

## Information Governance Unit

### Data Protection Act 1998 Guidance Sheet for SCC Staff Exemptions

#### The Data Protection Act

The Data Protection Act 1998 sets out rules that Staffordshire County Council (SCC) must follow when processing personal data. Our guidance sheets *Data Protection: An Introduction* and *Data Protection: The Eight Principles* provide further information on compliance with the Act.

However some processing of personal data may be exempt from certain sections of the Act. The exemptions fall into two categories:

- **Subject Information Provisions**

Where a Subject Access Request is made, personal data may not be disclosed to the individual.

- **Non-Disclosure Provisions**

This category of exemption allows for processing which is exempt from some sections of the Act.

***Please note that all processing subject to an exemption must still comply with Schedule 2 or 3 of the Act (relevant conditions for processing data).***

Where data is processed one of the following schedule 2 conditions must be met:

- Consent
- Performance of contract
- Legal obligation
- Protection of vital interests
- Administration of justice
- Legitimate interests of data controller (except where unwarranted)

If you are processing sensitive personal data (racial or ethnic origin, political opinion, religious beliefs, trade union membership, physical or mental health, sexual life, offences committed or alleged) then at least one condition from schedule 3 must also be followed:

- Employment law
- Vital interests
- Cannot be reasonably expected to gain consent
- Legal proceedings/advise
- Necessary for medical purposes

#### The Exemptions

- National security
- Crime and Taxation
- Health, Education and Social Work
- Regulatory Activity
- Journalism, Literature and Art
- Research, history and statistics
- Information available to the public by or under enactment
- Disclosures required by law or in connection with legal proceedings
- Domestic purposes
- Miscellaneous (some examples)
  - Confidential references
  - Management forecasts
  - Corporate finance
  - Negotiations
  - Examination marks and scripts
  - Legal Professional Privilege
  - Self Incrimination

***Application of exemptions requires specialist guidance and should only be on a case-by-case basis. For further assistance please contact the Information Governance Unit.***

#### If in doubt seek advice

For further information and guidance on Data Protection or Freedom of Information please contact the Information Governance Unit.

Tel: 01785 (27) 8568 or 8177

Fax: 01785 (27) 8362

E-mail: [data.protection@staffordshire.gov.uk](mailto:data.protection@staffordshire.gov.uk)  
[foi@staffordshire.gov.uk](mailto:foi@staffordshire.gov.uk)

If you need a copy of this information in large print, Braille, another language or on cassette, please ask us: 01785 278387 or [data.protection@staffordshire.gov.uk](mailto:data.protection@staffordshire.gov.uk)