



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 6

#### ENFORCEMENT

##### *The special purposes*

#### **174 The special purposes**

- (1) In this Part, “the special purposes” means one or more of the following—
  - (a) the purposes of journalism;
  - (b) academic purposes;
  - (c) artistic purposes;
  - (d) literary purposes.
- (2) In this Part, “special purposes proceedings” means legal proceedings against a controller or processor which relate, wholly or partly, to personal data processed for the special purposes and which are—
  - (a) proceedings under section 167 (including proceedings on an application under Article 79 of the GDPR), or
  - (b) proceedings under Article 82 of the GDPR or section 169.
- (3) The Commissioner may make a written determination, in relation to the processing of personal data, that—
  - (a) the personal data is not being processed only for the special purposes;
  - (b) the personal data is not being processed with a view to the publication by a person of journalistic, academic, artistic or literary material which has not previously been published by the controller.
- (4) The Commissioner must give written notice of the determination to the controller and the processor.
- (5) The notice must provide information about the rights of appeal under section 162.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The determination does not take effect until one of the following conditions is satisfied—
- (a) the period for the controller or the processor to appeal against the determination has ended without an appeal having been brought, or
  - (b) an appeal has been brought against the determination and—
    - (i) the appeal and any further appeal in relation to the determination has been decided or has otherwise ended, and
    - (ii) the time for appealing against the result of the appeal or further appeal has ended without another appeal having been brought.