

**Changes to legislation:** Data Protection Act 2018, Paragraph 21 is up to date with all changes known to be in force on or before 04 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 5

#### CHILD ABUSE DATA

##### *Exemption from Article 15 of the [F1UK GDPR]: child abuse data*

##### Textual Amendments

- F1** Words in Sch. 3 para. 21 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(20) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

- 21 (1) This paragraph applies where a request for child abuse data is made in exercise of a power conferred by an enactment or rule of law and—
- the data subject is an individual aged under 18 and the person making the request has parental responsibility for the data subject, or
  - the data subject is incapable of managing his or her own affairs and the person making the request has been appointed by a court to manage those affairs.
- (2) Article 15(1) to (3) of the [F1UK GDPR] (confirmation of processing, access to data and safeguards for third country transfers) do not apply to child abuse data to the extent that the application of that provision would not be in the best interests of the data subject.
- (3) “Child abuse data” is personal data consisting of information as to whether the data subject is or has been the subject of, or may be at risk of, child abuse.
- (4) For this purpose, “child abuse” includes physical injury (other than accidental injury) to, and physical and emotional neglect, ill-treatment and sexual abuse of, an individual aged under 18.
- (5) This paragraph does not apply in relation to Scotland.

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#### Textual Amendments

- F1** Words in Sch. 3 para. 21(2) 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(21)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

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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):

- Sch. 3 para. 8(1)(y) added by [2022 c. 18 \(N.I.\) Sch. 3 para. 78\(3\)](#)