

SCHEDULE

Article 3

PERSONAL DATA TO WHICH THIS ORDER APPLIES

1. This paragraph applies to personal data falling within any of the following descriptions—
 - (a) data processed by a local authority—
 - (i) in connection with its social services functions within the meaning of the Local Authority Social Services Act 1970⁽¹⁾ or any functions exercised by local authorities under the Social Work (Scotland) Act 1968 or referred to in section 5(1B) of that Act⁽²⁾, or
 - (ii) in the exercise of other functions but obtained or consisting of information obtained in connection with any of those functions;
 - (b) data processed by a Health and Social Services Board in connection with the provision of personal social services within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972 or processed by the Health and Social Services Board in the exercise of other functions but obtained or consisting of information obtained in connection with the provision of those services;
 - (c) data processed by a Health and Social Services Trust in connection with the provision of personal social services within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972 on behalf of a Health and Social Services Board by virtue of an authorisation made under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994⁽³⁾ or processed by the Health and Social Services Trust in the exercise of other functions but obtained or consisting of information obtained in connection with the provision of those services;
 - (d) data processed by a council in the exercise of its functions under Part II of Schedule 9 to the Health and Social Services and Social Security Adjudications Act 1983⁽⁴⁾;
 - (e) data processed by a probation committee established by section 3 of the Probation Service Act 1993⁽⁵⁾ or the Probation Board for Northern Ireland established by the Probation Board (Northern Ireland) Order 1982⁽⁶⁾;
 - (f) data processed by a local education authority in the exercise of its functions under section 36 of the Children Act 1989⁽⁷⁾ or Chapter II of Part VI of the Education Act 1996 so far as those functions relate to ensuring that children of compulsory school age receive suitable education whether by attendance at school or otherwise;
 - (g) data processed by an education and library board in the exercise of its functions under article 55 of the Children (Northern Ireland) Order 1995⁽⁸⁾ or article 45 of, and Schedule 13 to, the Education and Libraries (Northern Ireland) Order 1986⁽⁹⁾ so far as those functions relate to ensuring that children of compulsory school age receive efficient full-time education suitable to their age, ability and aptitude and to any special educational needs they may have, either by regular attendance at school or otherwise;
 - (h) data processed by an education authority in the exercise of its functions under sections 35 to 42 of the Education (Scotland) Act 1980 so far as those functions relate to ensuring that

(1) 1970 c. 42.

(2) Section 5 (1B) was inserted by paragraph 76(3) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39), as amended by paragraph 15(4) of Schedule 4 and Schedule 5 to the Children (Scotland) Act 1995 (c. 36).

(3) S.I. 1994/429 (N.I. 2).

(4) 1983 c. 41.

(5) 1993 c. 47.

(6) S.I. 1982/172 (N.I. 10).

(7) 1989 c. 41.

(8) S.I. 1995/775 (N.I. 2).

(9) S.I. 1986/594 (N.I. 3), as amended by article 27 of S.I. 1996/274 (N.I. 1).

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children of school age receive efficient education suitable to their age, ability and aptitude, whether by attendance at school or otherwise;

