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**Changes to legislation:** Data Protection Act 1998, SCHEDULE 3 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 3

Section 4(3).

#### CONDITIONS RELEVANT FOR PURPOSES OF THE FIRST PRINCIPLE: PROCESSING OF SENSITIVE PERSONAL DATA

- 1 The data subject has given his explicit consent to the processing of the personal data.
- 2 (1) The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed by law on the data controller in connection with employment.
- (2) The [F1 Secretary of State] may by order—
- (a) exclude the application of sub-paragraph (1) in such cases as may be specified, or
  - (b) provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.

#### Textual Amendments

- F1** Words in [Sch. 3 para. 2](#) substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, [Sch. 2 para. 9\(1\)\(b\)](#)

#### Commencement Information

- II** [Sch. 3 para. 2](#) wholly in force at 1.3.2000; [Sch. 3 para. 2](#) in force for certain purposes at Royal Assent see [s. 75\(2\)\(i\)](#); [Sch. 3 para. 2](#) in force at 1.3.2000 insofar as not already in force by [S.I. 2000/183](#), [art. 2\(1\)](#)

- 3 The processing is necessary—
- (a) in order to protect the vital interests of the data subject or another person, in a case where—
    - (i) consent cannot be given by or on behalf of the data subject, or
    - (ii) the data controller cannot reasonably be expected to obtain the consent of the data subject, or
  - (b) in order to protect the vital interests of another person, in a case where consent by or on behalf of the data subject has been unreasonably withheld.
- 4 The processing—
- (a) is carried out in the course of its legitimate activities by any body or association which—
    - (i) is not established or conducted for profit, and
    - (ii) exists for political, philosophical, religious or trade-union purposes,
  - (b) is carried out with appropriate safeguards for the rights and freedoms of data subjects,

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- (c) relates only to individuals who either are members of the body or association or have regular contact with it in connection with its purposes, and
  - (d) does not involve disclosure of the personal data to a third party without the consent of the data subject.
- 5 The information contained in the personal data has been made public as a result of steps deliberately taken by the data subject.
- 6 The processing—
- (a) is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings),
  - (b) is necessary for the purpose of obtaining legal advice, or
  - (c) is otherwise necessary for the purposes of establishing, exercising or defending legal rights.
- 7 (1) The processing is necessary—
- (a) for the administration of justice,
  - [<sup>F2</sup>(aa) for the exercise of any functions of either House of Parliament,]
  - (b) for the exercise of any functions conferred on any person by or under an enactment, or
  - (c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department.
- (2) The [<sup>F3</sup> Secretary of State] may by order—
- (a) exclude the application of sub-paragraph (1) in such cases as may be specified, or
  - (b) provide that, in such cases as may be specified, the condition in sub-paragraph (1) is not to be regarded as satisfied unless such further conditions as may be specified in the order are also satisfied.

#### Textual Amendments

**F2** Sch. 3 para. 7(1)(aa) inserted (1.1.2005) by 2000 c. 36, ss. 73, 87(3), Sch. 6 para. 4 (with ss. 56, 78); S.I. 2004/1909, art. 2; S.I. 2004/3122, art. 2

**F3** Words in Sch. 3 para. 7 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 9(1)(b)

#### Modifications etc. (not altering text)

**C1** Sch. 3 para. 7 extended (2.12.1999) by S.I. 1999/3145, arts. 1, 9(3)(b); S.I. 1999/3208, art. 2

#### Commencement Information

**I2** Sch. 3 para. 7 wholly in force at 1.3.2000; Sch. 3 para. 7 in force for certain purposes at Royal Assent see s. 75(2)(i); Sch. 3 para. 7 in force at 1.3.2000 insofar as not already in force by S.I. 2000/183, art. 2(1)

- [<sup>F4</sup>7A (1) The processing—
- (a) is either—
    - (i) the disclosure of sensitive personal data by a person as a member of an anti-fraud organisation or otherwise in accordance with any arrangements made by such an organisation; or
    - (ii) any other processing by that person or another person of sensitive personal data so disclosed; and

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(b) is necessary for the purposes of preventing fraud or a particular kind of fraud.

(2) In this paragraph “an anti-fraud organisation” means any unincorporated association, body corporate or other person which enables or facilitates any sharing of information to prevent fraud or a particular kind of fraud or which has any of these functions as its purpose or one of its purposes.]

#### Textual Amendments

**F4** Sch. 3 para. 7A inserted (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 72, 94; S.I. 2008/2504, art. 2(e)

- 8 (1) The processing is necessary for medical purposes and is undertaken by—
- (a) a health professional, or
  - (b) a person who in the circumstances owes a duty of confidentiality which is equivalent to that which would arise if that person were a health professional.
- (2) In this paragraph “medical purposes” includes the purposes of preventative medicine, medical diagnosis, medical research, the provision of care and treatment and the management of healthcare services.
- 9 (1) The processing—
- (a) is of sensitive personal data consisting of information as to racial or ethnic origin,
  - (b) is necessary for the purpose of identifying or keeping under review the existence or absence of equality of opportunity or treatment between persons of different racial or ethnic origins, with a view to enabling such equality to be promoted or maintained, and
  - (c) is carried out with appropriate safeguards for the rights and freedoms of data subjects.
- (2) The [<sup>F5</sup> Secretary of State] may by order specify circumstances in which processing falling within sub-paragraph (1)(a) and (b) is, or is not, to be taken for the purposes of sub-paragraph (1)(c) to be carried out with appropriate safeguards for the rights and freedoms of data subjects.

#### Textual Amendments

**F5** Words in Sch. 3 para. 9 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 9(1)(b)

#### Commencement Information

**I3** Sch. 3 para. 9 wholly in force at 1.3.2000; Sch. 3 para. 9 in force for certain purposes at Royal Assent see s. 75(2)(i); Sch. 3 para. 9 in force at 1.3.2000 insofar as not already in force by S.I. 2000/183, art. 2(1)

- 10 The personal data are processed in circumstances specified in an order made by the [<sup>F6</sup> Secretary of State] for the purposes of this paragraph.

#### Textual Amendments

**F6** Words in Sch. 3 para. 10 substituted (19.8.2003) by The Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), art. 9, Sch. 2 para. 9(1)(b)

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#### **Commencement Information**

- I4** [Sch. 3 para. 10](#) wholly in force at 1.3.2000; [Sch. 3 para. 10](#) in force for certain purposes at Royal Assent see s. 75(2)(i); [Sch. 3 para. 10](#) in force at 1.3.2000 insofar as not already in force by [S.I. 2000/183](#), [art. 2\(1\)](#)

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