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**Changes to legislation:** Data Protection Act 2018, Cross Heading: Equality of opportunity or treatment is up to date with all changes known to be in force on or before 13 May 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) View outstanding changes

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## SCHEDULES

### SCHEDULE 1

#### SPECIAL CATEGORIES OF PERSONAL DATA AND CRIMINAL CONVICTIONS ETC DATA

#### PART 2

#### SUBSTANTIAL PUBLIC INTEREST CONDITIONS

##### *Equality of opportunity or treatment*

- 8 (1) This condition is met if the processing—
- (a) is of a specified category of personal data, and
  - (b) is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained,
- subject to the exceptions in sub-paragraphs (3) to (5).
- (2) In sub-paragraph (1), “specified” means specified in the following table—

| <i>Category of personal data</i>                            | <i>Groups of people (in relation to a category of personal data)</i> |
|---|--|
| Personal data revealing racial or ethnic origin             | People of different racial or ethnic origins                         |
| Personal data revealing religious or philosophical beliefs  | People holding different religious or philosophical beliefs          |
| Data concerning health                                      | People with different states of physical or mental health            |
| Personal data concerning an individual's sexual orientation | People of different sexual orientation                               |

- (3) Processing does not meet the condition in sub-paragraph (1) if it is carried out for the purposes of measures or decisions with respect to a particular data subject.
- (4) Processing does not meet the condition in sub-paragraph (1) if it is likely to cause substantial damage or substantial distress to an individual.
- (5) Processing does not meet the condition in sub-paragraph (1) if—
  - (a) an individual who is the data subject (or one of the data subjects) has given notice in writing to the controller requiring the controller not to process personal data in respect of which the individual is the data subject (and has not given notice in writing withdrawing that requirement),

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- (b) the notice gave the controller a reasonable period in which to stop processing such data, and
- (c) that period has ended.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 204(1)(l) inserted by [S.I. 2024/374 Sch. 5 para. 7](#)
- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)