SmartSuite

Framework / Privacy / Global Privacy Regulations

UK Data Protection Act 2018

The Data Protection Act 2018 (c. 12) supplements the UK GDPR, sets the law enforcement and intelligence services regimes and gives the Information Commission its powers.



What it is

The Data Protection Act 2018 (c. 12) is the UK statute that supplements the UK GDPR, sets separate regimes for law enforcement processing (Part 3) and intelligence services processing (Part 4), and gives the Information Commission its enforcement powers (Parts 5 and 6). It received Royal Assent on May 23, 2018, and its main provisions came into force on May 25, 2018, the day the EU GDPR began to apply. The Data (Use and Access) Act 2025, which received Royal Assent on June 19, 2025, has since amended it in stages, most recently on September 30, 2026.

The Act has seven Parts. Part 1 is the overview (sections 1 to 3).

At a glance

PUBLISHER UK Parliament; regulator: the Information Commission (until September 30, 2026 the Information Commissioner)	TYPE Regulation	VERSION Data Protection Act 2018 (c. 12), as amended by the Data (Use and Access) Act 2025
EFFECTIVE May 25, 2018 (main provisions); Data (Use and Access) Act 2025 amendments commenced in stages from August 20, 2025 to September 30, 2026	DOMAIN Privacy	FAMILY Global Privacy Regulations
REGION United Kingdom	ADOPTION MODEL Regulatory Compliance	IMPLEMENTATION COMPLEXITY High

Source: legislation.gov.uk/ukpga/2018/12/contents

Why it matters

- **Conditions for sensitive data** Section 10 and Schedule 1 list the conditions for processing special category and criminal convictions data; the substantial public interest conditions generally require an appropriate policy document (Schedule 1, Part 4).
- **Named exemptions** Schedules 2 to 4 set out exemptions, from crime and taxation and legal professional privilege to management forecasts, confidential references and exam marks.
- **A complaints route** Since June 19, 2026, section 164A requires a controller to make complaints easy to submit and to acknowledge each one within 30 days.
- **Personal criminal liability** Section 170 covers unlawful obtaining, section 171 re-identification of de-identified data and section 173 altering or destroying information to defeat a subject access request.

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How SmartSuite supports UK DPA 2018

Special Category Conditions Register

Record, for each activity handling special category or criminal convictions data, the Article 9 or 10 basis, the Schedule 1 condition relied on and the appropriate policy document.

Exemption Decisions Log

Log each use of a Schedule 2 to 4 exemption with the paragraph, the data affected and the reasoning, so a refusal can be explained to the data subject and the Commission.

Request and Complaint Handling

Track data subject requests and section 164A complaints with receipt date, the 30-day acknowledgment deadline, outcome and the right to complain to the Commission.

Regulator Notice Tracker

Manage information, assessment, interview and enforcement notices with their deadlines, documents supplied and responses, in Compliance Management.

Processor Oversight

Track processor contracts, security measures and reviews for the processing the Act covers in Third Party Risk Management.

Breach and Incident Records

Hold breach assessments, the decision on notifying the Commission and the corrective actions through closure.

Common framework mappings

APEC PF | CCPA/CPRA | GDPR | ISO 27001:2022 | ISO 27701 | NIST Privacy Framework v1.0 | OECD Privacy Guidelines | SOC 2

Official resources

UK Data Protection Act 2018 Text

Provides the complete legal text of the UK Data Protection Act 2018.

legislation.gov.uk/ukpga/2018/12/contents/enacted

ICO: UK GDPR guidance and resources

The regulator's guidance hub for the UK GDPR and the Data Protection Act 2018, by topic.

ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources

Data (Use and Access) Act 2025 on legislation.gov.uk

The 2025 Act that amended the Data Protection Act 2018 and the UK GDPR, with its commencement history.

legislation.gov.uk/ukpga/2025/18/contents

Frequently asked questions

Who regulates the Data Protection Act 2018 now?

The Information Commission. Section 114A of the Act establishes it as a body corporate, and from September 30, 2026 the office of Information Commissioner is abolished and its functions are transferred to the Commission (Data (Use and Access) Act 2025 sections 118 and 119; SI 2026/1015). The Act now refers to the Commission throughout, and actions begun by the Commissioner continue as actions of the Commission.

What is the maximum penalty under the Act?

Section 157 sets two tiers. The higher maximum is 17.5 million pounds or, for an undertaking, 4 percent of total worldwide annual turnover in the preceding financial year, whichever is higher; it applies to failures to comply with an information, assessment, interview or enforcement notice and to the most serious UK GDPR infringements. The standard maximum is 8.7 million pounds or 2 percent.

Which conditions allow processing of special category data in the UK?

Section 10 links Article 9 of the UK GDPR to Schedule 1. Employment, health or social care, public health and research processing needs a Part 1 condition, substantial public interest processing needs a Part 2 condition, and criminal convictions data needs a condition from Part 1, 2 or 3. Except as Schedule 1 provides otherwise, reliance on Part 2 conditions requires an appropriate policy document under Part 4.

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What offences does the Act create?

Section 170 makes it an offence to obtain, disclose or retain personal data without the controller's consent, and to sell or offer to sell data so obtained. Section 171 covers knowingly or recklessly re-identifying de-identified personal data. Section 173 makes it an offence for a controller or its staff to alter, deface, block, erase, destroy or conceal information to prevent disclosure in response to a subject access request. Each has statutory defenses.

What changed in 2026 under the Data (Use and Access) Act 2025?

On February 5, 2026 (SI 2026/82) most of the data protection changes began, including interview notices (section 148A), new automated decision-making rules and changes to subject access time limits. On June 19, 2026 the section 164A duty began: controllers must facilitate complaints and acknowledge them within 30 days. On September 30, 2026 the Information Commission replaced the Information Commissioner.

License included / downloadable: Yes The Data Protection Act 2018 is UK legislation published free on legislation.gov.uk; the platform links to the official text.

Full framework page and mappings: smartsuite.com/frameworks/uk-data-protection-act-dpa-2018

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