

SCHEDULES

SCHEDULE 1

THE DATA PROTECTION PRINCIPLES

PART II

INTERPRETATION

The first principle

- 1 (1) Subject to sub-paragraph (2) below, in determining whether information was obtained fairly regard shall be had to the method by which it was obtained, including in particular whether any person from whom it was obtained was deceived or misled as to the purpose or purposes for which it is to be held, used or disclosed.
- (2) Information shall in any event be treated as obtained fairly if it is obtained from a person who—
- (a) is authorised by or under any enactment to supply it; or
 - (b) is required to supply it by or under any enactment or by any convention or other instrument imposing an international obligation on the United Kingdom;
- and in determining whether information was obtained fairly there shall be disregarded any disclosure of the information which is authorised or required by or under any enactment or required by any such convention or other instrument as aforesaid.

The second principle

- 2 Personal data shall not be treated as held for a specified purpose unless that purpose is described in particulars registered under this Act in relation to the data.

The third principle

- 3 Personal data shall not be treated as used or disclosed in contravention of this principle unless—
- (a) used otherwise than for a purpose of a description registered under this Act in relation to the data ; or
 - (b) disclosed otherwise than to a person of a description so registered.

The fifth principle

- 4 Any question whether or not personal data are accurate shall be determined as for the purposes of section 22 of this Act but, in the case of such data as are mentioned in subsection (2) of that section, this principle shall not be regarded as having been

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contravened by reason of any inaccuracy in the information there mentioned if the requirements specified in that subsection have been complied with.

The seventh principle

- 5 (1) Paragraph (a) of this principle shall not be construed as conferring any rights inconsistent with section 21 of this Act.
- (2) In determining whether access to personal data is sought at reasonable intervals regard shall be had to the nature of the data, the purpose for which the data are held and the frequency with which the data are altered.
- (3) The correction or erasure of personal data is appropriate only where necessary for ensuring compliance with the other data protection principles.

The eighth principle

- 6 Regard shall be had—
- (a) to the nature of the personal data and the harm that would result from such access, alteration, disclosure, loss or destruction as are mentioned in this principle ; and
 - (b) to the place where the personal data are stored, to security measures programmed into the relevant equipment and to measures taken for ensuring the reliability of staff having access to the data.

Use for historical, statistical or research purposes

- 7 Where personal data are held for historical, statistical or research purposes and not used in such a way that damage or distress is, or is likely to be, caused to any data subject—
- (a) the information contained in the data shall not be regarded for the purposes of the first principle as obtained unfairly by reason only that its use for any such purpose was not disclosed when it was obtained ; and
 - (b) the data may, notwithstanding the sixth principle, be kept indefinitely.