



Data Protection Act 2018

2018 CHAPTER 12

PART 2

GENERAL PROCESSING

CHAPTER 3

[^{F1}EXEMPTIONS FOR MANUAL UNSTRUCTURED PROCESSING AND FOR NATIONAL SECURITY AND DEFENCE PURPOSES]

[^{F1}Definitions]

21 [^{F1}Definitions]

^{F2}(1)

^{F2}(2)

^{F2}(3)

^{F2}(4)

(5) In this Chapter, “FOI public authority” means—

- (a) a public authority as defined in the Freedom of Information Act 2000, ^{F3}...
- (b) a Scottish public authority as defined in the Freedom of Information (Scotland) Act 2002 (asp 13) [^{F4}, or
- (c) the Advanced Research and Invention Agency].

(6) References in this Chapter to personal data “held” by an FOI public authority are to be interpreted—

- (a) in relation to England and Wales and Northern Ireland, in accordance with section 3(2) of the Freedom of Information Act 2000, and

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Changes to legislation: Data Protection Act 2018, Section 21 is up to date with all changes known to be in force on or before 30 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)

- (b) in relation to Scotland, in accordance with section 3(2), (4) and (5) of the Freedom of Information (Scotland) Act 2002 (asp 13),
but such references do not include information held by an intelligence service (as defined in section 82) on behalf of an FOI public authority.
- (7) But personal data is not to be treated as “held” by an FOI public authority for the purposes of this Chapter, where—
 - (a) section 7 of the Freedom of Information Act 2000 prevents Parts 1 to 5 of that Act from applying to the personal data, or
 - (b) section 7(1) of the Freedom of Information (Scotland) Act 2002 (asp 13) prevents that Act from applying to the personal data.
- [^{F5}(8) In relation to the Advanced Research and Invention Agency—
 - (a) for the purposes of subsection (6)(a)—
 - (i) section 3(2) of the Freedom of Information Act 2000 is to be read as if “public authority” included that Agency, and
 - (ii) section 3(2) of the Freedom of Information (Scotland) Act 2002 (asp 13) is to be read as if “authority” included that Agency, and
 - (b) subsection (7) does not apply.]

Textual Amendments

- F1** S. 21 heading substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 2 para. 29(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** S. 21(1)-(4) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 2 para. 29(3)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in s. 21(5)(a) omitted (25.1.2023) by virtue of [Advanced Research and Invention Agency Act 2022 \(c. 4\)](#), s. 13(1), **Sch. 3 para. 15(2)(a)**; S.I. 2023/58, **reg. 2**
- F4** S. 21(5)(c) and word inserted (25.1.2023) by [Advanced Research and Invention Agency Act 2022 \(c. 4\)](#), s. 13(1), **Sch. 3 para. 15(2)(b)**; S.I. 2023/58, **reg. 2**
- F5** S. 21(8) inserted (25.1.2023) by [Advanced Research and Invention Agency Act 2022 \(c. 4\)](#), s. 13(1), **Sch. 3 para. 15(3)**; S.I. 2023/58, reg. 2

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