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**Changes to legislation:** Data Protection Act 2018, Cross Heading: Occupational pensions is up to date with all changes known to be in force on or before 05 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

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## SCHEDULES

### SCHEDULE 1

#### SPECIAL CATEGORIES OF PERSONAL DATA AND CRIMINAL CONVICTIONS ETC DATA

#### PART 2

#### SUBSTANTIAL PUBLIC INTEREST CONDITIONS

##### *Occupational pensions*

- 21 (1) This condition is met if the processing—
- (a) is necessary for the purpose of making a determination in connection with eligibility for, or benefits payable under, an occupational pension scheme,
  - (b) is of data concerning health which relates to a data subject who is the parent, grandparent, great-grandparent or sibling of a member of the scheme,
  - (c) is not carried out for the purposes of measures or decisions with respect to the data subject, and
  - (d) can reasonably be carried out without the consent of the data subject.
- (2) For the purposes of sub-paragraph (1)(d), processing can reasonably be carried out without the consent of the data subject only where—
- (a) the controller cannot reasonably be expected to obtain the consent of the data subject, and
  - (b) the controller is not aware of the data subject withholding consent.
- (3) In this paragraph—
- “occupational pension scheme” has the meaning given in section 1 of the Pension Schemes Act 1993;
  - “member”, in relation to a scheme, includes an individual who is seeking to become a member of the scheme.
- (4) The reference in sub-paragraph (2)(b) to a data subject withholding consent does not include a data subject merely failing to respond to a request for consent.

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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\(3\)](#)