection Act 1998, Section 70 is up to date with all changes known to be in force on or before 14 June 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)*

“public register” means any register which pursuant to a requirement imposed—

- (a) by or under any enactment, or
- (b) in pursuance of any international agreement,

is open to public inspection or open to inspection by any person having a legitimate interest;

“pupil”—

- (a) in relation to a school in England and Wales, means a registered pupil within the meaning of the <sup>M3</sup>Education Act 1996,
- (b) in relation to a school in Scotland, means a pupil within the meaning of the <sup>M4</sup>Education (Scotland) Act 1980, and
- (c) in relation to a school in Northern Ireland, means a registered pupil within the meaning of the <sup>M5</sup>Education and Libraries (Northern Ireland) Order 1986;

“recipient”, in relation to any personal data, means any person to whom the data are disclosed, including any person (such as an employee or agent of the data controller, a data processor or an employee or agent of a data processor) to whom they are disclosed in the course of processing the data for the data controller, but does not include any person to whom disclosure is or may be made as a result of, or with a view to, a particular inquiry by or on behalf of that person made in the exercise of any power conferred by law;

“registered company” means a company registered under the enactments relating to companies for the time being in force in the United Kingdom;

“school”—

- (a) in relation to England and Wales, has the same meaning as in the Education Act 1996,
- (b) in relation to Scotland, has the same meaning as in the Education (Scotland) Act 1980, and
- (c) in relation to Northern Ireland, has the same meaning as in the Education and Libraries (Northern Ireland) Order 1986;

“teacher” includes—

- (a) in Great Britain, head teacher, and
- (b) in Northern Ireland, the principal of a school;

“third party”, in relation to personal data, means any person other than—

- (a) the data subject,
- (b) the data controller, or
- (c) any data processor or other person authorised to process data for the data controller or processor;

[<sup>F4</sup>“the Tribunal”, in relation to any 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 appeal; or
- (b) the First-tier Tribunal, in any other case;]

- (2) For the purposes of this Act data are inaccurate if they are incorrect or misleading as to any matter of fact.

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#### Textual Amendments

- F1** Words in s. 70(1) substituted (30.1.2001) by 2000 c. 36, ss. 18(4), 87(2)(c), **Sch. 2 Pt. I para. 14(a)** (with ss. 7(1)(7), 56, 78)
- F2** Words inserted (1.7.1999) in definition of “enactment” in s. 70(1) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 133**; S.I. 1999/3178, **art. 3**
- F3** S. 70(1): the definition of “government department” substituted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 175, 182, **Sch. 20 para. 7** (with s. 180); S.I. 2010/816, **art. 2**, Sch. para. 19
- F4** S. 70(1): definition of “the Tribunal” substituted (18.1.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), arts. 1(1), 5(1), **Sch. 2 para. 29**
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#### Marginal Citations

- M1** 1974 c. 39.
- M2** 1975 c. 26.
- M3** 1996 c. 56.
- M4** 1980 c. 44.
- M5** S.I. 1986/594 (N.I.3).

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