***Changes to legislation:** Data Protection Act 2018, Cross Heading: Restriction of Article 15 of the UK GDPR: prior opinion of appropriate health professional is up to date with all changes known to be in force on or before 20 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*

SCHEDULES

SCHEDULE 3

EXEMPTIONS ETC FROM THE [F1UK GDPR]: HEALTH, SOCIAL WORK, EDUCATION AND CHILD ABUSE DATA

Textual Amendments

F1 Words in Sch. 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. 93(2)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

PART 2

HEALTH DATA

Restriction of Article 15 of the [F1UK GDPR]: prior opinion of appropriate health professional

Textual Amendments

F1 Words in Sch. 3 para. 6 cross-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. 93(8)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

6 (1) Article 15(1) to (3) of the [F2UK GDPR] (confirmation of processing, access to data and safeguards for third country transfers) do not permit the disclosure of data concerning health by a controller who is not a health professional unless the controller has obtained an opinion from the person who appears to the controller to be the appropriate health professional to the effect that the serious harm test is not met with respect to the data.

(2) Sub-paragraph (1) does not apply to the extent that the controller is satisfied that the data concerning health has already been seen by, or is within the knowledge of, the data subject.

(3) An opinion does not count for the purposes of sub-paragraph (1) if—

(a) it was obtained before the beginning of the relevant period, or

(b) it was obtained during that period but it is reasonable in all the circumstances to re-consult the appropriate health professional.

(4) In this paragraph, "the relevant period" means the period of 6 months ending with the day on which the opinion would be relied on.

Changes to legislation: *Data Protection Act 2018, Cross Heading: Restriction of Article 15 of the UK GDPR: prior opinion of appropriate health professional is up to date with all changes known to be in force on or before 20 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*

Textual Amendments

F2 Words in Sch. 3 para. 6(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. 93(9)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:
Data Protection Act 2018, Cross Heading: Restriction of Article 15 of the UK GDPR: prior opinion of appropriate health professional is up to date with all changes known to be in force on or before 20 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.
View outstanding changes

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)