

The **DUA Act** 2025 at a glance: The main data protection changes

Following an in-depth review of the Data (Use and Access) Act 2025, we've distilled its key data protection provisions into clear, actionable insights for professionals navigating compliance. This paper is designed to help you quickly understand your obligations and gain a practical overview of the legislation.

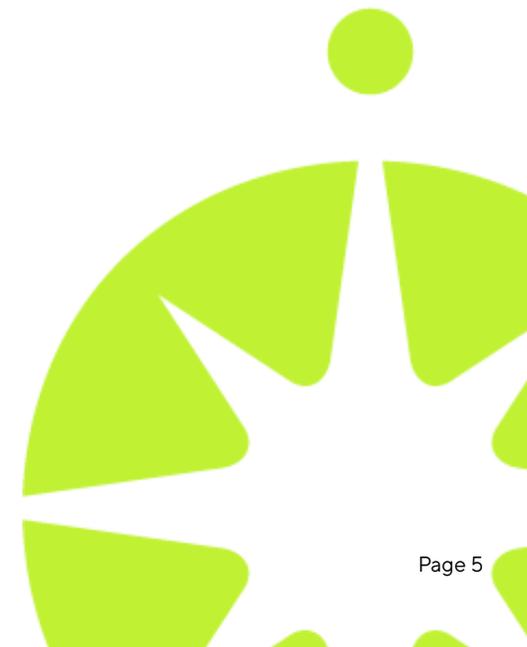
Legislation	What is changing?	Steps to take	Commencement date
Article 4 UK GDPR	<p>New definition of scientific research is added to clarify the activities that can benefit from the scientific research exemptions/permissions under UK GDPR: “any research that can reasonably be described as scientific, whether publicly or privately funded and whether carried out as a commercial or non-commercial activity”. Clarification is also provided around consent to scientific research, reflecting the fact that the purpose of the research may not always be clear at the outset but this will not invalidate consent.</p>	<ul style="list-style-type: none"> Consider whether any activities fall within the definition of scientific research activities and therefore can benefit from applicable exemptions/permissions. 	Approx. December 2025
Article 6(1)(ea) UK GDPR and Annex 1 UK GDPR	<p>New lawful basis of recognised legitimate interest (RLI) is introduced. RLIs are listed in new Annex 1 to UK GDPR as follows:</p> <ul style="list-style-type: none"> Disclosure of information to public authority upon request National security, public security or defence Responding to an emergency Investigating, detecting or preventing crime or apprehending offenders Safeguarding vulnerable individuals from neglect, mental, physical or emotional harm <p>When relying on an RLI it is not necessary to conduct a legitimate interest assessment, although you must still ensure the processing is necessary.</p>	<ul style="list-style-type: none"> Check whether any existing processing activities fall within the scope of RLIs. If so, update records of processing activities (ROPAs) and privacy notices accordingly. Legitimate interest assessments (LIAs) for these activities do not need to be maintained. Consider how you will assess and document “necessity”. Update procedures for responding to requests for data from public authorities to specify that requests must be checked to ensure they include mandatory wording explaining that the data is needed for a public interest task. 	Approx. December 2025

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Article 8A UK GDPR	New Article 8A sets out a list of purposes that will be deemed to be compatible purposes. There is no requirement to complete a compatibility assessment if the new purpose for which data is being processed is one of the listed compatible purposes. For processing activities where consent was the original lawful basis, new processing will only be considered compatible if it is for one of the listed purposes. For non-consented processing, if the new purpose is not listed as a compatible purpose, it is still possible to carry out a compatibility assessment.	<ul style="list-style-type: none"> Update relevant policies to reflect the new compatible purposes listed in Article 8A and specify that where consent is the lawful basis, the relevant data may only be used for a new purpose if it is a permitted purpose under Article 8A. 	Approx. December 2025
Article 12 UK GDPR	<p>Clarification that the timeframe for responding to a data subject request commences on the later of:</p> <ul style="list-style-type: none"> The date of the request; The date when ID verification is received (if requested); or The date when the fee is paid (if requested). <p>Where clarification is required to identify the information or processing activities to which a request relates the controller may ask the data subject for clarification. Where clarification is requested, the timeframe for responding is paused from the date of the request until the date when clarification is received.</p>	<ul style="list-style-type: none"> Update data subject request procedures to reflect the timing clarifications. 	Approx. December 2025

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Article 15 UK GDPR	Data subjects are only entitled to such confirmation of processing and access to information as the controller is able to provide based on a reasonable and proportionate search.	<ul style="list-style-type: none"> Update data subject access request procedures to reflect the requirement for a reasonable and proportionate search. 	Deemed to commence 1 January 2024
S164A DPA Articles 13, 14, 15, 47 and 80 UK GDPR	A new statutory right for data subjects to make a complaint to controllers in relation to GDPR breaches is introduced. Controllers must take steps to facilitate the making of complaints, acknowledge complaints within 30 days of receipt and take appropriate steps to investigate and respond to complaints without undue delay. Data subjects must be informed about the right to raise a complaint.	<ul style="list-style-type: none"> Implement a data protection complaints procedure that meets the statutory requirements. Train staff to recognise data protection complaints and ensure they know who to escalate complaints to. Consider how data subjects may raise complaints and facilitate complaints in an accessible manner. Update all privacy notices and BCRs to include details of the right to complain and how to raise a complaint. Maintain a complaints log to demonstrate compliance with complaints requirements and timeframes and to enable analysis of trends. 	Approx. June 2026

