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★ Schedule 1, page 126, line 22, at end insert—

“Support for individuals with a particular disability or medical condition

- 13A (1) This condition is met if the processing—
- (a) is carried out by a not-for-profit body which provides support to individuals with a particular disability or medical condition,
 - (b) is of a type of personal data falling within sub-paragraph (2) which relates to an individual falling within sub-paragraph (3),
 - (c) is necessary for the purposes of—
 - (i) raising awareness of the disability or medical condition, or
 - (ii) providing support to individuals falling within sub-paragraph (3) or enabling such individuals to provide support to each other,
 - (d) can reasonably be carried out without the consent of the data subject, and
 - (e) is necessary for reasons of substantial public interest.
- (2) The following types of personal data fall within this sub-paragraph—
- (a) personal data revealing racial or ethnic origin;
 - (b) genetic data or biometric data;
 - (c) data concerning health;
 - (d) personal data concerning an individual’s sex life or sexual orientation.
- (3) An individual falls within this sub-paragraph if the individual is or has been a member of the body mentioned in sub-paragraph (1)(a) and—
- (a) has the disability or condition mentioned there, has had that disability or condition or has a significant risk of developing that disability or condition, or
 - (b) is a relative or carer of an individual who satisfies paragraph (a) of this sub-paragraph.
- (4) For the purposes of sub-paragraph (1)(d), processing can reasonably be carried out without the consent of the data subject only where—
- (a) the controller cannot reasonably be expected to obtain the consent of the data subject, and
 - (b) the controller is not aware of the data subject withholding consent.
- (5) In this paragraph—
- “carer” means an individual who provides or intends to provide care for another individual other than—
- (a) under or by virtue of a contract, or
 - (b) as voluntary work;

Data Protection Bill [Lords], continued

“disability” has the same meaning as in the Equality Act 2010 (see section 6 of, and Schedule 1 to, that Act).

- (6) The reference in sub-paragraph (4)(b) to a data subject withholding consent does not include a data subject merely failing to respond to a request for consent.”

Member’s explanatory statement

Part 2 of Schedule 1 describes types of processing of special categories of personal data which meet the requirement in Article 9(2)(g) of the GDPR (processing necessary for reasons of substantial public interest) for a basis in UK law (see Clause 10(3)). This amendment adds to Part 2 of Schedule 1 certain processing of personal data by not-for-profit bodies involved in supporting individuals with a particular disability or medical condition.