

Statutory Document No. 2021/0227



GDPR and LED Implementing Regulations 2018

GDPR AND LED IMPLEMENTING (ADDITIONAL EXEMPTIONS) REGULATIONS 2021

Approved by Tynwald: 22 July 2021
Coming into Operation: in accordance with Regulation 2

The Council of Ministers makes the following Regulations under regulation 25 of the GDPR and LED Implementing Regulations 2018¹.

1 Title

These Regulations are the GDPR and LED Implementing (Additional Exemptions) Regulations 2021.

2 Commencement

These Regulations come into operation on the day after the day they are approved by Tynwald.

3 Exemption in relation to the maintenance of effective immigration control

P2018/12/Sch 2, p4 and Drafting

- (1) The provisions of the applied GDPR listed in paragraph (2) do not apply to personal data processed for any of the following purposes —
 - (a) the maintenance of effective immigration control; or
 - (b) the investigation or detection of activities that would undermine the maintenance of effective immigration control,to the extent that the application of those provisions would be likely to prejudice any of the matters mentioned in sub-paragraphs (a) and (b).
- (2) The provisions of the applied GDPR referred to in sub-paragraph (1) (the rights and obligations in which may be restricted by virtue of Article 23(1) of the applied GDPR) are —
 - (a) Article 13(1) to (3) (personal data collected from data subject: information to be provided);

¹ SD 2018/0145

- (b) Article 14(1) to (4) (personal data collected other than from data subject: information to be provided);
 - (c) Article 15(1) to (3) (confirmation of processing, access to data and safeguards for third country transfers);
 - (d) Article 17(1) and (2) (right to erasure);
 - (e) Article 18(1) (restriction of processing);
 - (f) Article 21(1) (objections to processing); and
 - (g) Article 5 (general principles) so far as its provisions correspond to the rights and obligations provided for in the provisions mentioned in sub-paragraphs (a) to (f).
- (3) Paragraph (4) applies where —
- (a) personal data is processed by a person (“Controller 1”); and
 - (b) another person (“Controller 2”) obtains the data from Controller 1 for any of the purposes mentioned in paragraph (1) and processes it for any of those purposes.
- (4) Controller 1 is exempt from the obligations in the following provisions of the applied GDPR —
- (a) Article 13(1) to (3) (personal data collected from data subject: information to be provided);
 - (b) Article 14(1) to (4) (personal data collected other than from data subject: information to be provided);
 - (c) Article 15(1) to (3) (confirmation of processing, access to data and safeguards for third country transfers); and
 - (d) Article 5 (general principles) so far as its provisions correspond to the rights and obligations provided for in the provisions mentioned in sub-paragraphs (a) to (c),
- to the same extent that Controller 2 is exempt from those obligations by virtue of paragraph (1).

MADE 29 JUNE 2021

W GREENHOW
Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe additional restrictions in relation to the application of the applied GDPR which the Council of Ministers considers appropriate.

Regulation 3(1) and (2) restricts the application of certain requirements of the applied GDPR to personal data processed for the purposes of the maintenance of effective immigration control or the investigation or detection of activities that would undermine the maintenance of effective immigration control, to the extent that the application of those provisions would be likely to prejudice those purposes.

Regulation 3(3) and (4) make provision relating to the further processing of personal data for immigration purposes. For the purposes of regulation 3(4) a narrower set of provisions of the applied GDPR applies.