

ANNEX: COMPARISON OF SCHEDULES 1 TO 3 WITH THE 1998 ACT

Bill provision	Equivalent under Data Protection Act 1998 ("the 1998 Act") or comment (if Bill provision is new)
<p>Paragraph 1 of Schedule 1 - Enable processing of special categories of personal data for employment law, social security law and social protection law.</p>	<p>Paragraph 2 of Schedule 3 to the 1998 Act (employment law only).</p> <p>The Bill sets new standards for protecting personal data, in accordance with the GDPR. These are, on the whole, more stringent than under the 1998 Act. Accordingly, there is a need to create a small number of new exemptions to allow existing data processing (in this case relating to social security law and social protection law) to continue.</p>
<p>Paragraph 2 of Schedule 1 - Enable processing of special categories of personal data for health or social care.</p>	<p>Paragraph 8 of Schedule 3 to the 1998 Act (particularly in respect of health care). Processing for social care has previously been undertaken under a number of related legal bases, but has since been named explicitly in the GDPR. The Bill adopts the same approach.</p>
<p>Paragraph 3 of Schedule 1 - Enable processing of special categories of personal data for public health.</p>	<p>Public health is regarded as a form of 'medical purpose' under paragraph 8 of Schedule 3 to the 1998 Act, but has since been given its own more specific category in the GDPR. The Bill adopts the same approach.</p>
<p>Paragraph 4 of Schedule 1 - Enable processing of special categories of personal data for research.</p>	<p>Paragraph 8 of Schedule 3 to the 1998 Act (medical research only).</p> <p>Paragraph 9 of the Schedule to The Data Protection (Processing of Sensitive Personal Data) Order 2000 (SI 2000/417), made under paragraph 10 of Schedule 3 to the 1998 Act.</p>
<p>Paragraph 6 of Schedule 1 - Enable processing of special categories of personal data for Parliamentary, statutory and government purposes.</p>	<p>Paragraph 7 of Schedule 3 to the 1998 Act.</p>
<p>Paragraph 7 of Schedule 1 - Enable processing of special categories of</p>	<p>Paragraph 9 of Schedule 3 to the 1998 Act, and paragraph 7 of the Schedule to SI</p>

personal data for equality of opportunity or treatment.	2000/417. The Bill provision consolidates these, and provides a new exemption for processing of data for identifying or keeping under review the existence or absence of equality of opportunity or treatment between people of different sexual orientation.
Paragraph 8 of Schedule 1 - Enable processing of special categories of personal data for preventing or detecting unlawful acts.	Paragraph 1 of the Schedule to SI 2000/417.
Paragraph 9 of Schedule 1 - Enable processing of special categories of personal data for protecting members of the public against dishonesty etc.	Paragraph 2 of the Schedule to SI 2000/417.
Paragraph 10 of Schedule 1 - Enable disclosure of special categories of personal data in connection with unlawful acts of dishonesty etc. with a view to publication for journalism etc.	Paragraph 3 of the Schedule to SI 2000/417.
Paragraph 11 of Schedule 1 - Enable processing of special categories of personal data for preventing fraud.	Paragraph 7A of Schedule 3 to the 1998 Act.
Paragraph 12 of Schedule 1 - Enable processing of special categories of personal data for suspicion of terrorist financing or money laundering.	Paragraph 7B of Schedule 3 to the 1998 Act (not yet in force).
Paragraph 13 of Schedule 1 - Enable processing of special categories of personal data for confidential counselling.	Paragraph 4 of the Schedule to SI 2000/417.
Paragraph 14 of Schedule 1 - Enable processing of health data of direct relatives of an insured person.	Paragraph 5 of the Schedule to SI 2000/417.
Paragraph 15 of Schedule 1 - Enable processing of special categories of personal data for third party processing for group insurance policies.	The Bill sets new standards for protecting personal data, in accordance with the GDPR. These are, on the whole, more stringent than under the 1998 Act. Accordingly, there is a need to create a small number of new exemptions to allow existing data processing (in this case relating to group insurance policies) to continue.

