
STATUTORY INSTRUMENTS

1999 No. 2093

**The Telecommunications (Data
Protection and Privacy) Regulations 1999**

**PART I
GENERAL**

Interpretation

2.—(1) In these Regulations—

“the Act of 1984” means the Telecommunications Act 1984⁽¹⁾;

“bill” includes an invoice, account, statement or other instrument of the like character and “billing” shall be construed accordingly;

“corporate subscriber” means a subscriber who is not an individual, that is to say a subscriber who is—

- (a) a company within the meaning of section 735(1) of the Companies Act 1985⁽²⁾;
- (b) a company incorporated in pursuance of a royal charter or letters patent;
- (c) a partnership in Scotland;
- (d) a corporation sole; or
- (e) any other body corporate or other entity which is a legal person distinct from the persons (if any) of which it is composed;

“the Data Protection Commissioner” and “the Commissioner” both mean the Commissioner appointed under section 6 of the Data Protection Act 1998⁽³⁾;

“the Directive” means Directive [97/66/EC](#) of the European Parliament and of the Council of the European Union⁽⁴⁾;

“the Director” means the Director General of Telecommunications appointed under section 1 of the Act of 1984;

“individual” means a living individual and includes an unincorporated body of such individuals;

“public telecommunications network” means any transmission system, and any associated switching equipment and other resources, which (in either case)—

- (a) permit the conveyance of signals between defined termination points by wire, by radio, by optical or by other electro-magnetic means, and
- (b) are used, in whole or in part, for the provision of publicly available telecommunications services;

(1) 1984 c. 12.

(2) 1985 c. 6.

(3) 1998 c. 29.

(4) O.J. No. L24, 30.1.98, p. 1.

“relevant telecommunications network”, in relation to a telecommunications service provider, means a public telecommunications network which is used by that service provider for the provision of publicly available telecommunications services;

“relevant telecommunications service provider” means—

- (a) in relation to a user, the provider of the services he uses, and
- (b) in relation to a subscriber, the provider who provides him with services;

“subscriber” means a person who is a party to a contract with a telecommunications service provider for the supply of publicly available telecommunications services;

“telecommunications network provider” means a person who provides a public telecommunications network (whether or not he is also a telecommunications service provider);

“telecommunications service provider” means a person who provides publicly available telecommunications services (whether or not he is also a telecommunications network provider);

“telecommunications services” means services the provision of which consists, in whole or in part, of the transmission and routing of signals on telecommunications networks, not being services by way of radio or television broadcasting;

“user” means an individual using a publicly available telecommunications service (whether or not he is a subscriber).

(2) Section 1 of the Data Protection Act 1998 (basic interpretative provisions) shall have effect for the purposes of these Regulations as it has effect for the purposes of that Act.

(3) Subject to paragraphs (1) and (2) and except where the context otherwise requires, expressions used in these Regulations which are also used in the Directive have the same meanings in these Regulations as they have in the Directive.

(4) In a case in which signals are conveyed to telecommunications equipment used by a subscriber wholly or partly otherwise than by line, any reference in these Regulations to a line shall be construed as including a reference to what, in that case, functionally corresponds to a line and “connected”, in relation to a line, shall be construed accordingly.