



Data Protection Act 2018

2018 CHAPTER 12

PART 5

THE INFORMATION COMMISSIONER

International role

120 Further international role

- (1) The Commissioner must, in relation to third countries and international organisations, take appropriate steps to—
 - (a) develop international co-operation mechanisms to facilitate the effective enforcement of legislation for the protection of personal data;
 - (b) provide international mutual assistance in the enforcement of legislation for the protection of personal data, subject to appropriate safeguards for the protection of personal data and other fundamental rights and freedoms;
 - (c) engage relevant stakeholders in discussion and activities aimed at furthering international co-operation in the enforcement of legislation for the protection of personal data;
 - (d) promote the exchange and documentation of legislation and practice for the protection of personal data, including legislation and practice relating to jurisdictional conflicts with third countries.
- (2) Subsection (1) applies only in connection with the processing of personal data to which the GDPR does not apply; for the equivalent duty in connection with the processing of personal data to which the GDPR applies, see Article 50 of the GDPR (international co-operation for the protection of personal data).
- (3) The Commissioner must carry out data protection functions which the Secretary of State directs the Commissioner to carry out for the purpose of enabling Her Majesty's Government in the United Kingdom to give effect to an international obligation of the United Kingdom.

Status: This is the original version (as it was originally enacted).

- (4) The Commissioner may provide an authority carrying out data protection functions under the law of a British overseas territory with assistance in carrying out those functions.
- (5) The Secretary of State may direct that assistance under subsection (4) is to be provided on terms, including terms as to payment, specified or approved by the Secretary of State.
- (6) In this section—
- “data protection functions” means functions relating to the protection of individuals with respect to the processing of personal data;
 - “mutual assistance in the enforcement of legislation for the protection of personal data” includes assistance in the form of notification, complaint referral, investigative assistance and information exchange;
 - “third country” means a country or territory that is not a member State.
- (7) Section 3(14)(c) does not apply to references to personal data and the processing of personal data in this section.