
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Data Protection Act (Subject Access Modifications) (Social Work) Order 2000 (“the 2000 Order”) to make further partial exemption from the provisions of the Data Protection Act 1998 (“the 1998 Act”), which confer rights on data subjects to gain access to data held about them, of certain data where the exercise of those rights would be likely to prejudice the carrying out of social work by causing serious harm to the physical or mental health or condition of the data subject or another person.

Article 3 makes amendments to article 5 of the 2000 Order, by exempting further categories of processing of personal data from the obligations in section 7(1)(b) to (d) of the 1998 Act (“the subject access provisions”).

Article 4 amends Article 7(2) of the 2000 Order, by applying an amended section 7 of the Act to the data mentioned in paragraph 1 of the Schedule to the 2000 Order.

Article 5 effects amendments to the Schedule to the 2000 Order, which lists the personal data to which the 2000 Order applies. Article 4(2) amends subparagraph (p) of paragraph 1 to the Schedule so that it applies to children’s guardians appointed under the Family Proceedings Rules 1991 ([S.I. 1991/1247](#)) and the Family Proceedings Courts (Children Act 1989) Rules 1991 ([S.I. 1991/1395](#)).

Article 5(3) inserts new sub-paragraphs (r), (s) and (t) in paragraph 1 of the Schedule, so that the provisions of the 2000 Order apply to data processed by the Children and Family Court Advisory and Support Service and its officers for the purposes of the statutory functions mentioned in those subparagraphs. Data processed for the purposes of the functions specified in sub-paragraphs (r) to (t) are exempt from the subject access provisions where the application of those provisions would be likely to prejudice the exercise of those functions because of the serious harm to a person’s physical or mental health or condition that would be likely to be caused

Article 5(4) amends paragraph 2 of the Schedule so that it applies to data processed by a court which has been provided by officers of the Children and Family Court Advisory and Support Service, and to data processed by the court which has been supplied to it (by any of the persons mentioned in that paragraph) for the purpose of proceedings to which the Family Proceedings Rules 1991 apply.