

SCHEDULES

SCHEDULE 8

TRANSITIONAL RELIEF

PART II

EXEMPTIONS AVAILABLE BEFORE 24TH OCTOBER 2001

Unincorporated members' clubs and mailing lists

- 7 Eligible automated data processed by an unincorporated members' club and relating only to the members of the club are exempt from the data protection principles and Parts II and III of this Act during the first transitional period.
- 8 Eligible automated data processed by a data controller only for the purposes of distributing, or recording the distribution of, articles or information to the data subjects and consisting only of their names, addresses or other particulars necessary for effecting the distribution, are exempt from the data protection principles and Parts II and III of this Act during the first transitional period.
- 9 Neither paragraph 7 nor paragraph 8 applies to personal data relating to any data subject unless he has been asked by the club or data controller whether he objects to the data relating to him being processed as mentioned in that paragraph and has not objected.
- 10 It shall be a condition of the exemption of any data under paragraph 7 that the data are not disclosed except as permitted by paragraph 11 and of the exemption under paragraph 8 that the data are not processed for any purpose other than that mentioned in that paragraph or as permitted by paragraph 11, but—
- (a) the exemption under paragraph 7 shall not be lost by any disclosure in breach of that condition, and
 - (b) the exemption under paragraph 8 shall not be lost by any processing in breach of that condition,
- if the data controller shows that he had taken such care to prevent it as in all the circumstances was reasonably required.
- 11 Data to which paragraph 10 applies may be disclosed—
- (a) if the data subject (or a person acting on his behalf) has requested or consented to the disclosure of the data either generally or in the circumstances in which the disclosure in question is made,
 - (b) if the person making the disclosure has reasonable grounds for believing that the disclosure falls within paragraph (a), or
 - (c) in any case in which disclosure would be permitted by any other provision of this Part of this Act if paragraph 8 were included among the non-disclosure provisions.