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STATUTORY INSTRUMENTS

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**2000 No. 414**

**The Data Protection (Subject Access  
Modification) (Education) Order 2000**

**Exemptions from section 7**

5.—(1) Personal data to which this Order applies are exempt from section 7 in any case to the extent to which the application of that section would be likely to cause serious harm to the physical or mental health or condition of the data subject or any other person.

(2) In circumstances where the exemption in paragraph (1) does not apply, where any person falling within paragraph (3) is enabled by or under any enactment or rule of law to make a request on behalf of a data subject and has made such a request, personal data consisting of information as to whether the data subject is or has been the subject of or may be at risk of child abuse are exempt from section 7 in any case to the extent to which the application of that section would not be in the best interests of that data subject.

(3) A person falls within this paragraph if—

- (a) the data subject is a child, and that person has parental responsibility for that data subject;  
or
- (b) the data subject is incapable of managing his own affairs and that person has been appointed by a court to manage those affairs.

(4) For the purposes of paragraph (2), “child abuse” includes physical injury (other than accidental injury) to, and physical and emotional neglect, ill-treatment and sexual abuse of, a child.

(5) Paragraph (2) shall not apply in Scotland.