STATUTORY INSTRUMENTS

2000 No. 415

The Data Protection (Subject Access Modification) (Social Work) Order 2000

Exemption from section 7

- 5.—(1) Personal data to which this Order applies by virtue of paragraph 1 of the Schedule are exempt from the obligations in section 7(1)(b) to (d) of the Act in any case to the extent to which the application of those provisions would be likely to prejudice the carrying out of social work by reason of the fact that serious harm to the physical or mental health or condition of the data subject or any other person would be likely to be caused.
 - (2) In paragraph (1) the "carrying out of social work" shall be construed as including—
 - (a) the exercise of any functions mentioned in paragraph 1(a)(i), (d), (f) to (j), (m) or (o) of the Schedule;
 - (b) the provision of any service mentioned in paragraph 1(b), (c) or (k) of the Schedule; and
 - (c) the exercise of the functions of any body mentioned in paragraph 1(e) of the Schedule or any person mentioned in paragraph 1(p) or (q) of the Schedule.
- (3) Where any person falling within paragraph (4) 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 to which this Order applies are exempt from section 7 in any case to the extent to which the application of that section would disclose information—
 - (a) provided by the data subject in the expectation that it would not be disclosed to the person making the request;
 - (b) obtained as a result of any examination or investigation to which the data subject consented in the expectation that the information would not be so disclosed; or
 - (c) which the data subject has expressly indicated should not be so disclosed,

provided that sub-paragraphs (a) and (b) shall not prevent disclosure where the data subject has expressly indicated that he no longer has the expectation referred to therein.

- (4) A person falls within this paragraph if—
 - (a) except in relation to Scotland, the data subject is a child, and that person has parental responsibility for that data subject;
 - (b) in relation to Scotland, the data subject is a person under the age of sixteen, and that person has parental responsibilities for that data subject; or
 - (c) the data subject is incapable of managing his own affairs and that person has been appointed by a court to manage those affairs.