

Regulation (EU) 2016/679 of the European Parliament and of the Council  
of 27 April 2016 on the protection of natural persons with regard to the  
processing of personal data and on the free movement of such data (United  
Kingdom General Data Protection Regulation)(Text with EEA relevance)

CHAPTER IX

*Provisions relating to specific processing situations*

Article 85

**Processing and freedom of expression and information**

<sup>F1</sup> .....

2 For processing carried out for journalistic purposes or the purpose of academic artistic or literary expression, [<sup>F2</sup>the Secretary of State may] provide for exemptions or derogations from Chapter II (principles), Chapter III (rights of the data subject), Chapter IV (controller and processor), Chapter V (transfer of personal data to third countries or international organisations), Chapter VI ([<sup>F3</sup>the Commissioner]) <sup>F4</sup>... and Chapter IX (specific data processing situations) if they are necessary to reconcile <sup>F5</sup>... the protection of personal data with the freedom of expression and information.

[<sup>F6A</sup> The Secretary of State may exercise the power under paragraph 2 of this Article only by making regulations under section 16 of the 2018 Act.]

<sup>F7</sup>3 .....

**Textual Amendments**

- F1** Art. 85(1) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 64(2)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 85(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. 1 para. 64(3)(a)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 85(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. 1 para. 64(3)(b)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 85(2) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 64(3)(c)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 85(2) omitted (31.12.2023 immediately before the end of 2023) by virtue of [The Data Protection \(Fundamental Rights and Freedoms\) \(Amendment\) Regulations 2023 \(S.I. 2023/1417\)](#), regs. 1(2), **2(7)**
- F6** Art. 85(2A) inserted (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. 1 para. 64(4)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:** Regulation (EU) 2016/679 of the European Parliament and of the Council, CHAPTER IX is up to date with all changes known to be in force on or before 30 September 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

- F7** Art. 85(3) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 64(5)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)

## Article 86

### Processing and public access to official documents

[<sup>F8</sup>1.] Personal data in official documents held by a public authority or a public body or a private body for the performance of a task carried out in the public interest may be disclosed by the authority or body in accordance with [<sup>F9</sup>domestic law] to which the public authority or body is subject in order to reconcile public access to official documents with <sup>F10</sup>... the protection of personal data pursuant to this Regulation.

[<sup>F11</sup>2. Chapter 3 of Part 2 of the 2018 Act makes provision about the application of this Regulation to the manual unstructured processing of personal data held by an FOI public authority (as defined in Article 2).]

#### Textual Amendments

- F8** Art. 86 renumbered as Art. 86(1) (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. 1 para. 65(2)** (with reg. 5); 2020 c. 1, **Sch. 5 para. 1(1)**
- F9** Words in Art. 86(1) 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. 1 para. 65(3)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 86(1) omitted (31.12.2023 immediately before the end of 2023) by virtue of [The Data Protection \(Fundamental Rights and Freedoms\) \(Amendment\) Regulations 2023 \(S.I. 2023/1417\)](#), regs. 1(2), **2(8)**
- F11** Art. 86(2) inserted (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. 1 para. 65(4)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

## [<sup>F12</sup>Article 86A

### Processing and national security and defence

Chapter 3 of Part 2 of the 2018 Act makes provision about the application of this Regulation where processing is carried out, or exemption from a provision of this Regulation is required, for the purposes of safeguarding national security or for defence purposes.]

#### Textual Amendments

- F12** Art. 86A inserted (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. 1 para. 66** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

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*F13* Article 87

**Processing of the national identification number**

**Textual Amendments**

**F13** Art. 87 omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 67** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)

*F14* Article 88

**Processing in the context of employment**

**Textual Amendments**

**F14** Art. 88 omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 68** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)

Article 89

**Safeguards and derogations relating to processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes**

1 Processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, shall be subject to appropriate safeguards, in accordance with this Regulation, for the rights and freedoms of the data subject. Those safeguards shall ensure that technical and organisational measures are in place in particular in order to ensure respect for the principle of data minimisation. Those measures may include pseudonymisation provided that those purposes can be fulfilled in that manner. Where those purposes can be fulfilled by further processing which does not permit or no longer permits the identification of data subjects, those purposes shall be fulfilled in that manner.

[<sup>F15</sup>1A. In the 2018 Act, section 19 makes provision about when the requirements in paragraph 1 are satisfied.]

<sup>F16</sup>2 .....

<sup>F16</sup>3 .....

<sup>F16</sup>4 .....

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#### Textual Amendments

- F15** Art. 89(1A) inserted (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. 1 para. 69(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Art. 89(2)(3)(4) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 69(3)** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F17</sup>Article 90

### Obligations of secrecy

#### Textual Amendments

- F17** Art. 90 omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 70** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)

#### <sup>F18</sup>Article 91

### Existing data protection rules of churches and religious associations

#### Textual Amendments

- F18** Art. 91 omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 1 para. 71** (with reg. 5, Sch. 1 para. 80); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

Regulation (EU) 2016/679 of the European Parliament and of the Council, CHAPTER IX is up to date with all changes known to be in force on or before 30 September 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.

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**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Art. 17(1)(g) inserted by [2024 c. 21 s. 31\(2\)](#)
- Art. 17(4)(5) inserted by [2024 c. 21 s. 31\(3\)](#)