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**Changes to legislation:** Data Protection Act 2018, Cross Heading: Protection of the rights of others: general is up to date with all changes known to be in force on or before 24 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) View outstanding changes

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## SCHEDULES

### SCHEDULE 2

#### EXEMPTIONS ETC FROM THE [F1UK GDPR]

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##### Textual Amendments

- F1** Words in Sch. 2 heading substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 92(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

### PART 3

#### RESTRICTION [F1FOR THE] PROTECTION OF RIGHTS OF OTHERS

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##### Textual Amendments

- F1** Words in Sch. 2 Pt. 3 heading substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 2 para. 92(13)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

#### *Protection of the rights of others: general*

- 16 (1) Article 15(1) to (3) of the [F1UK GDPR] (confirmation of processing, access to data and safeguards for third country transfers), and Article 5 of the [F1UK GDPR] so far as its provisions correspond to the rights and obligations provided for in Article 15(1) to (3), do not oblige a controller to disclose information to the data subject to the extent that doing so would involve disclosing information relating to another individual who can be identified from the information.
- (2) Sub-paragraph (1) does not remove the controller's obligation where—
- (a) the other individual has consented to the disclosure of the information to the data subject, or
  - (b) it is reasonable to disclose the information to the data subject without the consent of the other individual.
- (3) In determining whether it is reasonable to disclose the information without consent, the controller must have regard to all the relevant circumstances, including—
- (a) the type of information that would be disclosed,
  - (b) any duty of confidentiality owed to the other individual,
  - (c) any steps taken by the controller with a view to seeking the consent of the other individual,
  - (d) whether the other individual is capable of giving consent, and

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- (e) any express refusal of consent by the other individual.
- (4) For the purposes of this paragraph—
- (a) “information relating to another individual” includes information identifying the other individual as the source of information;
  - (b) an individual can be identified from information to be provided to a data subject by a controller if the individual can be identified from—
    - (i) that information, or
    - (ii) that information and any other information that the controller reasonably believes the data subject is likely to possess or obtain.

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**Textual Amendments**

- F1** Words in Sch. 2 para. 16(1) substituted (31.12.2020) by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 2 para. 92(14)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

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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\(3\)](#)