



Data Protection Act 2018

2018 CHAPTER 12

PART 7

SUPPLEMENTARY AND FINAL PROVISION

Territorial application

207 Territorial application of this Act

(1) This Act applies only to processing of personal data described in subsections [^{F1} (1A) and (2)].

[^{F2}(1A) In the case of the processing of personal data to which Part 2 (the UK GDPR) applies, it applies to the types of such processing to which the UK GDPR applies by virtue of Article 3 of the UK GDPR.]

(2) [^{F3}In the case of the processing of personal data to which Part 2 does not apply, it applies where such processing is carried out] in the context of the activities of an establishment of a controller or processor in the United Kingdom, whether or not the processing takes place in the United Kingdom.

^{F4}(3)

(4) [^{F5}Subsections (1), (1A) and (2)] have effect subject to any provision in or made under section 120 providing for the Commissioner to carry out functions in relation to other processing of personal data.

(5) Section 3(14)(c) does not apply to the reference to the processing of personal data in subsection (2).

^{F6}(6)

(7) In this section, references to a person who has an establishment in the United Kingdom include the following—

- (a) an individual who is ordinarily resident in the United Kingdom,

Changes to legislation: Data Protection Act 2018, Cross Heading: Territorial application is up to date with all changes known to be in force on or before 13 May 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

- (b) a body incorporated under the law of the United Kingdom or a part of the United Kingdom,
- (c) a partnership or other unincorporated association formed under the law of the United Kingdom or a part of the United Kingdom, and
- (d) a person not within paragraph (a), (b) or (c) who maintains, and carries on activities through, an office, branch or agency or other stable arrangements in the United Kingdom,

F7
....

Textual Amendments

- F1** Words in s. 207(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. 2 para. 87(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** S. 207(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. 2 para. 87(3)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 207(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. 87(4)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 207(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. 2 para. 87(5)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 207(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. 87(6)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F6** S. 207(6) 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. 2 para. 87(7)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in s. 207(7) 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. 2 para. 87(8)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** S. 207 modified (30.9.2020) by The Channel Tunnel (Arrangements with the Kingdom of the Netherlands) Order 2020 (S.I. 2020/916), arts. 1(2)(b), **4(3)(4)**

Changes to legislation:

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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\(3\)](#)