

SECTION 27 DATA PROTECTION ACT 2018

CERTIFICATE OF THE SECRETARY OF STATE

1. Whereas:

- 1.1 By section 26 of the Data Protection Act 2018 ("the Act") it is provided that the processing of personal data is exempt from certain provisions of the Act if the exemption from that provision is required for the purpose of safeguarding national security. For information, a full list of these provisions is provided at Annex A
- 1.2 by section 27(1) it is provided that a certificate signed by a Minister of the Crown certifying that an exemption from all or any of the provisions mentioned in section 26(2) is, or at any time was, required for the purpose of safeguarding national security in respect of any personal data shall be conclusive evidence of that fact;
- 1.3 by section 27(2), it is provided that a certificate under section 27(1) may identify the personal data to which it applies by means of a general description and may be expressed to have prospective effect.

2. And considering the potentially serious adverse repercussions for the national security of the United Kingdom if the exemptions hereafter identified were not available.

3. And for the reasons set out below:

- 3.1 The intelligence services (the Security Service, the Secret Intelligence Service and the Government Communications Headquarters), where this is necessary in the proper discharge of their respective statutory functions, obtain data from and disclose data to organisations that are subject to the GDPR and such organisations cooperate with the intelligence services by processing data for national security purposes on their behalf.
- 3.2 The work of the Government Communications Headquarters (GCHQ) requires secrecy.
- 3.3 The general principle of neither confirming nor denying whether the intelligence services process data about an individual, or whether others are processing personal data for, on behalf of, with a view to assisting, working with, or in relation to the functions of the intelligence services is an essential part of that secrecy.
- 3.4 In dealing with requests asserting the rights of data subjects (Part 2, Chapter 3) under the Data Protection Act 2018, the controller will examine each individual request to determine, after consultation with GCHQ:

- i) whether adherence to that general principle is required for the purpose of safeguarding national security; and
- ii) in the event that such adherence is not required, whether and to what extent the non-communication of any data or any description of data is required for the purpose of safeguarding national security.

4. Now, therefore, I, the Right Hon Jeremy Hunt MP, being a Minister of the Crown who is a member of the Cabinet, in exercise of the powers conferred by the said section 27(1) do issue this certificate and certify that any personal data that is processed by an organisation as described in Column 1 in the table below are and shall continue to be required to be exempt from those provisions of the Act that are set out in Column 2.

Column 1	Column 2
<p>(a) for, on behalf of, at the request of or with the aid or assistance of GCHQ or</p> <p>(b) where such processing is necessary to facilitate the proper discharge of the functions of GCHQ described in section 3 of the Intelligence Services Act 1994</p>	<ul style="list-style-type: none"> i. GDPR Article 5(1)(a), so far as it requires processing to be fair and transparent ii. GDPR Article 5(1)(b) and(d) iii. GDPR Article 10 iv. GDPR Articles 13-19 v. GDPR Articles 21-22 vi. GDPR Article 33-34 vii. GDPR Articles 44-49 viii. GDPR Article 57(1)(a) and (h) ix. GDPR Article 58(1)(a), (b), (e), (f); Article 58(2)(c), (e), (f), (g), (j); Article 58(3)(b); Article 58(5) x. Data Protection Act section 115 (3) and (5)-(8) xi. Data Protection Act section 119 xii. Data Protection Act section 146 xiii. Data Protection Act sections 148-151 xiv. Data Protection Act section 154 xv. Data Protection Act sections 170-173 xvi. Data Protection Act Schedule 15

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[Insert name of Minister]

1.7.19

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Dated

1.7.2024

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Expires

ANNEX A

Provision

GDPR Article 5(1)(a), so far as it requires processing to be fair and transparent

GDPR Article 5(1)(b)-(f) and 5(2)

GDPR Article 7

GDPR Article 8

GDPR Article 10

GDPR Article 11

GDPR Articles 12-22

GDPR Articles 33-34

GDPR Articles 44-50

GDPR Article 57(1)(a) and (h)

GDPR Article 58

Applied GDPR Articles 77-82

Data Protection Act Section 115(3) and 115(8)

Data Protection Act Section 115 (9) , so far as it relates to Article 58(2)(i) of the applied GDPR;

Data Protection Act Section 119

Data Protection Act Sections 142-154

Data Protection Act Sections 170-173

Data Protection Act Section 187

Data Protection Act Schedule 15

Notes

Data protection principles

Data protection principles

Conditions for consent

Child's consent

Criminal convictions data

Processing which does not require identification

Rights of Data Subjects, Chapter III

Communication of personal data breaches

Transfers of personal data to third countries or international organisations, Chapter V

Commissioner's duties to monitor and enforce the applied GDPR and to conduct investigations

Investigative, corrective, authorisation and advisory powers of Commissioner

Remedies, liabilities and penalties

General functions of the Commissioner

General functions of the Commissioner

Inspection in accordance with international obligations

Commissioner's notices and powers of entry and inspection

Offences relating to personal data

Representation of data subjects

Powers of entry and inspection