



# Data Protection Act 1984

## 1984 CHAPTER 35

### PART IV

#### EXEMPTIONS

#### 34 Other exemptions

- (1) Personal data held by any person are exempt from the provisions of Part II of this Act and of sections 21 to 24 above if the data consist of information which that person is required by or under any enactment to make available to the public, whether by publishing it, making it available for inspection or otherwise and whether gratuitously or on payment of a fee.
- (2) The Secretary of State may by order exempt from the subject access provisions personal data consisting of information the disclosure of which is prohibited or restricted by or under any enactment if he considers that the prohibition or restriction ought to prevail over those provisions in the interests of the data subject or of any other individual.
- (3) Where all the personal data relating to a data subject held by a data user (or all such data in respect of which a data user has a separate entry in the register) consist of information in respect of which the data subject is entitled to make a request to the data user under section 158 of the Consumer Credit Act 1974 (files of credit reference agencies)—
  - (a) the data are exempt from the subject access provisions ; and
  - (b) any request in respect of the data under section 21 above shall be treated for all purposes as if it were a request under the said section 158.
- (4) Personal data are exempt from; the subject access provisions if the data are kept only for the purpose of replacing other data in the event of the latter being lost, destroyed or impaired.
- (5) Personal data are exempt from the non-disclosure provisions in any case in which the disclosure is—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) required by or under any enactment, by any rule of law or by the order of a court; or
  - (b) made for the purpose of obtaining legal advice or for the purposes of, or in the course of, legal proceedings in which the person making the disclosure is a party or a witness.
- (6) Personal data are exempt from the non-disclosure provisions in any case in which—
- (a) the disclosure is to the data subject or a person acting on his behalf ; or
  - (b) the data subject or any such person has requested or consented to the particular disclosure in question ; or
  - (c) the disclosure is by a data user or a person carrying on a computer bureau to his servant or agent for the purpose of enabling the servant or agent to perform his functions as such ; or
  - (d) the person making the disclosure has reasonable grounds for believing that the disclosure falls within any of the foregoing paragraphs of this subsection.
- (7) Section 4(3)(d) above does not apply to any disclosure falling within paragraph (a), (b) or (c) of subsection (6) above; and that subsection shall apply to the restriction on disclosure in section 33(6) above as it applies to the non-disclosure provisions.
- (8) Personal data are exempt from the non-disclosure provisions in any case in which the disclosure is urgently required for preventing injury or other damage to the health of any person or persons; and in proceedings against any person for contravening a provision mentioned in section 26(3)(a) above it shall be a defence to prove that he had reasonable grounds for believing that the disclosure in question was urgently required for that purpose.
- (9) A person need not comply with a notice, request or order under the subject access provisions if compliance would expose him to proceedings for any offence other than an offence under this Act; and information disclosed by any person in compliance with such a notice, request or order shall not be admissible against him in proceedings for an offence under this Act.