

Changes to legislation: Data Protection Act 2018, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 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

SCHEDULES

SCHEDULE 4

Section 15

EXEMPTIONS ETC FROM THE [F¹UK GDPR]: DISCLOSURE PROHIBITED OR RESTRICTED BY AN ENACTMENT

Textual Amendments

- F1** Words in Sch. 4 heading substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), Sch. 2 para. 94(2) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

[F²UK GDPR] provisions to be restricted: “the listed GDPR provisions”

Textual Amendments

- F2** Words in Sch. 4 para. 1 cross-heading substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), Sch. 2 para. 94(3) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

- 1 In this Schedule “the listed GDPR provisions” means the following provisions of the [F³UK GDPR] (the rights and obligations in which may be restricted by virtue of Article 23(1) of the [F³UK GDPR])—
- (a) Article 15(1) to (3) (confirmation of processing, access to data and safeguards for third country transfers);
 - (b) Article 5 (general principles) so far as its provisions correspond to the rights and obligations provided for in Article 15(1) to (3).

Textual Amendments

- F3** Words in Sch. 4 para. 1 substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), Sch. 2 para. 94(4) (with reg. 5); 2020 c. 1, Sch. 5 para. 1(1)

Human fertilisation and embryology information

- 2 The listed GDPR provisions do not apply to personal data consisting of information the disclosure of which is prohibited or restricted by any of sections 31, 31ZA to 31ZE and 33A to 33D of the Human Fertilisation and Embryology Act 1990.

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Adoption records and reports

- 3 (1) The listed GDPR provisions do not apply to personal data consisting of information the disclosure of which is prohibited or restricted by an enactment listed in subparagraph (2), (3) or (4).
- (2) The enactments extending to England and Wales are—
- (a) regulation 14 of the Adoption Agencies Regulations 1983 (S.I. 1983/1964);
 - (b) regulation 41 of the Adoption Agencies Regulations 2005 (S.I. 2005/389);
 - (c) regulation 42 of the Adoption Agencies (Wales) Regulations 2005 (S.I. 2005/1313 (W. 95));
 - (d) rules 5, 6, 9, 17, 18, 21, 22 and 53 of the Adoption Rules 1984 (S.I. 1984/265);
 - (e) rules 24, 29, 30, 65, 72, 73, 77, 78 and 83 of the Family Procedure (Adoption) Rules 2005 (S.I. 2005/2795 (L. 22));
 - (f) in the Family Procedure Rules 2010 (S.I. 2010/2955 (L. 17)), rules 14.6, 14.11, 14.12, 14.13, 14.14, 14.24, 16.20 (so far as it applies to a children's guardian appointed in proceedings to which Part 14 of those Rules applies), 16.32 and 16.33 (so far as it applies to a children and family reporter in proceedings to which Part 14 of those Rules applies).
- (3) The enactments extending to Scotland are—
- (a) regulation 23 of the Adoption Agencies (Scotland) Regulations 1996 (S.I. 1996/3266 (S. 254));
 - (b) rule 67.3 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443 (S. 69));
 - (c) rules 10.3, 17.2, 21, 25, 39, 43.3, 46.2 and 47 of the Act of Sederunt (Sheriff Court Rules Amendment) (Adoption and Children (Scotland) Act 2007) 2009 (S.S.I. 2009/284);
 - (d) sections 53 and 55 of the Adoption and Children (Scotland) Act 2007 (asp 4);
 - (e) regulation 28 of the Adoption Agencies (Scotland) Regulations 2009 (S.S.I. 2009/154);
 - (f) regulation 3 of the Adoption (Disclosure of Information and Medical Information about Natural Parents) (Scotland) Regulations 2009 (S.S.I. 2009/268).
- (4) The enactments extending to Northern Ireland are—
- (a) Articles 50 and 54 of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22));
 - (b) rule 53 of Order 84 of the Rules of the Court of Judicature (Northern Ireland) 1980 (S.R. (N.I.) 1980 No. 346);
 - (c) rules 4A.4(5), 4A.5(1), 4A.6(6), 4A.22(5) and 4C.7 of Part IVA of the Family Proceedings Rules (Northern Ireland) 1996 (S.R. (N.I.) 1996 No. 322).

