



Data Protection Act 2018

2018 CHAPTER 12

PART 2

GENERAL PROCESSING

CHAPTER 3

OTHER GENERAL PROCESSING

Exemptions etc

26 National security and defence exemption

- (1) A provision of the applied GDPR or this Act mentioned in subsection (2) does not apply to personal data to which this Chapter applies if exemption from the provision is required for—
- (a) the purpose of safeguarding national security, or
 - (b) defence purposes.
- (2) The provisions are—
- (a) Chapter II of the applied GDPR (principles) except for—
 - (i) Article 5(1)(a) (lawful, fair and transparent processing), so far as it requires processing of personal data to be lawful;
 - (ii) Article 6 (lawfulness of processing);
 - (iii) Article 9 (processing of special categories of personal data);
 - (b) Chapter III of the applied GDPR (rights of data subjects);
 - (c) in Chapter IV of the applied GDPR—
 - (i) Article 33 (notification of personal data breach to the Commissioner);
 - (ii) Article 34 (communication of personal data breach to the data subject);

Status: This is the original version (as it was originally enacted).

- (d) Chapter V of the applied GDPR (transfers of personal data to third countries or international organisations);
- (e) in Chapter VI of the applied GDPR—
 - (i) Article 57(1)(a) and (h) (Commissioner’s duties to monitor and enforce the applied GDPR and to conduct investigations);
 - (ii) Article 58 (investigative, corrective, authorisation and advisory powers of Commissioner);
- (f) Chapter VIII of the applied GDPR (remedies, liabilities and penalties) except for—
 - (i) Article 83 (general conditions for imposing administrative fines);
 - (ii) Article 84 (penalties);
- (g) in Part 5 of this Act—
 - (i) in section 115 (general functions of the Commissioner), subsections (3) and (8);
 - (ii) in section 115, subsection (9), so far as it relates to Article 58(2)(i) of the applied GDPR;
 - (iii) section 119 (inspection in accordance with international obligations);
- (h) in Part 6 of this Act—
 - (i) sections 142 to 154 and Schedule 15 (Commissioner’s notices and powers of entry and inspection);
 - (ii) sections 170 to 173 (offences relating to personal data);
- (i) in Part 7 of this Act, section 187 (representation of data subjects).