

Status: Point in time view as at 01/09/2013.

Changes to legislation: Data Protection Act 1998, SCHEDULE 12 is up to date with all changes known to be in force on or before 21 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 12

Section 68(1)(c).

ACCESSIBLE PUBLIC RECORDS

Meaning of “accessible public record”

- 1 For the purposes of section 68 “accessible public record” means any record which is kept by an authority specified—
- (a) as respects England and Wales, in the Table in paragraph 2,
 - (b) as respects Scotland, in the Table in paragraph 4, or
 - (c) as respects Northern Ireland, in the Table in paragraph 6,
- and is a record of information of a description specified in that Table in relation to that authority.

Housing and social services records: England and Wales

- 2 The following is the Table referred to in paragraph 1(a).

TABLE OF AUTHORITIES AND INFORMATION

<i>The authorities</i>	<i>The accessible information</i>
Housing Act local authority.	Information held for the purpose of any of the authority’s tenancies.
Local social services authority.	Information held for any purpose of the authority’s social services functions.

- 3 (1) The following provisions apply for the interpretation of the Table in paragraph 2.
- (2) Any authority which, by virtue of section 4(e) of the ^{M1}Housing Act 1985, is a local authority for the purpose of any provision of that Act is a “Housing Act local authority” for the purposes of this Schedule, and so is any housing action trust established under Part III of the ^{M2}Housing Act 1988.
- (3) Information contained in records kept by a Housing Act local authority is “held for the purpose of any of the authority’s tenancies” if it is held for any purpose of the relationship of landlord and tenant of a dwelling which subsists, has subsisted or may subsist between the authority and any individual who is, has been or, as the case may be, has applied to be, a tenant of the authority.
- (4) Any authority which, by virtue of section 1 or 12 of the ^{M3}Local Authority Social Services Act 1970, is or is treated as a local authority for the purposes of that Act is a “local social services authority” for the purposes of this Schedule; and information contained in records kept by such an authority is “held for any purpose of the authority’s social services functions” if it is held for the purpose of any past, current or proposed exercise of such a function in any case.

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- (5) Any expression used in paragraph 2 or this paragraph and in Part II of the Housing Act 1985 or the Local Authority Social Services Act 1970 has the same meaning as in that Act.

Marginal Citations

- M1** 1985 c. 68.
M2 1988 c. 50.
M3 1970 c. 42.

Housing and social services records: Scotland

- 4 The following is the Table referred to in paragraph 1(b).

TABLE OF AUTHORITIES AND INFORMATION

<i>The authorities</i>	<i>The accessible information</i>
Local authority. Scottish Homes.	Information held for the purpose of any of the body's tenancies.
Social work authority.	Information held for any purpose of the authority's functions under the Social Work (Scotland) Act 1968 and the enactments referred to in section 5(1B) of that Act.

- 5 (1) The following provisions apply for the interpretation of the Table in paragraph 4.
- (2) "Local authority" means—
- a council constituted under section 2 of the ^{M4}Local Government etc. (Scotland) Act 1994,
 - a joint board or joint committee of two or more of those councils, or
 - any trust under the control of such a council.
- (3) Information contained in records kept by a local authority or Scottish Homes is held for the purpose of any of their tenancies if it is held for any purpose of the relationship of landlord and tenant of a dwelling-house which subsists, has subsisted or may subsist between the authority or, as the case may be, Scottish Homes and any individual who is, has been or, as the case may be, has applied to be a tenant of theirs.
- (4) "Social work authority" means a local authority for the purposes of the ^{M5}Social Work (Scotland) Act 1968; and information contained in records kept by such an authority is held for any purpose of their functions if it is held for the purpose of any past, current or proposed exercise of such a function in any case.

Marginal Citations

- M4** 1994 c. 39.
M5 1968 c. 49.

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Housing and social services records: Northern Ireland

6 The following is the Table referred to in paragraph 1(c).

TABLE OF AUTHORITIES AND INFORMATION

<i>The authorities</i>	<i>The accessible information</i>
The Northern Ireland Housing Executive.	Information held for the purpose of any of the Executive's tenancies.
A Health and Social Services Board.	Information held for the purpose of any past, current or proposed exercise by the Board of any function exercisable, by virtue of directions under Article 17(1) of the Health and Personal Social Services (Northern Ireland) Order 1972, by the Board on behalf of the Department of Health and Social Services with respect to the administration of personal social services under— (a) the Children and Young Persons Act (Northern Ireland) 1968; (b) the Health and Personal Social Services (Northern Ireland) Order 1972; (c) Article 47 of the Matrimonial Causes (Northern Ireland) Order 1978; (d) Article 11 of the Domestic Proceedings (Northern Ireland) Order 1980; (e) the Adoption (Northern Ireland) Order 1987; or (f) the Children (Northern Ireland) Order 1995.
An HSS trust	Information held for the purpose of any past, current or proposed exercise by the trust of any function exercisable, by virtue of an authorisation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994, by the trust on behalf of a Health and Social Services Board with respect to the administration of personal social services under any statutory provision mentioned in the last preceding entry.

- 7 (1) This paragraph applies for the interpretation of the Table in paragraph 6.
- (2) Information contained in records kept by the Northern Ireland Housing Executive is “held for the purpose of any of the Executive's tenancies” if it is held for any purpose of the relationship of landlord and tenant of a dwelling which subsists, has subsisted or may subsist between the Executive and any individual who is, has been or, as the case may be, has applied to be, a tenant of the Executive.

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