- (i) data relating to persons detained in a special hospital provided under section 4 of the National Health Service Act 1977⁽¹⁰⁾ and processed by a special health authority established under section 11 of that Act⁽¹¹⁾ in the exercise of any functions similar to any social services functions of a local authority;
- (j) data relating to persons detained in special accommodation provided under article 110 of the Mental Health (Northern Ireland) Order 1986⁽¹²⁾ and processed by a Health and Social Services Trust in the exercise of any functions similar to any social services functions of a local authority;
- (k) data processed by the National Society for the Prevention of Cruelty to Children or by any other voluntary organisation or other body designated under this sub-paragraph by the Secretary of State or the Department of Health, Social Services and Public Safety and appearing to the Secretary of State or the Department, as the case may be, to be processed for the purposes of the provision of any service similar to a service provided in the exercise of any functions specified in sub-paragraphs (a)(i), (b), (c) or (d) above;
- (l) data processed by—
 - (i) a Health Authority established under section 8 of the National Health Service Act 1977⁽¹³⁾;
 - (ii) an NHS Trust established under section 5 of the National Health Service and Community Care Act 1990⁽¹⁴⁾; or
 - (iii) a Health Board established under section 2 of the National Health Service (Scotland) Act 1978⁽¹⁵⁾,
 which were obtained or consisted of information which was obtained from any authority or body mentioned above or government department and which, whilst processed by that authority or body or government department, fell within any sub-paragraph of this paragraph;
- (m) data processed by an NHS Trust as referred to in sub-paragraph (l)(ii) above in the exercise of any functions similar to any social services functions of a local authority;
- (n) data processed by a government department and obtained or consisting of information obtained from any authority or body mentioned above and which, whilst processed by that authority or body, fell within any of the preceding sub-paragraphs of this paragraph;
- (o) data processed for the purposes of the functions of the Secretary of State pursuant to section 82(5) of the Children Act 1989;
- (p) data processed by any guardian ad litem appointed under section 41 of the Children Act 1989, Article 60 of the Children (Northern Ireland) Order 1995⁽¹⁶⁾ or Article 66 of the Adoption (Northern Ireland) Order 1987⁽¹⁷⁾ or by a safeguarder appointed under section 41 of the Children (Scotland) Act 1995⁽¹⁸⁾;
- (q) data processed by the Principal Reporter.

⁽¹⁰⁾ 1977 c. 49, as amended by paragraph 2 of Schedule 1 to the Health Authorities Act 1995 (c. 17).

⁽¹¹⁾ Section 11 was amended by paragraph 6 of Schedule 4 to the Health Act 1999 (c. 8).

⁽¹²⁾ S.I. 1986/595 (N.I. 4).

⁽¹³⁾ 1977 c. 49, as amended by section 1 of the Health Authorities Act 1995 (c. 17) and paragraph 5 of Schedule 4 to the Health Act 1999 (c. 8).

⁽¹⁴⁾ 1990 c. 19, as amended by paragraph 65 of Schedule 1 to the Health Authorities Act 1995 (c. 17) and sections 13 and 14 of the Health Act 1999 (c. 8).

⁽¹⁵⁾ 1978 c. 29.

⁽¹⁶⁾ S.I. 1995/755 (N.I. 2).

⁽¹⁷⁾ S.I. 1987/2203 (N.I. 22), as amended by paragraph 166 of Schedule 9 to S.I. 1995/755 (N.I. 2).

⁽¹⁸⁾ 1995 c. 36.

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2. This paragraph applies to personal data processed by a court and consisting of information supplied in a report or other evidence given to the court by a local authority, Health and Social Services Board, Health and Social Services Trust, probation officer or other person in the course of any proceedings to which the Family Proceedings Courts (Children Act 1989) Rules 1991⁽¹⁹⁾, the Magistrates' Courts (Children and Young Persons) Rules 1992⁽²⁰⁾, the Magistrates' Courts (Criminal Justice (Children)) Rules (Northern Ireland) 1999⁽²¹⁾, the Act of Sederunt (Child Care and Maintenance Rules) 1997⁽²²⁾ or the Children's Hearings (Scotland) Rules 1996⁽²³⁾ apply where, in accordance with a provision of any of those Rules, the information may be withheld by the court in whole or in part from the data subject.

⁽¹⁹⁾ S.I. 1991/1395 as amended by S.I. 1991/1991, S.I. 1992/2068, S.I. 1994/2166, S.I. 1994/3156 and S.I. 1997/1895.

⁽²⁰⁾ S.I. 1992/2071 as amended by S.I. 1997/2420.

⁽²¹⁾ S.R. 1999 No. 7.

⁽²²⁾ S.I. 1997/291 (S. 19).

⁽²³⁾ S.I. 1996/3261 (S. 251).