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SCHEDULES

SCHEDULE 1

SPECIAL CATEGORIES OF PERSONAL DATA AND CRIMINAL CONVICTIONS ETC DATA

PART 2

SUBSTANTIAL PUBLIC INTEREST CONDITIONS

Elected representatives responding to requests

- 23 (1) This condition is met if—
- (a) the processing is carried out—
 - (i) by an elected representative or a person acting with the authority of such a representative,
 - (ii) in connection with the discharge of the elected representative's functions, and
 - (iii) in response to a request by an individual that the elected representative take action on behalf of the individual, and
 - (b) the processing is necessary for the purposes of, or in connection with, the action reasonably taken by the elected representative in response to that request,
- subject to sub-paragraph (2).
- (2) Where the request is made by an individual other than the data subject, the condition in sub-paragraph (1) is met only if the processing must be carried out without the consent of the data subject for one of the following reasons—
- (a) in the circumstances, consent to the processing cannot be given by the data subject;
 - (b) in the circumstances, the elected representative cannot reasonably be expected to obtain the consent of the data subject to the processing;
 - (c) obtaining the consent of the data subject would prejudice the action taken by the elected representative;
 - (d) the processing is necessary in the interests of another individual and the data subject has withheld consent unreasonably.
- (3) In this paragraph, “elected representative” means—
- (a) a member of the House of Commons;
 - (b) a member of the National Assembly for Wales;
 - (c) a member of the Scottish Parliament;
 - (d) a member of the Northern Ireland Assembly;
 - (e) a member of the European Parliament elected in the United Kingdom;
 - (f) an elected member of a local authority within the meaning of section 270(1) of the Local Government Act 1972, namely—

