
STATUTORY INSTRUMENTS

2014 No. 3141

The Criminal Justice and Data Protection
(Protocol No. 36) Regulations 2014

PART 4

Data Protection in relation to Police and Judicial Cooperation in Criminal Matters

CHAPTER 2

Duties of competent authorities and rights of data subjects

Compliance with national processing restrictions

39.—(1) Where a non-UK competent authority—

- (a) transmits or makes available data to a UK competent authority in accordance with the Data Protection Framework Decision; and
- (b) notifies the UK competent authority of specific processing restrictions that would apply in the specific circumstances under the law of its Member State to the exchange of that data had it been made within that State,

the UK competent authority shall comply with those restrictions.

(2) Where—

- (a) a UK competent authority transmits or makes available data to a non-UK competent authority in accordance with the Data Protection Framework Decision; and
- (b) in the specific circumstances, the exchange of that data would have been subject to specific processing restrictions by virtue of or under any enactment or rule of law had it been made to another UK competent authority,

the UK competent authority shall notify the recipient of those restrictions.

(3) The restrictions referred to in paragraphs (1) and (2) are limited to those applying under the law of the Member State of the competent authority transmitting or making available the data to such exchanges of data between competent authorities within that State.