

SCHEDULES

SCHEDULE 4

Section 4(3).

CASES WHERE THE EIGHTH PRINCIPLE DOES NOT APPLY

- 1 The data subject has given his consent to the transfer.
- 2 The transfer is necessary—
 - (a) for the performance of a contract between the data subject and the data controller, or
 - (b) for the taking of steps at the request of the data subject with a view to his entering into a contract with the data controller.
- 3 The transfer is necessary—
 - (a) for the conclusion of a contract between the data controller and a person other than the data subject which—
 - (i) is entered into at the request of the data subject, or
 - (ii) is in the interests of the data subject, or
 - (b) for the performance of such a contract.
- 4 (1) The transfer is necessary for reasons of substantial public interest.
(2) The Secretary of State may by order specify—
 - (a) circumstances in which a transfer is to be taken for the purposes of sub-paragraph (1) to be necessary for reasons of substantial public interest, and
 - (b) circumstances in which a transfer which is not required by or under an enactment is not to be taken for the purpose of sub-paragraph (1) to be necessary for reasons of substantial public interest.
- 5 The transfer—
 - (a) is necessary for the purpose of, or in connection with, any legal proceedings (including prospective legal proceedings),
 - (b) is necessary for the purpose of obtaining legal advice, or
 - (c) is otherwise necessary for the purposes of establishing, exercising or defending legal rights.
- 6 The transfer is necessary in order to protect the vital interests of the data subject.
- 7 The transfer is of part of the personal data on a public register and any conditions subject to which the register is open to inspection are complied with by any person to whom the data are or may be disclosed after the transfer.
- 8 The transfer is made on terms which are of a kind approved by the Commissioner as ensuring adequate safeguards for the rights and freedoms of data subjects.
- 9 The transfer has been authorised by the Commissioner as being made in such a manner as to ensure adequate safeguards for the rights and freedoms of data subjects.