
STATUTORY INSTRUMENTS

2000 No. 413

**The Data Protection (Subject Access
Modification) (Health) Order 2000**

Additional provision relating to data controllers who are not health professionals

7.—(1) Subject to paragraph (2), article 5(2) shall not apply in relation to any request where the data controller has consulted the appropriate health professional prior to receiving the request and obtained in writing from that appropriate health professional an opinion that the exemption in article 5(1) applies with respect to all of the information which is the subject of the request.

(2) Paragraph (1) does not apply where the opinion either—

- (a) was obtained before the period beginning six months before the relevant day (as defined by section 7(10) of the Act) and ending on that relevant day, or
- (b) was obtained within that period and it is reasonable in all the circumstances to re-consult the appropriate health professional.

(3) Article 6(1) shall not apply in relation to any request where the data controller has consulted the appropriate health professional prior to receiving the request and obtained in writing from that appropriate health professional an opinion that the exemption in article 5(1) does not apply with respect to all of the information which is the subject of the request.