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- (i) in England, a county council, a district council, a London borough council or a parish council;
 - (ii) in Wales, a county council, a county borough council or a community council;
 - (g) an elected mayor of a local authority within the meaning of Part 1A or 2 of the Local Government Act 2000;
 - (h) a mayor for the area of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
 - (i) the Mayor of London or an elected member of the London Assembly;
 - (j) an elected member of—
 - (i) the Common Council of the City of London, or
 - (ii) the Council of the Isles of Scilly;
 - (k) an elected member of a council constituted under section 2 of the Local Government etc (Scotland) Act 1994;
 - (l) an elected member of a district council within the meaning of the Local Government Act (Northern Ireland) 1972 (c. 9 (N.I.));
 - (m) a police and crime commissioner.
- (4) For the purposes of sub-paragraph (3), a person who is—
- (a) a member of the House of Commons immediately before Parliament is dissolved,
 - (b) a member of the National Assembly for Wales immediately before that Assembly is dissolved,
 - (c) a member of the Scottish Parliament immediately before that Parliament is dissolved, or
 - (d) a member of the Northern Ireland Assembly immediately before that Assembly is dissolved,
- is to be treated as if the person were such a member until the end of the fourth day after the day on which the subsequent general election in relation to that Parliament or Assembly is held.
- (5) For the purposes of sub-paragraph (3), a person who is an elected member of the Common Council of the City of London and whose term of office comes to an end at the end of the day preceding the annual Wardmotes is to be treated as if he or she were such a member until the end of the fourth day after the day on which those Wardmotes are held.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by Regulation (EU) No. 625/2017, Art. 143 (as substituted) by [S.I. 2020/1481 reg. 27\(3\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(10A) inserted by [S.I. 2019/419 Sch. 2 para. 4\(5\)](#)
- s. 15(4A) inserted by [S.I. 2019/419 Sch. 2 para. 19\(11\)](#)
- s. 16(2)(c) and word inserted by [S.I. 2019/419 Sch. 2 para. 20\(3\)\(b\)](#)
- s. 17A-17C inserted by [S.I. 2019/419 Sch. 2 para. 23](#)
- s. 24(2)(ca)(cb) inserted by [S.I. 2019/419 Sch. 2 para. 32\(3\)\(b\)](#)
- s. 26(2)(g)(iv) inserted by [S.I. 2019/419 Sch. 2 para. 34\(3\)\(e\)\(ii\)](#)
- s. 26(2)(fa) inserted by [S.I. 2019/419 Sch. 2 para. 34\(3\)\(d\)](#)
- s. 28(5) inserted by [S.I. 2019/419 Sch. 2 para. 36\(5\)](#)
- s. 74A74B inserted by [S.I. 2019/419 Sch. 2 para. 42](#)
- s. 116(A1) inserted by [S.I. 2019/419 Sch. 2 para. 48\(2\)](#)
- s. 119A inserted by [S.I. 2019/419 Sch. 2 para. 51](#)
- s. 120(2A) inserted by [S.I. 2019/419 Sch. 2 para. 52\(3\)](#)
- s. 183(2A) inserted by [S.I. 2019/419 Sch. 2 para. 78\(3\)](#)
- s. 205(1)(d) word omitted by [S.I. 2019/419 Sch. 2 para. 85\(2\)\(a\)](#)
- s. 205(1)(f) and word inserted by [S.I. 2019/419 Sch. 2 para. 85\(2\)\(b\)](#)
- s. 205(1A) inserted by [S.I. 2019/419 Sch. 2 para. 85\(4\)](#)
- s. 205(1A) words substituted in earlier amending provision [S.I. 2019/419, Sch. 2 para. 85\(4\)](#) by [S.I. 2020/1586 reg. 5\(2\)](#)
- s. 205(2)(za) inserted by [S.I. 2019/419 Sch. 2 para. 85\(5\)\(a\)](#)
- s. 205(4)(5) inserted by [S.I. 2019/419 Sch. 2 para. 85\(7\)](#)
- s. 205(4) words substituted in earlier amending provision [S.I. 2019/419, Sch. 2 para. 85\(7\)](#) by [S.I. 2020/1586 reg. 5\(2\)](#)
- s. 207(1A) inserted by [S.I. 2019/419 Sch. 2 para. 87\(3\)](#)
- s. 213(4) inserted by [S.I. 2019/419 Sch. 2 para. 90\(3\)](#)
- Sch. 2 para. 27(4) inserted by [S.I. 2019/419 Sch. 2 para. 92\(23\)\(d\)](#)
- Sch. 2 para. 28(4) inserted by [S.I. 2019/419 Sch. 2 para. 92\(24\)\(d\)](#)
- Sch. 18 para. 4(3)(a)(ia) inserted by [2020 c. 17 Sch. 24 para. 297](#)
- Sch. 20 para. 18(8) inserted by [S.I. 2019/419 Sch. 2 para. 101\(4\)\(b\)](#)
- Sch. 20 para. 18(8) words substituted in earlier amending provision [S.I. 2019/419, Sch. 2 para. 101\(4\)\(b\)](#) by [S.I. 2020/1586 reg. 5\(3\)](#)
- Sch. 21 inserted by [S.I. 2019/419 Sch. 2 para. 102](#) (This amending provision is itself amended immediately before IP completion day by [S.I. 2019/485, reg. 2](#))
- Sch. 21 para. 5(2)(m) inserted in earlier amending provision [S.I. 2019/419, Sch. 2 para. 102](#) by [S.I. 2020/1586 reg. 5\(4\)\(e\)\(ii\)\(bb\)](#)
- Sch. 21 para. 9(5A)-(5C) inserted in earlier amending provision [S.I. 2019/419, Sch. 2 para. 102](#) by [S.I. 2020/1586 reg. 5\(4\)\(g\)\(iv\)](#)
- Sch. 21 para. 5(2)(l) omitted in earlier amending provision [S.I. 2019/419, Sch. 2 para. 102](#) by [S.I. 2020/1586 reg. 5\(4\)\(e\)\(ii\)\(aa\)](#)
- Sch. 21 para. 11(1)(a)(aa) substituted for Sch. 21 para. 11(1)(a) in earlier amending provision [S.I. 2019/419, Sch. 2 para. 102](#) by [S.I. 2020/1586 reg. 5\(4\)\(i\)\(i\)](#)
- Sch. 21 para. 1 words substituted in earlier amending provision [S.I. 2019/419, Sch. 2 para. 102](#) by [S.I. 2020/1586 reg. 5\(4\)\(a\)](#)
- Sch. 21 para. 2(1) words substituted in earlier amending provision [S.I. 2019/419, Sch. 2 para. 102](#) by [S.I. 2020/1586 reg. 5\(4\)\(b\)\(i\)](#)

- Sch. 21 para. 2(2) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(b\)\(ii\)](#)
- Sch. 21 para. 3(1) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(c\)](#)
- Sch. 21 para. 4(1) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(d\)](#)
- Sch. 21 para. 5(1) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(e\)\(i\)](#)
- Sch. 21 para. 5(4) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(e\)\(iii\)](#)
- Sch. 21 para. 7(1) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(f\)\(i\)](#)
- Sch. 21 para. 7(2) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(f\)\(ii\)](#)
- Sch. 21 para. 7(5) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(f\)\(iii\)](#)
- Sch. 21 para. 9(1) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(g\)\(i\)](#)
- Sch. 21 para. 9(2) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(g\)\(ii\)](#)
- Sch. 21 para. 9(5) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(g\)\(iii\)](#)
- Sch. 21 para. 10(1) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(h\)](#)
- Sch. 21 para. 11(1)(c) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(i\)\(ii\)](#)
- Sch. 21 para. 11(3) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(j\)](#)
- Sch. 21 para. 13(1) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(k\)\(i\)](#)
- Sch. 21 para. 13(2) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(k\)\(ii\)](#)
- Sch. 21 para. 14(1) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(l\)\(i\)](#)
- Sch. 21 para. 14(2) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(l\)\(ii\)](#)
- Sch. 21 para. 15 words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(m\)](#)
- Sch. 21 para. 16 words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(n\)](#)
- Sch. 21 para. 17(1)(a) words substituted in earlier amending provision S.I. 2019/419, Sch. 2 para. 102 by [S.I. 2020/1586 reg. 5\(4\)\(o\)](#)