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Articles 22a to 22d UK GDPR	<p>The rules on automated decision making are clarified and simplified. Automated decisions which have a significant effect and which are made using special category data are not permitted unless one of the listed conditions is met (explicit consent, decision necessary for a contract and there is a substantial public interest or decision is required or authorised by law and there is a substantial public interest). Automated decisions with a significant effect may not be carried out on the basis of recognised legitimate interests as the lawful basis. Otherwise automated decisions which have a significant effect are permitted provided that the following safeguards are in place:</p> <ul style="list-style-type: none"> • Data subjects are informed about the automated decision making; • Data subjects are able to make representations about such decisions; • Data subjects are able to obtain human intervention; and • Data subjects are able to contest such decisions 	<ul style="list-style-type: none"> • Identify all automated decision-making with a significant effect. • Check whether any such decisions involve special category data. If so, ensure that such decisions are permitted on the basis of one of the listed conditions and document this. • Check the lawful basis for all automated decisions with a significant effect and ensure that RLI is not relied upon. • Ensure that the safeguards listed opposite are in place for all automated decisions with a significant effect. 	Approx. December 2025
Article 25 UK GDPR	<p>New obligation on controllers who provide information society services likely to be accessed by children to take account of “higher protection matters”.</p>	<ul style="list-style-type: none"> • Check whether you offer any digital services to children. If so, take steps to ensure compliance with the ICO’s Age Appropriate Design Code. 	Approx. December 2025

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Article 46 UK GDPR	New statutory requirement for organisations to assess whether the data protection test is met (i.e. do a transfer risk assessment (TRA)) when transferring personal data to a third country in reliance on standard contractual clauses (SCCs) or binding corporate rules (BCRs).	<ul style="list-style-type: none"> Ensure that TRAs are completed for all overseas transfers carried out in reliance on SCCs or BCRs. Update TRA templates to reflect the new data protection test. 	Approx. December 2025
Article 45a and 45b UK GDPR	Adequacy regulations indicating that a country has adequate data protection laws may be approved by the Secretary of State where the protection provided for data subjects is “not materially lower” than the protection provided under UK data protection laws. There is a risk that the European Commission may consider this new test to put EU data subjects’ rights at risk and therefore invalidate the UK’s adequacy decision. The adequacy decision is due to be reviewed at the end of 2025.	<ul style="list-style-type: none"> Keep a watching brief on EU commentary on the UK adequacy decision - this is looking positive, but it is not quite sighted off yet. Be prepared to put in place SCCs for EU-UK transfers and complete TRAs if the UK adequacy decision is invalidated. 	Approx. December 2025



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Regulation 2 PECR 2003	<p>The definition of a call is amended to expand it to include attempting to establish a connection. This expands the circumstances when marketing rule relating to calls will apply. Clarification is added to the definitions to specify that a recipient of information includes intended recipients where a communication and/or email is transmitted but not received. This clarifies that the marketing rules apply equally to attempted transmissions as successful ones.</p>	<ul style="list-style-type: none"> • N/A 	<p>Approx. December 2025</p>
Regulation 6 and Schedule A1 PECR 2003	<p>The exemption from the requirement to obtain consent for cookies and tracking technologies is extended to include collecting information for statistical purposes about how the service/website is used with a view to making improvements to the service/website. Information collected for this purpose may only be shared with third parties for the purpose of enabling that other person to assist with making the improvements. Consent is also not required for cookies/tracking technologies used on a website for the sole purpose of enabling the way the website appears or functions to adapt to the preferences of the user or to otherwise enable an enhancement of the appearance or functionality of the website when displayed on the terminal equipment. Individuals must be provided with clear and comprehensive information about the tracking technologies and be given an opportunity to object.</p>	<ul style="list-style-type: none"> • Review all cookies/tracking technologies and identify any that are solely used for statistical analysis, to comply with user preferences or to enhance the appearance or functionality of the website (Permitted Cookies). • Review and update cookie consent mechanisms to enable Permitted Cookies to be set without requiring consent. • Ensure that cookie consent mechanisms provide a way for users to opt out of Permitted Cookies. • Ensure that data collected by Permitted Cookies is not shared with third parties other than for the specified purpose. • Ensure that all types of cookies are clearly explained in a Cookies Policy. 	<p>Approx. December 2025</p>

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Regulation 22 PECR 2003	Soft opt-in exemption for electronic mail marketing is extended to charities.	Review marketing consent procedures and update to rely on soft opt-in if so desired.	Approx. December 2025
Schedule 1 PECR 2003	The maximum fines under PECR are increased in line with UK GDPR maximum fines (the greater of £17.5 million or 4% of global turnover).	<ul style="list-style-type: none"> Provide marketing and website teams with refresher training in relation to the requirements under PECR for marketing and cookie compliance and explain the increase in fines. 	Approx. December 2025

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S142 DPA 2018	Information Commissioner/Commission has a new power to request production of documents, as well as information.	<ul style="list-style-type: none"> Ensure that all accountability documentation is up to date and that procedures are in place to carry out periodic reviews (e.g. ROPA, policies, training materials, LIAs, data protection impact assessments (DPIAs)). When preparing reports, particularly in relation to data breaches or other GDPR or PECR breaches, consider steps that can be taken to make reports legally privileged, so they are not disclosable. 	20 August 2025
S146 DPA 2018	A new power is introduced to require a controller or processor to appoint an “approved person” to prepare a report at the controller’s or processor’s expense and provide that report to the regulator.	<ul style="list-style-type: none"> Make senior management teams aware of this new power, as there is a risk that a significant breach could result in a requirement for an approved person’s report. 	Approx. December 2025
S148A DPA 2018	A new power is introduced to require individuals to attend an interview to discuss GDPR failing or where criminal offences are suspected. This extends to individuals involved in relevant processing activities and senior managers or owners.	<ul style="list-style-type: none"> Make senior management teams and boards aware of this new power. 	Approx. December 2025