THIRD SCHEDULE

Section 17(2)

USE OF PERSONAL DATA WITHOUT CONSENT

1. An organisation may use personal data about an individual without the consent of the individual in any of the following circumstances:

(*a*) the use is necessary for any purpose which is clearly in the interests of the individual, if consent for its use cannot be obtained in a timely way or the individual would not reasonably be expected to withhold consent;

(*b*) the use is necessary to respond to an emergency that threatens the life, health or safety of the individual or another individual;

(*c*) the personal data is publicly available;

(*d*) the use is necessary in the national interest;

(*e*) the use is necessary for any investigation or proceedings;

(*f*) the use is necessary for evaluative purposes;

(*g*) the personal data is used for the organisation to recover a debt owed to the organisation by the individual or for the organisation to pay to the individual a debt owed by the organisation;

(*h*) the use is necessary for the provision of legal services by the organisation to another person or for the organisation to obtain legal services;

(*i*) subject to the conditions in paragraph 2, the personal data is used for a research purpose, including historical or statistical research; or

(*j*) the data was collected by the organisation in accordance with section 17(1), and is used by the organisation for purposes consistent with the purpose of that collection.

2. Paragraph 1(*i*) shall not apply unless —

(*a*) the research purpose cannot reasonably be accomplished unless the personal data is provided in an individually identifiable form;

(*b*) it is impracticable for the organisation to seek the consent of the individual for the use;

(*c*) the personal data will not be used to contact persons to ask them to participate in the research; and

(*d*) linkage of the personal data to other information is not harmful to the individuals identified by the personal data and the benefits to be derived from the linkage are clearly in the public interest.

3. For the avoidance of doubt, personal data collected before the appointed day in the circumstances and conditions set out in the Second Schedule shall satisfy paragraph 1(*j*) notwithstanding that section 17 (1) was not in force at the time of the collection.