SCHEDULE

CIRCUMSTANCES IN WHICH SENSITIVE PERSONAL DATA MAY BE PROCESSED

5.—(1) The processing—

(a) is necessary for the purpose of—

(i) carrying on insurance business, or

(ii) making determinations in connection with eligibility for, and benefits payable under, an occupational pension scheme as defined in section 1 of the Pension Schemes Act 1993(**1**);

(b) is of sensitive personal data consisting of information falling within section 2(e) of the Act relating to a data subject who is the parent, grandparent, great grandparent or sibling of—

(i) in the case of paragraph (a)(i), the insured person, or

(ii) in the case of paragraph (a)(ii), the member of the scheme;

(c) is necessary in a case where the data controller cannot reasonably be expected to obtain the explicit consent of that data subject and the data controller is not aware of the data subject withholding his consent; and

(d) does not support measures or decisions with respect to that data subject.

(2) In this paragraph—

(a) "insurance business" means insurance business, as defined in section 95 of the Insurance Companies Act 1982(**2**), falling within Classes I, III or IV of Schedule 1 (classes of long term business) or Classes 1 or 2 of Schedule 2 (classes of general business) to that Act, and

(b) "insured" and "member" includes an individual who is seeking to become an insured person or member of the scheme respectively.

(**1**)   1993 c. 48.
(**2**)   1982 c. 50.