

FIRST SCHEDULE — *continued*

“prospective customer of *X*” means an individual who, at the time mentioned in paragraph 1(5) —

- (a) has informed *X* of the individual’s interest in purchasing, hiring or using any goods or services provided by *X*; or
- (b) is conducting negotiations with *X* that lead or may lead to an agreement between the individual and *X* for the purchase, hire or use of any goods or services provided by *X*.

[40/2020]

SECOND SCHEDULE

Sections 2(1) and 17(1)

ADDITIONAL BASES FOR COLLECTION, USE AND
DISCLOSURE OF PERSONAL DATA WITHOUT CONSENT

PART 1

COLLECTION OF PERSONAL DATA

1. The collection of personal data about an individual, if —
 - (a) the personal data was disclosed by a public agency; and
 - (b) the collection of the personal data by the organisation is consistent with the purpose of the disclosure by the public agency.

PART 2

USE OF PERSONAL DATA

Division 1 — Public interest

1. The use of personal data about an individual, if —
 - (a) the personal data was disclosed by a public agency; and
 - (b) the use of the personal data by the organisation is consistent with the purpose of the disclosure by the public agency.

Division 2 — Business improvement purpose

1.—(1) Subject to the conditions in sub-paragraph (2), personal data about an individual (*P*) is used by the organisation for any of the following purposes:

- (a) improving or enhancing any goods or services provided, or developing new goods or services to be provided, by the organisation;

SECOND SCHEDULE — *continued*

- (b) improving or enhancing the methods or processes, or developing new methods or processes, for the operations of the organisation;
 - (c) learning about and understanding the behaviour and preferences of *P* or another individual in relation to the goods or services provided by the organisation;
 - (d) identifying any goods or services provided by the organisation that may be suitable for *P* or another individual, or personalising or customising any such goods or services for *P* or another individual.
- (2) Sub-paragraph (1) applies only if —
- (a) the purpose for which the organisation uses personal data about *P* cannot reasonably be achieved without the use of the personal data in an individually identifiable form; and
 - (b) a reasonable person would consider the use of personal data about *P* for that purpose to be appropriate in the circumstances.
- (3) To avoid doubt, sub-paragraph (1) does not apply to the use of personal data about *P* for the purpose of sending to *P* or another individual a message for an applicable purpose within the meaning given by section 37(6).
- (4) In this paragraph, “organisation” excludes a corporation within the meaning given by section 4(1) of the Companies Act 1967.

Division 3 — Research

1. The use of personal data about an individual for a research purpose (including historical or statistical research), if —
- (a) the research purpose cannot reasonably be accomplished unless the personal data is used in an individually identifiable form;
 - (b) there is a clear public benefit to using the personal data for the research purpose;
 - (c) the results of the research will not be used to make any decision that affects the individual; and
 - (d) in the event that the results of the research are published, the organisation publishes the results in a form that does not identify the individual.

SECOND SCHEDULE — *continued*

PART 3

DISCLOSURE OF PERSONAL DATA WITHOUT CONSENT

Division 1 — Public interest

1. The disclosure of personal data about an individual to a public agency, where the disclosure is necessary in the public interest.
2. The disclosure of personal data about an individual who is a current or former student of an educational institution to a public agency for the purposes of policy formulation or review.
3. The disclosure of personal data about an individual who is a current or former patient of any of the following to a public agency for the purposes of policy formulation or review:
 - (a) a healthcare institution licensed under the Private Hospitals and Medical Clinics Act 1980;
 - (b) a licensee under the Healthcare Services Act 2020;
 - (c) a prescribed healthcare body.
4. The disclosure of personal data about any individual to any officer of a prescribed law enforcement agency, upon production of written authorisation signed by the head or director of that prescribed law enforcement agency or a person of a similar rank, certifying that the personal data is necessary for the purposes of the functions or duties of the officer.

Division 2 — Research

1. The disclosure of personal data about an individual for a research purpose (including historical or statistical research), if —
 - (a) the research purpose cannot reasonably be accomplished unless the personal data is disclosed in an individually identifiable form;
 - (b) it is impracticable for the organisation to seek the individual's consent for the disclosure;
 - (c) there is a clear public benefit to disclosing the personal data for the research purpose;
 - (d) the results of the research will not be used to make a decision that affects the individual; and