<p>Paragraph 16 of Schedule 1 - Enable processing of special categories of personal data for occupational pensions.</p>	<p>Paragraph 5 of the Schedule to SI 2000/417.</p>
<p>Paragraph 17 of Schedule 1 - Enable processing of data revealing political opinions for political parties.</p>	<p>Paragraph 8 of the Schedule to SI 2000/417.</p>
<p>Paragraph 18 of Schedule 1 - Enable processing of special categories of personal data for elected representatives responding to requests.</p>	<p>Paragraphs 1 to 4 to the Schedule of the Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002 (SI 2002/2905), made under paragraph 10 of Schedule 3 to the 1998 Act.</p>
<p>Paragraph 19 of Schedule 1 - Enable processing of special categories of personal data for disclosure to elected representatives.</p>	<p>Paragraphs 5 and 6 to the Schedule of SI 2002/2905.</p>
<p>Paragraph 20 of Schedule 1 - Enable processing of special categories of personal data for informing elected representatives about prisoners.</p>	<p>The Data Protection (Processing of Sensitive Personal Data) Order 2009 (SI 2009/1811), made under paragraph 10 of Schedule 3 to the 1998 Act.</p>
<p>Paragraph 21 of Schedule 1 - Enable processing of special categories of personal data for anti-doping purposes in sport.</p>	<p>The Bill sets new standards for protecting personal data, in accordance with the GDPR. These are, on the whole, more stringent than under the 1998 Act. Accordingly, there is a need to create a small number of new exemptions to allow existing data processing (in this case relating to athletes who take or are suspected of taking banned substances) to continue.</p>
<p>Paragraph 22 of Schedule 1 - Enable processing of criminal conviction data where data subject has consented.</p> <p>Paragraph 23 of Schedule 1 - Enable processing of criminal conviction data for protecting individual's vital interests.</p> <p>Paragraph 24 of Schedule 1 - Enable processing of criminal conviction data for processing by not-for-profit bodies.</p> <p>Paragraph 25 of Schedule 1 - Enable processing of criminal conviction data for personal data in the public domain.</p>	<p>Article 10 of the GDPR requires processing of criminal convictions data to either be undertaken under the control of official authority or with appropriate safeguards provided for in law.</p> <p>The Bill replicates the position under the DPA 1998 by applying to criminal convictions data the same conditions as apply to special categories of data.</p> <p>More specifically, paragraphs 22 to 26 of Schedule 1 mirror the processing conditions provided in Articles 9(2)(a) and (c) to (f) of the GDPR respectively.</p>

<p>Paragraph 26 of Schedule 1 - Enable processing of criminal conviction data for legal claims and judicial acts.</p>	
<p>Paragraph 27 of Schedule 1 - Enable processing of criminal conviction data for administration of accounts used in commission of indecency offences involving children.</p>	<p>The Data Protection (Processing of Sensitive Personal Data) Order 2006 (SI 2006/2068)</p>
<p>Paragraphs 2 and 3 of Schedule 2 - Exemptions from data rights for crime and taxation matters.</p>	<p>Section 29 of the 1998 Act.</p>
<p>Paragraph 4 of Schedule 2 - Exemptions from data rights for immigration matters.</p>	<p>The Bill sets new standards for protecting personal data, in accordance with the GDPR. These are, on the whole, more stringent than under the 1998 Act. In general, the Government feels that these should apply to processing for immigration purposes and has acted to ensure GDPR standards apply accordingly. However, it is appropriate that where a particular right or obligation conflicts with the ability of the Government to secure the UK's borders, the latter should take precedence.</p>
<p>Paragraph 5 of Schedule 2 - Exemptions from data rights for information required to be disclosed by law etc or in connection with legal proceedings.</p>	<p>Sections 34 and 35 of the 1998 Act</p>
<p>Paragraphs 7 to 9 of Schedule 2 - Exemptions from data rights for functions designed to protect the public as well as to enable regulatory functions.</p>	<p>Section 31 of the 1998 Act</p>
<p>Paragraph 11 of Schedule 2 - Exemptions from data rights for parliamentary privilege.</p>	<p>Section 35A of the 1998 Act</p>
<p>Paragraph 12 of Schedule 2 - Exemptions from data rights for judicial appointments, judicial independence and judicial proceedings.</p>	<p>Schedule 7 para 3 of the 1998 Act (judicial appointments only).</p> <p>The Bill sets new standards for protecting personal data, in accordance with the GDPR. These are, on the whole, more stringent than under the 1998 Act. Accordingly, there is a</p>

