



Data Protection Act 1998

1998 CHAPTER 29

PART IV

EXEMPTIONS

30 Health, education and social work

- (1) The Secretary of State may by order exempt from the subject information provisions, or modify those provisions in relation to, personal data consisting of information as to the physical or mental health or condition of the data subject.
- (2) The Secretary of State may by order exempt from the subject information provisions, or modify those provisions in relation to—
 - (a) personal data in respect of which the data controller is the proprietor of, or a teacher at, a school, and which consist of information relating to persons who are or have been pupils at the school, or
 - (b) personal data in respect of which the data controller is an education authority in Scotland, and which consist of information relating to persons who are receiving, or have received, further education provided by the authority.
- (3) The Secretary of State may by order exempt from the subject information provisions, or modify those provisions in relation to, personal data of such other descriptions as may be specified in the order, being information—
 - (a) processed by government departments or local authorities or by voluntary organisations or other bodies designated by or under the order, and
 - (b) appearing to him to be processed in the course of, or for the purposes of, carrying out social work in relation to the data subject or other individuals;but the Secretary of State shall not under this subsection confer any exemption or make any modification except so far as he considers that the application to the data of those provisions (or of those provisions without modification) would be likely to prejudice the carrying out of social work.
- (4) An order under this section may make different provision in relation to data consisting of information of different descriptions.

(5) In this section—

“education authority” and “further education” have the same meaning as in the Education (Scotland) Act 1980 (“the 1980 Act”), and

“proprietor”—

- (a) in relation to a school in England or Wales, has the same meaning as in the Education Act 1996,
- (b) in relation to a school in Scotland, means—
- (c) in the case of a self-governing school, the board of management within the meaning of the Self-Governing Schools etc. (Scotland) Act 1989,
- (ii) in the case of an independent school, the proprietor within the meaning of the 1980 Act,
- (iii) in the case of a grant-aided school, the managers within the meaning of the 1980 Act, and
- (iv) in the case of a public school, the education authority within the meaning of the 1980 Act, and
- (g) in relation to a school in Northern Ireland, has the same meaning as in the Education and Libraries (Northern Ireland) Order 1986 and includes, in the case of a controlled school, the Board of Governors of the school.