

## Data Protection Act 1998 Schedules – Appendix 1

### Schedule 1 of the Data Protection Act 1998

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless:

- a. At least one of the conditions in Schedule 2 is met, and
- b. In the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met

2. Specified and lawful purposes
3. Adequate, relevant and not excessive
4. Accurate and up to date
5. Not kept longer than is necessary
6. Processed in accordance with the rights of the data subjects
7. Appropriate technical and organisation measures
8. Not transferred to countries outside the EEA

### Schedule 2

#### 6 conditions of which you must have 1

Condition 1 – The data subject has given his consent to the processing. This can be implicit consent

Condition 2 – The processing is necessary (a) for performance of a contract to which the data subject is a party, or (b) for the taking of steps at the request of a data subject with a view to entering into a contract.

Condition 3 – The processing is necessary for compliance with any legal obligations to which the data controller is subject, other than an obligation imposed by contract.

Condition 4 – The processing is necessary in order to protect the vital interests of the data subject

Condition 5 – The processing is necessary (a) for the administration of justice (b) for the exercise of any functions conferred on any person by or under any enactment © for the exercise of any functions of the Crown/Minister or Govt department (d) for the exercise of any other functions of a public nature exercised in the public interest by any other person

Condition 6 – The processing is necessary for the purposes of legitimate interests pursued by the data controller or by third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms of legitimate interests of the data subject

### Schedule 3

#### 10 conditions of which you must have 1

Condition 1 – The data subject has given his consent to the processing. This should be explicit consent (NB Implied consent NOT fine; you need explicit consent – the data subject needs to know what they are consenting too)

Condition 2 – 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 within certain circumstances in relation to employment.

Condition 3 – The processing is necessary to protect the vital interests of the data subject

Condition 4 – The processing is carried out as part of the legitimate activities of a non for profit body or organisation.

Condition 5 – The information contained in the personal data has been made public as a result of steps deliberately taken by the data subject.

Condition 6 – The processing is necessary in relation to legal rights

Condition 7 – The processing is necessary for administering justice, or for exercising statutory or governmental functions

Condition 8 – The processing is necessary for medical purposes and is undertaken by a health professional or somebody with an equivalent duty of confidentiality

Condition 9 – The processing is necessary to trace equality of opportunity between people of different racial or ethnic backgrounds

Condition 10 – Any other condition made by the Secretary of State.