

Exemptions: Data rights do not apply in these situations.

1. Where health information is requested by a court:

This applies to health data processed by a court which consists of reports or evidence which the rules of the court prevent from being disclosed.

2. Where health information is requested by someone with either parental responsibility or is appointed by the court:

This applies to requests made on behalf of young people aged under 18 by persons appointed by the court to manage their affairs. The exemption applies to data

- That the person provided with the expectation that it would not be disclosed;
- Obtained after an examination or investigation the person consented to with the expectation that the data would not be disclosed; or
- That the person expressly stated should not be disclosed

3. Where the provision of information may result in the release of information under Article 15 (SAR) which may result in serious harm to the individual:

This applies where complying with a SAR would, in the opinion of an appropriate health professional, be likely to cause serious harm to the physical or mental health to the individual requesting the information or another person.

The appropriate health professional is the person who

- 1) Is currently providing care or has most recently provided care to the person (or if there is more than one such person, the person who is most suitable to provide an opinion); or
- 2) Where there is no such health professional, another health professional who has the necessary experience or qualifications to provide an opinion.

For the opinion to be valid it must have been obtained within the six months prior to the date on which it is relied upon (unless it is reasonable in all the circumstances to consult the health professional again if notwithstanding the opinion was obtained within the prior six month period).

4. Where provision of information under Article 15 (SAR) may result in the release of Child Abuse details:

This applies when the request is made by:

- someone with parental responsibility for an individual aged under 18, or
- someone appointed by court to manage the affairs of an individual who is incapable of managing their own affairs

and the request relates to “child abuse data”.

“Child abuse data” is not required to be disclosed to the extent that complying with the request would not be in the best interests of the individual who the child abuse data is about.

“Child abuse data” consists of information as to whether the child is or has been the subject of, or may be at risk of, “child abuse”.

For this purpose, child abuse includes physical injury (other than accidental injury) to, and physical and emotional neglect, ill-treatment and sexual abuse of, an individual aged under 18.

5. Where provision of information may result in the release of Confidential References.

This applies to:

- education, training or employment of the person making the request
- placement of the person making the request as a volunteer
- appointment of the person making the request to a position in the Trust
- provision by the person making the request of any service.

This applies to references either received or given by the Trust.

6. Where the provision of information may result in the release of Legal Privilege Information.

This applies when

- the personal information consists of legally privileged information, or
- the personal information is covered by a duty of confidentiality owed by professional legal adviser to the Trust.

7. Where the provision of information may result in the release of information prohibited by Legislation.

The law prevents the disclosure of personal data in response to a SAR if where that data consists of certain data about:

- human fertilisation and embryology
- adoption
- special educational needs
- parental orders records and reports

8. Where the provision of information may result in the release of information relating to Public Protection.

This applies when the data is processed for the purposes of exercising certain functions in accordance with certain conditions, as described below, and disclosure would prejudice the proper carrying out of that function. The functions covered by this exemption include those designed to:

- protect the public against financial loss in the management of corporate bodies;
- protect the public against seriously improper conduct;
- secure workers' health, safety and welfare or to protect others against health and safety risks in connection with (or arising from) someone at work; and
- protect the public from maladministration, or a failure in services provided by a public body, or from the failure to provide a service that it is a function of a public body to provide.

9 Where the provision of information may result in the release of legal services, the health service and children's services

This applies when the data is processed for the purposes of exercising one of the functions listed below, and disclosure would prejudice the proper carrying out of that function:

- [The Legal Services Board](#)
- Considerations of complaints under certain legislations ([click here for details](#)).

10. Where the provision of information may result in the release of Other Regulatory Functions.

This exemption applies to certain functions of the Information Commissioner, local authority monitoring officers and organisations who regulate financial services, pensions and charities For details of the boards, [click here](#).