

EXPLANATORY NOTE

(This note is not part of the Order)

The Data Protection Act 1998 (c. 29) (“the Act”) regulates, amongst other things, the processing of “sensitive personal data”, as defined in section 2. The first data protection principle, set out in paragraph 1 of Schedule 1 to the Act, prohibits the processing of “sensitive personal data” unless one of the conditions in Schedule 3 to the Act is met. The condition in paragraph 10 of that Schedule is that the personal data are processed in circumstances specified in an order made by the Secretary of State. This Order specifies certain circumstances for the purposes of that paragraph.

Those circumstances are the disclosure of sensitive personal data where that is necessary to give effect to the protocol on disclosure of information relating to the Hillsborough Stadium disaster which occurred on 15th April 1989. The protocol envisages disclosure of information which relates to that disaster that is held by public bodies and was prepared by the Secretary of State for the Home Department for the purposes of the Hillsborough Independent Panel, a non-statutory body established by the Secretary of State on 15th December 2009. The protocol was published by the Secretary of State for the Home Department on the same date and is available at <http://webarchive.nationalarchives.gov.uk/20100413151441/http://homeoffice.gov.uk/documents/hillsborough-tor.html>.

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£4.00

E3432 05/2012 123432T 19585

ISBN 978-0-11-152429-9



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