



Data Protection Act 2018

2018 CHAPTER 12

PART 7

SUPPLEMENTARY AND FINAL PROVISION

General

209 Application to the Crown

- (1) This Act binds the Crown.
- (2) For the purposes of the [F¹UK GDPR] and this Act, each government department is to be treated as a person separate from the other government departments (to the extent that is not already the case).
- (3) Where government departments are not able to enter into contracts with each other, a provision of the [F²UK GDPR] or this Act that would require relations between them to be governed by a contract (or other binding legal act) in writing is to be treated as satisfied if the relations are the subject of a memorandum of understanding between them.
- (4) Where the purposes for which and the manner in which personal data is, or is to be, processed are determined by a person acting on behalf of the Royal Household, the Duchy of Lancaster or the Duchy of Cornwall, the controller in respect of that data for the purposes of the [F³UK GDPR] and this Act is—
 - (a) in relation to the Royal Household, the Keeper of the Privy Purse,
 - (b) in relation to the Duchy of Lancaster, such person as the Chancellor of the Duchy appoints, and
 - (c) in relation to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints.
- (5) Different persons may be appointed under subsection (4)(b) or (c) for different purposes.
- (6) As regards criminal liability—

Changes to legislation: Data Protection Act 2018, Section 209 is up to date with all changes known to be in force on or before 18 April 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) View outstanding changes

- (a) a government department is not liable to prosecution under this Act;
 - (b) nothing in subsection (4) makes a person who is a controller by virtue of that subsection liable to prosecution under this Act;
 - (c) a person in the service of the Crown is liable to prosecution under the provisions of this Act listed in subsection (7).
- (7) Those provisions are—
- (a) section 119;
 - (b) section 170;
 - (c) section 171;
 - (d) section 173;
 - (e) paragraph 15 of Schedule 15.

Textual Amendments

- F1** Words in s. 209(2) 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. 88** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in s. 209(3) 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. 88** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 209(4) 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. 88** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 204(1)(l) inserted by [S.I. 2024/374 Sch. 5 para. 7](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)