

Journalism, literature or art

What is exempted?

The exemption applies to personal data processed only for the special processes. These are defined as:

- journalism;
- artistic purposes; and
- literary purposes.

What provisions in the DPL does the exemption relate to?

Under this exemption personal data is exempt from:

- the data protection principles except the seventh data protection principle (security – integrity and security); and
- section 10 (the right to stop processing).

When does the exemption apply?

For the exemption to apply, processing must:

- be undertaken with a view to the publication of journalistic, artistic or literary materials;
- the data controller must reasonable believe publication would be in the public interest (having regard to the particular importance of freedom of expression); and
- the data controller must believe compliance with the exempted provision is incompatible with the special purpose.

What else is there to consider?

In considering whether it is reasonable to consider that the processing is in the public interest, regard may be had to any code of practice that is relevant to the publication, which the data controller has complied with.

Relevant provisions

[Data Protection Law, 2017](#)

Section 4: Definition of special purposes

Section 22: Exemption relating to journalist, literature and art