

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Data Protection Act 1998, SCHEDULE 4 is up to date with all changes known to be in force on or before 09 May 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 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 [F1 Secretary of State] may by order specify—
  - (a) circumstances in which a transfer is to be taken for the purposes of subparagraph (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 subparagraph (1) to be necessary for reasons of substantial public interest.

#### Textual Amendments

- F1** Words in Sch. 4 para. 4 substituted (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, [Sch. 2 para. 9\(1\)\(b\)](#)

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

- C1** Sch. 4 para. 4(1) modified (11.12.2000) by [1999 c. 33, s. 13\(4\)](#); [S.I. 2000/3099](#), art. 3, [Sch.](#)

#### Commencement Information

- I1** Sch. 4 para. 4 wholly in force at 1.3.2000; Sch. 4 para. 4 in force for certain purposes at Royal Assent see [s. 75\(2\)\(i\)](#); Sch. 4 para. 4 in force at 1.3.2000 insofar as not already in force by [S.I. 2000/183](#), [art. 2\(1\)](#)

- 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.

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- 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.

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