

Changes to legislation: Data Protection Act 2018, Cross Heading: Restriction of Article 15 of the UK GDPR: prior opinion of Principal Reporter is up to date with all changes known to be in force on or before 07 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 4

EDUCATION DATA

Restriction of Article 15 of the [F¹UK GDPR]: prior opinion of Principal Reporter

Textual Amendments

- F1** Words in Sch. 3 para. 20 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(18) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

- 20 (1) This paragraph applies where—
- (a) a question arises as to whether a controller who is an education authority is obliged by Article 15(1) to (3) of the [F²UK GDPR] (confirmation of processing, access to data and safeguards for third country transfers) to disclose education data, and
 - (b) the controller believes that the data—
 - (i) originated from or was supplied by or on behalf of the Principal Reporter acting in pursuance of the Principal Reporter's statutory duties, and
 - (ii) is not data which the data subject is entitled to receive from the Principal Reporter.
- (2) The controller must inform the Principal Reporter of the fact that the question has arisen before the end of the period of 14 days beginning when the question arises.
- (3) Article 15(1) to (3) of the [F³UK GDPR] (confirmation of processing, access to data and safeguards for third country transfers) do not permit the controller to disclose the data to the data subject unless the Principal Reporter has informed the controller that, in the opinion of the Principal Reporter, the serious harm test is not met with respect to the data.

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Textual Amendments

- F2** Words in Sch. 3 para. 20(1)(a) 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(19)** (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Sch. 3 para. 20(3) 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(19)** (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):

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