



Data Protection Act 2018

2018 CHAPTER 12

PART 2

GENERAL PROCESSING

CHAPTER 2

THE GDPR

Special categories of personal data

10 Special categories of personal data and criminal convictions etc data

- (1) Subsections (2) and (3) make provision about the processing of personal data described in Article 9(1) of the GDPR (prohibition on processing of special categories of personal data) in reliance on an exception in one of the following points of Article 9(2)—
 - (a) point (b) (employment, social security and social protection);
 - (b) point (g) (substantial public interest);
 - (c) point (h) (health and social care);
 - (d) point (i) (public health);
 - (e) point (j) (archiving, research and statistics).
- (2) The processing meets the requirement in point (b), (h), (i) or (j) of Article 9(2) of the GDPR for authorisation by, or a basis in, the law of the United Kingdom or a part of the United Kingdom only if it meets a condition in Part 1 of Schedule 1.
- (3) The processing meets the requirement in point (g) of Article 9(2) of the GDPR for a basis in the law of the United Kingdom or a part of the United Kingdom only if it meets a condition in Part 2 of Schedule 1.

Status: Point in time view as at 23/05/2018. This version of this provision has been superseded.

Changes to legislation: Data Protection Act 2018, Section 10 is up to date with all changes known to be in force on or before 10 May 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)

- (4) Subsection (5) makes provision about the processing of personal data relating to criminal convictions and offences or related security measures that is not carried out under the control of official authority.
- (5) The processing meets the requirement in Article 10 of the GDPR for authorisation by the law of the United Kingdom or a part of the United Kingdom only if it meets a condition in Part 1, 2 or 3 of Schedule 1.
- (6) The Secretary of State may by regulations—
 - (a) amend Schedule 1—
 - (i) by adding or varying conditions or safeguards, and
 - (ii) by omitting conditions or safeguards added by regulations under this section, and
 - (b) consequentially amend this section.
- (7) Regulations under this section are subject to the affirmative resolution procedure.

Commencement Information

II [S. 10](#) in force at Royal Assent for specified purposes, see [s. 212\(2\)\(f\)](#)

Status:

Point in time view as at 23/05/2018. This version of this provision has been superseded.

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