Data Protection Act 2018 (c. 12)
SCHEDULE 3 – Exemptions etc from the UK GDPR: health, social work, education and child abuse
data
Document Generated: 2024-09-17

1

S C H E D U L E S

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 3

SOCIAL WORK DATA

Definitions

7 (1) In this Part of this Schedule—

"education data" has the meaning given by paragraph 17 of this Schedule;

"Health and Social Care trust" means a Health and Social Care trust established under the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1));

"Principal Reporter" means the Principal Reporter appointed under the Children's Hearings (Scotland) Act 2011 (asp 1), or an officer of the Scottish Children's Reporter Administration to whom there is delegated under paragraph 10(1) of Schedule 3 to that Act any function of the Principal Reporter;

"social work data" means personal data which—

(a) is data to which paragraph 8 applies, but

(b) is not education data or data concerning health.

(2) For the purposes of this Part of this Schedule, the "serious harm test" is met with respect to social work data if the application of Article 15 of the [F1UK GDPR] to the data would be likely to prejudice carrying out social work, because it would be likely to cause serious harm to the physical or mental health of the data subject or another individual.

(3) In sub-paragraph (2), "carrying out social work" is to be taken to include doing any of the following—

(a) the exercise of any functions mentioned in paragraph 8(1)(a), (d), (f) to (j), (m), (p), (s), (t), (u), (v) or (w);

(b) the provision of any service mentioned in paragraph 8(1)(b), (c) or (k);

> (c)   the exercise of the functions of a body mentioned in paragraph 8(1)(e) or a person mentioned in paragraph 8(1)(q) or (r).

(4) In this Part of this Schedule, a reference to a local authority, in relation to data processed or formerly processed by it, includes a reference to the Council of the Isles of Scilly, in relation to data processed or formerly processed by the Council in connection with any functions mentioned in paragraph 8(1)(a)(ii) which are or have been conferred on the Council by an enactment.

Textual Amendments

F1   Words in Sch. 3 para. 7(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(10)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:
Data Protection Act 2018, Paragraph 7 is up to date with all changes known to be in force on or before 17 September 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. 13A inserted by 2024 c. 21 s. 31(4)
> –   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)