

SAR Exemptions: Journalism, Research and Archiving

Journalism, academic research and long term archiving all depend on being able to hold, and sometimes withhold, personal data without a subject access request disrupting the underlying purpose before it is complete. The three exemptions in this guide sit in different parts of Schedule 2, but they are unified by the same idea: access can be restricted only to the extent it would genuinely prevent or seriously impair the purpose, not simply make it less convenient.

1. Three purposes, one standard of impairment

Journalism, academic, artistic and literary purposes

Often called the special purposes, this exemption applies where personal data is processed with a view to publishing journalistic, academic, artistic or literary material, and the controller reasonably believes publication would be in the public interest. Where that test is met, the listed GDPR provisions, including the right of access, do not apply to the extent the controller reasonably believes applying them would be incompatible with the special purpose. In judging public interest, the controller must give weight to the special importance of freedom of expression and information, and must have regard to the BBC Editorial Guidelines, the Ofcom Broadcasting Code or the Editors' Code of Practice, whichever is relevant to the publication in question.

Research and statistics

Personal data processed for scientific or historical research, or for statistical purposes, is exempt from the listed GDPR provisions, including access, to the extent applying them would prevent or seriously impair achieving those purposes. This exemption is only available where the processing meets the safeguards in Article 89(1) of the UK GDPR, as supplemented by section 19 of the DPA 2018, and, specifically for the access right, only where the results of the research or any statistics are not made available in a form that identifies a data subject.

Archiving in the public interest

The same structure applies to personal data processed for archiving purposes in the public interest: the listed GDPR provisions do not apply to the extent applying them would prevent or seriously impair the archiving purpose, again subject to the Article 89(1) and section 19 safeguards. Long term public interest archives, for example those held by libraries, museums or national records bodies, are the intended beneficiaries, not routine internal record keeping labelled as archiving.



KEY TAKEAWAY

All three exemptions in this group are impairment tests, not convenience tests. A researcher or archivist must show that responding to the request would genuinely prevent or seriously impair the purpose, and a journalist must reasonably and honestly believe disclosure would be incompatible with publication. A general preference for confidentiality meets neither standard.

2. The safeguards behind all three

Research, statistics and archiving exemptions all depend on the safeguards in section 19 of the DPA 2018 being met first. That means using appropriate technical and organisational measures, such as pseudonymisation, ensuring the processing does not support measures or decisions about a particular individual except for approved medical research, and ensuring it does not cause substantial damage or distress to a data subject. An organisation cannot claim the research or archiving exemption while ignoring these underlying safeguards; the exemption is conditional on them, not separate from them.

3. The pitfall to avoid

The special purposes exemption is the one most often stretched beyond its actual scope.

THE PITFALL

Treating the special purposes exemption as available to anyone publishing anything, rather than testing both limbs in full.

THE REMEDY

Confirm there is a genuine view to publication, and a reasonable, evidenced belief that publication is in the public interest, with reference to the relevant code of practice, before relying on the exemption.

Conclusion: prioritise public interest, proportionate impairment and documented safeguards

Journalism, research and archiving exemptions all trade on the same currency: a genuine, evidenced risk to an important public purpose, not a general wish for privacy from the organisation processing the data. Test the specific limb you are relying on, keep the underlying section 19 safeguards in place, and be ready to show your reasoning if it is ever challenged.

A few checks worth running before you rely on any exemption in this group:

- **Name the purpose:** confirm whether you are relying on the special purposes, research and statistics, or archiving in the public interest.
- **Reasonable belief, not assumption:** for the special purposes, be able to show why disclosure would be incompatible with publication, referencing a relevant code of practice.
- **Check the safeguards:** confirm the section 19 conditions, including pseudonymisation and no individual decision making, are actually in place.
- **Impairment, not inconvenience:** the bar is prevention or serious impairment of the purpose, not simple discomfort.

New: DSAR redaction, included in your subscription

Where only part of a record is genuinely protected by a special purposes, research or archiving exemption, separating that part from the rest of the file is exactly the kind of precise handling the ProvePrivacy platform's DSAR Redaction tool is built for. Ask your account manager for a walkthrough.

