

Social Work

What is exempted?

This exemption potentially applies to a very wide range of personal data processing.

This exemption applies to personal data in relation to:

- social work;
- allocation of housing or other residential accommodation;
- benefits under the Health Insurance Act (2018 Revision);
- benefits under the Poor Persons (Relief) Act (1997 Revision);
- probation;
- school attendance;
- ensuring children receive suitable education;
- guardianship under the Grand Court Act (2015 Revision);
- any function under the Children Act (2012 Revision);
- any function under the Adoption of Children Act (2003 Revision);
- any function under the Mental Health Act (2021 Revision);
- any function under the Older Persons Act, 2017; and
- any other applicable Act.

The exemption also applies to personal data processed by a court, supplied to the court as evidence in proceedings relating to families or children, which the court:

- considers impracticable to disclose having regard of the data subject's age and understanding; or
- considers undesirable to disclose because serious harm might be suffered by the data subject by the disclosure.

In the context of this exemption, the term "proceedings relating to families or children" includes proceedings relating to adoption, matrimonial matters and guardianship.

What provisions in the DPA does the exemption relate to?

Under this exemption personal data is exempt from:

- the first data protection principle (but compliance with the conditions in schedules 2 and 3 is required); and
- section 8 (the access right).

When does the exemption apply?

The exemption applies to the extent that the application of these provisions would be likely to prejudice the carrying out of social work because they would cause serious harm to the physical or mental health or condition of the data subject or any other individual.

What else is there to consider?

Where a parent or guardian appointed by the court exercises the right to access on behalf of a data subject, the information is exempt from the right to access in section 8 of the DPA to the extent that it would result in disclosing information:

- provided by the data subject in the expectation that it would not be disclosed to the parent or guardian making the request;
- obtained during an examination or investigation in the expectation that the information would not be so disclosed; or
- that the data subject has expressly indicated should not be so disclosed.

The above applies, unless the data subject has expressly indicated that it no longer expects that the information would not be disclosed.

Relevant provisions

[Data Protection Act \(2021 Revision\)](#)

Section 20: Exemption relating to health, education or social work

Data Protection Regulations, 2018:

Regulation 9: Exemption relating to social work