

SCHEDULES

SCHEDULE 3

EXEMPTIONS ETC FROM THE GDPR: HEALTH, SOCIAL WORK, EDUCATION AND CHILD ABUSE DATA

PART 2

HEALTH DATA

Definitions

- 2 (1) In this Part of this Schedule—
- “the appropriate health professional”, in relation to a question as to whether the serious harm test is met with respect to data concerning health, means—
- (a) the health professional who is currently or was most recently responsible for the diagnosis, care or treatment of the data subject in connection with the matters to which the data relates,
 - (b) where there is more than one such health professional, the health professional who is the most suitable to provide an opinion on the question, or
 - (c) a health professional who has the necessary experience and qualifications to provide an opinion on the question, where—
 - (i) there is no health professional available falling within paragraph (a) or (b), or
 - (ii) the controller is the Secretary of State and data is processed in connection with the exercise of the functions conferred on the Secretary of State by or under the Child Support Act 1991 and the Child Support Act 1995, or the Secretary of State’s functions in relation to social security or war pensions, or
 - (iii) the controller is the Department for Communities in Northern Ireland and data is processed in connection with the exercise of the functions conferred on the Department by or under the [Child Support \(Northern Ireland\) Order 1991 \(S.I. 1991/2628 \(N.I. 23\)\)](#) and the [Child Support \(Northern Ireland\) Order 1995 \(S.I. 1995/2702 \(N.I. 13\)\)](#);
- “war pension” has the same meaning as in section 25 of the Social Security Act 1989 (establishment and functions of war pensions committees).
- (2) For the purposes of this Part of this Schedule, the “serious harm test” is met with respect to data concerning health if the application of Article 15 of the GDPR to the data would be likely to cause serious harm to the physical or mental health of the data subject or another individual.