

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5306 GIBRALTAR Thursday 14th May 2026

LEGAL NOTICE NO. 96 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

DATA PROTECTION ACT 2004

DATA PROTECTION REGULATIONS 2026

In exercise of the powers conferred on them by section 13 of the Treaty on Gibraltar and the European Union Act 2026 and section 184 of the Data Protection Act 2004, the Government has made these Regulations-

Title.

1. These Regulations may be cited as the Data Protection Regulations 2026.

Commencement.

2. These Regulations come into effect on the Implementation Date of the Treaty on Gibraltar and the European Union.

Interpretation.

3. In these Regulations-

“Gibraltar GDPR” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27th April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (Gibraltar General Data Protection Regulation) as it forms part of Gibraltar law by virtue of section 6 of the European Union (Withdrawal) Act 2019, and as amended by The Data Protection, Privacy And Electronic Communications (Amendments Etc) (EU Exit) Regulations 2019.

Amendment of the Gibraltar GDPR.

- 4.(1) The Gibraltar GDPR is amended in accordance with the provisions of this regulation.

- (2) After Article 4(27) insert-

“(27A) ‘the EU GDPR’ means Regulation (EU) 2016/679 of The European Parliament and of The Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data,

and repealing Directive 95/46/EC (General Data Protection Regulation) as it has effect in European Union law;”.

- (3) In paragraph 1(f) of Article 13 for “regulation” substitute “decision”.
- (4) In paragraph 1(f) of Article 14 for “regulation” substitute “decision”.
- (5) For paragraph 1 of Article 45 substitute-
 - “1. A transfer of personal data to a third country or an international organisation may take place if it is a transfer to-
 - (a) a third country or international organisation that has an adequacy decision from the European Commission pursuant to the EU GDPR;
 - (b) the United Kingdom; or
 - (c) a Member State of the European Union.”.
- (6) Delete paragraph 1A of Article 45.
- (7) In paragraph 7 of Article 45 for “adequacy regulations” substitute “an adequacy decision under the EU GDPR”.
- (8) In paragraphs 1 and 1A of Article 46 for “adequacy regulations” substitute “an adequacy decision”.
- (9) In paragraphs 1 and 1A of Article 49 for “adequacy regulations” substitute “an adequacy decision”.
- (10) After paragraph 4 of Article 57 insert-
 - “5. Whenever the Commissioner is deciding on cases that raise similar questions of interpretation and application of rules of this Regulation as similarly contained in the EU GDPR, the Commissioner shall take utmost account of any decision taken by:
 - (a) a foreign designated authority pursuant to Article 60 of the EU GDPR; and
 - (b) the European Data Protection Board pursuant to Article 65 of the EU GDPR.”.

Amendment of the Data Protection Act 2004.

5.(1) The Data Protection Act 2004 is amended in accordance with the provisions of this regulation.

(2) In section 22 for both instances of “adequacy regulations” substitute “an adequacy decision”.

(3) In section 82 for every instance of “adequacy regulations” substitute “an adequacy decision”.

(4) In the heading of section 83A for “**adequacy regulations**” substitute “**an adequacy decision**”.

(5) In subsection 83A(1) for “adequacy regulations” substitute “an adequacy decision”.

(6) For subsection 83A(2) substitute-

“(2) For the purposes of this Part, a transfer of personal data to a third country or an international organisation is based on an adequacy decision if it is a transfer to-

- (a) a third country or international organisation that has an adequacy decision from the European Commission pursuant to the Law Enforcement Directive;
- (b) the United Kingdom; or
- (c) a Member State of the European Union,

and such a transfer does not require specific authorisation.”.

Dated: 14th May 2026.

N FEETHAM KC,
Minister with responsibility for Data Protection,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend provisions of the Gibraltar GDPR and the Data Protection Act 2004 for the purposes of the implementation of Article 14 of the Treaty in respect of Gibraltar between the European Union and the European Atomic Energy Community of the one part and the United Kingdom of Great Britain and Northern Ireland in respect of Gibraltar; and for connected purposes.