Statements of special educational needs

- 4 (1) The listed GDPR provisions do not apply to personal data consisting of information the disclosure of which is prohibited or restricted by an enactment listed in subparagraph (2).
- (2) The enactments are—

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- (a) regulation 17 of the Special Educational Needs and Disability Regulations 2014 (S.I. 2014/1530);
- (b) regulation 10 of the Additional Support for Learning (Co-ordinated Support Plan) (Scotland) Amendment Regulations 2005 (S.S.I. 2005/518);
- (c) regulation 22 of the Education (Special Educational Needs) Regulations (Northern Ireland) 2005 (S.R. (N.I.) 2005 No. 384).

Parental order records and reports

- 5 (1) The listed GDPR provisions do not apply to personal data consisting of information the disclosure of which is prohibited or restricted by an enactment listed in subparagraph (2), (3) or (4).
- (2) The enactments extending to England and Wales are—
- (a) sections 60, 77, 78 and 79 of the Adoption and Children Act 2002, as applied with modifications by regulation 2 of and Schedule 1 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2010 (S.I. 2010/985) in relation to parental orders made under—
 - (i) section 30 of the Human Fertilisation and Embryology Act 1990, or
 - (ii) section 54 of the Human Fertilisation and Embryology Act 2008;
 - (b) rules made under section 144 of the Magistrates' Courts Act 1980 by virtue of section 141(1) of the Adoption and Children Act 2002, as applied with modifications by regulation 2 of and Schedule 1 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2010, so far as the rules relate to—
 - (i) the appointment and duties of the parental order reporter, and
 - (ii) the keeping of registers and the custody, inspection and disclosure of documents and information relating to parental order proceedings or related proceedings;
 - (c) rules made under section 75 of the Courts Act 2003 by virtue of section 141(1) of the Adoption and Children Act 2002, as applied with modifications by regulation 2 of Schedule 1 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2010 (S.I. 2010/985), so far as the rules relate to—
 - (i) the appointment and duties of the parental order reporter, and
 - (ii) the keeping of registers and the custody, inspection and disclosure of documents and information relating to parental order proceedings or related proceedings.
- (3) The enactments extending to Scotland are—
- (a) sections 53 and 55 of the Adoption and Children (Scotland) Act 2007 (asp 4), as applied with modifications by regulation 4 of and Schedule 3 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2010 (S.I. 2010/985) in relation to parental orders made under—
 - (i) section 30 of the Human Fertilisation and Embryology Act 1990, or
 - (ii) section 54 of the Human Fertilisation and Embryology Act 2008;
 - (b) rules 2.47 and 2.59 of the Act of Sederunt (Child Care and Maintenance Rules) 1997 (S.I. 1997/291 (S. 19));
 - (c) rules 21 and 25 of the Sheriff Court Adoption Rules 2009.
- (4) The enactments extending to Northern Ireland are—

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- (a) Articles 50 and 54 of the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22)), as applied with modifications by regulation 3 of and Schedule 2 to the Human Fertilisation and Embryology (Parental Orders) Regulations 2010 in respect of parental orders made under—
 - (i) section 30 of the Human Fertilisation and Embryology Act 1990, or
 - (ii) section 54 of the Human Fertilisation and Embryology Act 2008;
- (b) rules 4, 5 and 16 of Order 84A of the Rules of the Court of Judicature (Northern Ireland) 1980 (S.R. (N.I.) 1980 No. 346);
- (c) rules 3, 4 and 15 of Order 50A of the County Court Rules (Northern Ireland) 1981 (S.R. (N.I.) 1981 No. 225).

Information provided by Principal Reporter for children's hearing

- 6 The listed GDPR provisions do not apply to personal data consisting of information the disclosure of which is prohibited or restricted by any of the following enactments—
 - (a) section 178 of the Children's Hearings (Scotland) Act 2011 (asp 1);
 - (b) the Children's Hearings (Scotland) Act 2011 (Rules of Procedure in Children's Hearings) Rules 2013 (S.S.I. 2013/194).

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Changes and effects yet to be applied to :

- Sch. 4 para. 3(4)(a) substituted by 2022 c. 18 (N.I.) Sch. 3 para. 79(2)
- Sch. 4 para. 5(4)(a) words substituted by 2022 c. 18 (N.I.) Sch. 3 para. 79(3)(a)
- Sch. 4 para. 5(4)(a) words substituted by 2022 c. 18 (N.I.) Sch. 3 para. 79(3)(b)

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):

- s. 204(1)(l) inserted by S.I. 2024/374 Sch. 5 para. 7
- Sch. 3 para. 8(1)(y) added by 2022 c. 18 (N.I.) Sch. 3 para. 78(3)