

*Status: Point in time view as at 01/08/2012.*

*Changes to legislation: Data Protection Act 1998, SCHEDULE 2 is up to date with all changes known to be in force on or before 13 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 2

Section 4(3).

#### CONDITIONS RELEVANT FOR PURPOSES OF THE FIRST PRINCIPLE: PROCESSING OF ANY PERSONAL DATA

- 1 The data subject has given his consent to the processing.
- 2 The processing is necessary—
  - (a) for the performance of a contract to which the data subject is a party, or
  - (b) for the taking of steps at the request of the data subject with a view to entering into a contract.
- 3 The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.
- 4 The processing is necessary in order to protect the vital interests of the data subject.
- 5 The processing is necessary—
  - (a) for the administration of justice,
  - [<sup>F1</sup>(aa) for the exercise of any functions of either House of Parliament,]
  - (b) for the exercise of any functions conferred on any person by or under any enactment,
  - (c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department, or
  - (d) for the exercise of any other functions of a public nature exercised in the public interest by any person.

#### Textual Amendments

**F1** Sch. 2 para. 5(aa) inserted (1.1.2005) by 2000 c. 36, ss. 73, 87(3), Sch. 6 para. 4 (with ss. 56, 78); S.I. 2004/1909, art. 2; S.I. 2004/3122, art. 2

#### Modifications etc. (not altering text)

**C1** Sch. 2 para. 5 extended (2.12.1999) by S.I. 1999/3145, arts. 1, 9(3)(b); S.I. 1999/3208, art. 2

- 6 (1) The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.
- (2) The [<sup>F2</sup> Secretary of State] may by order specify particular circumstances in which this condition is, or is not, to be taken to be satisfied.

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#### Textual Amendments

- F2** Words in [Sch. 2 para. 6](#) substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, [Sch. 2 para. 9\(1\)\(b\)](#)
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#### Commencement Information

- I1** [Sch. 2 para. 6](#) wholly in force at 1.3.2000; [Sch. 2 para. 6](#) in force for certain purposes at Royal Assent see [s. 75\(2\)\(i\)](#); [Sch. 2 para. 6](#) in force at 1.3.2000 insofar as not already in force by [S.I. 2000/183](#), [art. 2\(1\)](#)

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