

STATUTORY INSTRUMENTS

2019 No. 419

The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019

GDPR merger modifications

5.—(1) Schedules 1 and 2 include modifications (“the GDPR merger modifications”) that merge the provisions relating to the processing of personal data that, immediately before [^{F1}IP completion day], are found in the EU GDPR and the applied GDPR, read with the 2018 Act.

(2) Retained case law and retained general principles of EU law falling within paragraph (3) are not, by virtue of the GDPR merger modifications, to be treated as relevant to the UK GDPR or the 2018 Act as they apply to applied GDPR processing on and after [^{F2}IP completion day].

(3) Retained case law and retained general principles of EU law fall within this paragraph so far as they are, or are derived from, principles or decisions that are not relevant to any of the following immediately before [^{F3}IP completion day]—

- (a) the applied GDPR,
- (b) the applied Chapter 2, or
- (c) Parts 5 to 7 of the 2018 Act so far as they apply to applied GDPR processing,

having regard (among other things) to the limits of EU competence immediately before [^{F3}IP completion day].

(4) In this regulation—

“the applied Chapter 2” means Chapter 2 of Part 2 of the 2018 Act as applied by Chapter 3 of that Part immediately before [^{F4}IP completion day] (see section 22 of that Act);

“the applied GDPR” means the EU GDPR as applied by Chapter 3 of Part 2 of the 2018 Act as it has effect immediately before [^{F4}IP completion day] (see section 22 of that Act);

“applied GDPR processing” means the processing of personal data to which the applied GDPR applied immediately before [^{F4}IP completion day] (see section 21 of the 2018 Act);

“the EU GDPR” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27th April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) as it has effect in EU law immediately before [^{F4}IP completion day];

“retained case law” and “retained general principles of EU law” have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 6(7) of that Act).

Textual Amendments

- F1** Words in reg. 5(1) substituted (31.12.2020 immediately before IP completion day) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1586), regs. 1(2), 3(2)

Changes to legislation: *There are currently no known outstanding effects for the The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019, Section 5. (See end of Document for details)*

- F2** Words in reg. 5(2) substituted (31.12.2020 immediately before IP completion day) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1586\)](#), regs. 1(2), **3(3)**
- F3** Words in reg. 5(3) substituted (31.12.2020 immediately before IP completion day) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1586\)](#), regs. 1(2), **3(4)**
- F4** Words in reg. 5(4) substituted (31.12.2020 immediately before IP completion day) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1586\)](#), regs. 1(2), **3(5)**

Commencement Information

- I1** Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019, Section 5.