



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 2

#### GENERAL PROCESSING

### CHAPTER 3

#### OTHER GENERAL PROCESSING

##### *Application of the GDPR*

## **22 Application of the GDPR to processing to which this Chapter applies**

- (1) The GDPR applies to the processing of personal data to which this Chapter applies but as if its Articles were part of an Act extending to England and Wales, Scotland and Northern Ireland.
- (2) Chapter 2 of this Part applies for the purposes of the applied GDPR as it applies for the purposes of the GDPR.
- (3) In this Chapter, “the applied Chapter 2 ” means Chapter 2 of this Part as applied by this Chapter.
- (4) Schedule 6 contains provision modifying—
  - (a) the GDPR as it applies by virtue of subsection (1) (see Part 1);
  - (b) Chapter 2 of this Part as it applies by virtue of subsection (2) (see Part 2).
- (5) A question as to the meaning or effect of a provision of the applied GDPR, or the applied Chapter 2 , is to be determined consistently with the interpretation of the equivalent provision of the GDPR, or Chapter 2 of this Part, as it applies otherwise than by virtue of this Chapter, except so far as Schedule 6 requires a different interpretation.

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*Status: Point in time view as at 16/09/2019.*

*Changes to legislation: Data Protection Act 2018, Cross Heading: Application of the GDPR is up to date with all changes known to be in force on or before 07 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)*

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## **23 Power to make provision in consequence of regulations related to the GDPR**

- (1) The Secretary of State may by regulations make provision in connection with the processing of personal data to which this Chapter applies which is equivalent to that made by GDPR regulations, subject to such modifications as the Secretary of State considers appropriate.
- (2) In this section, “GDPR regulations” means regulations made under section 2(2) of the European Communities Act 1972 which make provision relating to the GDPR.
- (3) Regulations under subsection (1) may apply a provision of GDPR regulations, with or without modification.
- (4) Regulations under subsection (1) may amend or repeal a provision of—
  - (a) the applied GDPR;
  - (b) this Chapter;
  - (c) Parts 5 to 7, in so far as they apply in relation to the applied GDPR.
- (5) Regulations under this section are subject to the affirmative resolution procedure.

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### **Commencement Information**

- II** S. 23 in force at Royal Assent for specified purposes, see s. 212(2)(f)

**Status:**

Point in time view as at 16/09/2019.

**Changes to legislation:**

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