
Status: Point in time view as at 01/04/2007.

Changes to legislation: Data Protection Act 1998, Paragraph 2 is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

THE DATA PROTECTION PRINCIPLES

PART II

INTERPRETATION OF THE PRINCIPLES IN PART I

The first principle

- 2 (1) Subject to paragraph 3, for the purposes of the first principle personal data are not to be treated as processed fairly unless—
- (a) in the case of data obtained from the data subject, the data controller ensures so far as practicable that the data subject has, is provided with, or has made readily available to him, the information specified in sub-paragraph (3), and
 - (b) in any other case, the data controller ensures so far as practicable that, before the relevant time or as soon as practicable after that time, the data subject has, is provided with, or has made readily available to him, the information specified in sub-paragraph (3).
- (2) In sub-paragraph (1)(b) “the relevant time” means—
- (a) the time when the data controller first processes the data, or
 - (b) in a case where at that time disclosure to a third party within a reasonable period is envisaged—
 - (i) if the data are in fact disclosed to such a person within that period, the time when the data are first disclosed,
 - (ii) if within that period the data controller becomes, or ought to become, aware that the data are unlikely to be disclosed to such a person within that period, the time when the data controller does become, or ought to become, so aware, or
 - (iii) in any other case, the end of that period.
- (3) The information referred to in sub-paragraph (1) is as follows, namely—
- (a) the identity of the data controller,
 - (b) if he has nominated a representative for the purposes of this Act, the identity of that representative,
 - (c) the purpose or purposes for which the data are intended to be processed, and
 - (d) any further information which is necessary, having regard to the specific circumstances in which the data are or are to be processed, to enable processing in respect of the data subject to be fair.

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