	need to create a small number of new exemptions to allow existing data processing (in this case relating to judicial independence and judicial proceedings) to continue.
Paragraph 13 of Schedule 2 - Exemptions from data rights for Crown honours, dignities and appointments.	Paragraph 4 of Schedule 7 to the 1998 Act and the The Data Protection (Crown Appointments) Order 2000 (SI 2000/416)
Paragraphs 14 and 15 of Schedule 2 - Exemptions from data rights for information provided by third parties.	Sections 7(4), (5), (6) and 8(7) of the 1998 Act
Paragraph 17 of Schedule 2 - Exemptions from data rights for legal professional privilege.	Paragraph 10 of Schedule 7 to the 1998 Act
Paragraph 18 of Schedule 2 - Exemptions from data rights for self incrimination.	Paragraph 11 of Schedule 7 to the 1998 Act
Paragraph 19 of Schedule 2 - Exemptions from data rights for corporate finance.	Paragraph 6 of Schedule 7 to the 1998 Act and The Data Protection (Corporate Finance Exemption) Order 2000 (SI 2000/184)
Paragraph 20 of Schedule 2 - Management forecasts.	Paragraph 5 of Schedule 7 to the 1998 Act
Paragraph 21 of Schedule 2 - Negotiations.	Paragraph 7 of Schedule 7 to the 1998 Act
Paragraph 22 of Schedule 2 - Confidential references.	Paragraph 1 of Schedule 7 to the 1998 Act
Paragraph 23 of Schedule 2 - Exam scripts.	Paragraphs 8 and 9 of Schedule 7 to the 1998 Act
Paragraph 24 of Schedule 2 - Journalistic, academic, artistic and literary purposes.	Section 32 of the 1998 Act and The Data Protection (Designated Codes of Practice) (No. 2) Order 2000 (SI 2000/1864)
Paragraph 25 of Schedule 2 - Research and statistics.	Section 33 of the 1998 Act
Paragraph 26 of Schedule 2 - Archiving in the public interest.	Section 33 of the 1998 Act Archiving is regarded as a form of 'historical research' under section 33 of the 1998 Act, but has since been given its own more specific category in the GDPR. The Bill

	adopts the same approach, with the exemptions afforded to those archiving in the public interest also being updated to account for changes in data subjects' underlying rights.
Paragraph 3 of Schedule 3 - health data processed by a court.	Articles 4(1) and (2) of The Data Protection (Subject Access Modification) (Health) Order 2000 (SI 2000/413)
Paragraph 4 of Schedule 3 - health data where disclosure would be contrary to the data subject's wishes.	Articles 5(3) and (4) of SI 2000/413
Paragraph 5 of Schedule 3 - health data - harm	Articles 5(1) and (2) and 7(1) and (2) of SI 2000/413
Paragraph 6 of Schedule 3 - health data - prior opinion of health professional	Articles 6(1) and (2) and 7(3) of SI 2000/413
Paragraph 8 of Schedule 3 - social work data	Paragraph 1 of Schedule to The Data Protection (Subject Access Modification) (Social Work) Order 2000 (SI 2000/415)
Paragraph 9 of Schedule 3 - social work data processed by a court	Paragraph 2 of Schedule to SI 2000/415
Paragraph 10 of Schedule 3 - social work data - expectations and wishes	Article 5(3) and (4) of SI 2000/415
Paragraph 11 of Schedule 3 - social work data - serious harm	Article 5(1) and (2) of SI 2000/415
Paragraph 12 of Schedule 3 - social work data - prior opinion of Principal Reporter	Article 6 of SI 2000/415
Paragraph 14 of Schedule 3 - education general exemptions (England and Wales)	Paragraphs 2 to 4A of Schedule 11 to the 1998 Act
Paragraph 15 of Schedule 3 - education general exemptions (Scotland)	Paragraphs 5 and 6 of Schedule 11 to the 1998 Act
Paragraph 16 of Schedule 3 - education general exemptions (NI)	Paragraphs 7 and 8 of Schedule 11 to the 1998 Act
Paragraph 18 of Schedule 3 - education data processed by a court.	Articles 4(1) and (2) of The Data Protection (Subject Access Modification) (Education) Order 2000 (SI 2000/414)
Paragraph 19 of Schedule 3 - education data - serious harm.	Article 5(1) of SI 2000/414

Paragraph 20 of Schedule 3 - education data - prior opinion of Principal Reporter.	Article 6 of SI 2000/414
Paragraph 21 of Schedule 3 - child abuse data.	Article 5(2) to (5) of 2000/414