STATUTORY INSTRUMENTS

1987 No. 1906

DATA PROTECTION

The Data Protection (Miscellaneous Subject Access Exemptions) Order 1987

Made - - - -	*9th November 1987*
Coming into force -	*11th November 1987*

Whereas a draft of this Order has been laid before and approved by a resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred upon me by sections 34(2) and 40(2) of the Data Protection Act 1984(a) and after consultation with the Data Protection Registrar in accordance with section 40(3) of that Act, I hereby make the following Order:

1.—(1) This Order may be cited as the Data Protection (Miscellaneous Subject Access Exemptions) Order 1987 and shall come into force on 11th November 1987.

(2) In this Order "the subject access provisions" has the meaning which it has for the purposes of Part IV of the Data Protection Act 1984(a).

2. There shall be exempted from the subject access provisions any personal data consisting of information the disclosure of which is prohibited or restricted by the enactments and instruments listed in the Schedule to this Order, being enactments and instruments which impose prohibitions or restrictions on disclosure which ought to prevail over those provisions in the interests of data subjects or of other individuals.

Home Office
9th November 1987

Douglas Hurd
One of Her Majesty's Principal Secretaries of State

(a) 1984 c.35.

Article 2

SCHEDULE

EXEMPTIONS FROM SUBJECT ACCESS PROVISIONS

PART I

ENACTMENTS AND INSTRUMENTS EXTENDING TO ENGLAND AND WALES

(a) *Adoption records and reports*

Sections 50 and 51 of the Adoption Act 1976(a) (subject to the Note below).

Regulations 6 and 14 of the Adoption Agencies Regulations 1983(b), so far as they relate to records and other information in the possession of local authorities.

Rules 5, 6, 9, 17, 18, 21, 22 and 53 of the Adoption Rules 1984(c).

Rules 5, 6, 9, 17, 18, 21, 22 and 32 of the Magistrates' Courts (Adoption) Rules 1984(d).

Note Until the date of the coming into force of sections 50 and 51 of the Adoption Act 1976, the references above to those sections shall be construed as references, respectively, to sections 20 and 20A(e) of the Adoption Act 1958(f).

(b) *Statement of child's special educational needs*

Regulation 11 of the Education (Special Educational Needs) Regulations 1983(g).

PART II

ENACTMENTS AND INSTRUMENTS EXTENDING TO SCOTLAND

(a) *Adoption records and reports*

Section 45 of the Adoption (Scotland) Act 1978(h).

Regulation 24 of the Adoption Agencies (Scotland) Regulations 1984(i), so far as it relates to records and other information in the possession of local authorities.

Rule 230 of the Act of Sederunt (Rules of Court) (consolidation and amendment) 1965(j).

Paragraphs 9, 24 and 28 of the Act of Sederunt (Adoption of Children) 1984(k).

(b) *Information provided by reporter for children's hearing*

Rule 6 of the Children's Hearings (Scotland) Rules 1986(l).

(c) *Record of child or young person's special educational needs*

Section 60(4) of the Education (Scotland) Act 1980(m).

Proviso (bb) to Regulation 7(2) of the Education (Record of Needs) (Scotland) Regulations 1982(n).

(a) 1976 c.36. (b) S.I. 1983/1964. (c) S.I. 1984/265.
(d) S.I. 1984/611. (e) Section 20A was inserted by section 26(2) of the Children's Act 1975 (c.72).
(f) 1958 c.5. (g) S.I. 1983/29. (h) 1978 c.28.
(i) S.I. 1984/988. (j) S.I. 1965/321. Rule 230 was inserted by S.I. 1984/997.
(k). S.I. 1984/1013. (l) S.I. 1986/2291.
(m) 1980 c.44. Section 60 was amended by section 4 of the Education (Scotland) Act 1981 (c.58).
(n) S.I. 1982/1222.

PART III

ENACTMENTS AND INSTRUMENTS EXTENDING TO NORTHERN IRELAND

(a) *Adoption records and reports*

Section 23 of the Adoption (Northern Ireland) Act 1967(a).

Any enactment contained in an Order in Council made under the Northern Ireland Act 1974(b) and making provision corresponding to section 51 of the Adoption Act 1976.

Rule 35 of the Rules of the Supreme Court (Northern Ireland) (No. 4) 1969(c).

Rule 22 of the County Court (Adoption) Rules (Northern Ireland) 1980(d).

(b) *Statement of child's special educational needs*

Regulation 11 of the Education (Special Educational Needs) Regulations (Northern Ireland) 1985(e).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order exempts from the provisions of the Data Protection Act 1984 which entitle individuals to gain access to personal data held about them ("the subject access provisions") data, the disclosure of which is prohibited or restricted by certain enactments and subordinate instruments, in the interests of protecting the subject of the data himself or some other individual. The subject access provisions are section 21 of the 1984 Act and the provisions of Part II which confer powers on the Data Protection Registrar to ensure observance of paragraph (a) of the seventh data protection principle contained in Schedule 1.

The data which are exempted by the Order from the subject access provisions concern information contained in adoption records and reports and statements and records of the special educational needs of children in England and Wales, Scotland and Northern Ireland and, in Scotland, information provided by reporters for the purposes of a children's hearing.

(a) 1967 c.35 (N.I.) (b) 1974 c.29. (c) S.R. & O. (N.I.) 1969 No. 288.
(d) S.R. (N.I.) 1980 No. 227. (e) S.R. (N.I.) 1985 No. 365.