

Freedom of Information Act 2000 (Section 50)

Decision Notice

Date: 20 April 2011

Public Authority: The Governing Body of the University of Nottingham
Address: University Park
Nottingham
NG7 2RD

Summary

The complainant requested under the Freedom of Information Act 2000 (the 'Act') the workplace email addresses of all of the University's staff. The University confirmed that it held the information, but considered that it was exempt. It did not specify an exemption but implied that it was relying on section 21(1) [information reasonable accessible by other means] to all of the information. The complainant requested an internal review. The public authority appeared to withdraw its reliance on section 21 and confirmed that it was now relying upon sections 40 [personal data], 38 [prejudice to health and safety] and section 12 [costs limits].

The complainant referred this case to the Commissioner. He confirmed that he did not require email addresses where individuals had expressed concern about their personal safety. During the course of the Commissioner's investigation, the public authority provided detailed arguments about why it believed that section 21(1) could be appropriately applied.

The Commissioner has carefully considered this case and has found that in the circumstances of this case, section 21(1) has been applied appropriately to all of the information falling within the scope of the complaint. He has also determined that section 11 imposed no further obligations on the University. He has found procedural breaches of sections 17(1) and 17(1)(b) because the University failed to explicitly identify the exemption that it would later rely upon. However, he requires no remedial steps to be taken.

The Commissioner's Role

1. The Commissioner's duty is to decide whether a request for information made to a public authority has been dealt with in accordance with the

requirements of Part 1 of the Freedom of Information Act 2000 (the "Act"). This Notice sets out his decision.

Background

2. The complainant owns a website that enables all Universities to receive requests for information simultaneously. He believes that it should investigate higher education matters through FOI requests and publishes the results.
3. This request has been made to every University in the UK and the complainant has told the University that he requires this information to inform the staff about his website. He explained that each member of staff was to be invited to suggest topics worthy of investigation in confidence.
4. The request is asking for a list of all the email addresses of every member of the University's staff without any differentiation.
5. The complainant has asked the Commissioner to consider a number of his requests, where those requests have been refused. The Commissioner has considered the arguments the complainant has made to him, across all of these complaints, in reaching his decision in respect of this particular case.

The Request

6. On 26 April 2010 the complainant requested the following information from the University:

'FOI Request – Staff E-mail Addresses

I would like to request the following information under the provisions of the Freedom of Information Act. I would ask you to send your response by e-mail.

A list of the workplace e-mail addresses for all staff.

By workplace I am referring to corporate e-mail addresses ending in .ac.uk.

By staff I am referring to all individuals employed by your institution.

Please note that I do not require any segmentation of the list or any associated details.'

7. On 27 April 2010 the University issued its response. It confirmed that it held the relevant information that was subject to the request. It confirmed its internal review details and explained:

'All staff emails are publicly available via our staff contact page, <http://www.nottingham.ac.uk/contacting/staff-look-up.phtml?menu=staff-&sub=staff>

8. On the same day, the complainant wrote to the University to request an internal review. The Commissioner has summarised his arguments below:

- Section 21 has not been applied appropriately because he did not feel that the information was reasonable accessible to him, because:

(1) He believed it would be extremely onerous for him to generate a list of workplace email addresses from what was contained on the website – he estimated that it would take approximately 35,000 clicks and 21 hours of time, so argued that this could not be regarded as being reasonable; and

(2) He believed that the website would contain inaccurate and incomplete data. Therefore the missing information could not be regarded as being reasonably accessible.

- The University had not turned its attention to section 11 and it was not, in his view, complying with the Act because:

(1) The University was required to release the information in the format that was requested where reasonably practicable;

(2) It was reasonably practicable to release the information in the format requested; and

(3) When determining what was reasonably practicable, the University should take his personal circumstances into account.

9. On 5 May 2010 the University communicated the results of its internal review. It explained that it had considered all the arguments raised and decided to vary its position. It applied the following provisions:

- Section 40(2) – it confirmed that the email addresses were created from employees' names thus individuals are identifiable from their email addresses. It explained that the more junior staff would not have an expectation that this information would be disclosed and neither would those who have opted out;
- Section 38 – it confirmed that some staff do not make this information available externally because of potentially serious harassment from estranged family members and partners – it was applying section 38 to this information; and
- Section 12(1) - it believed that the work required to ensure that all the relevant individuals that could not be disclosed under section 40(2) were removed from the information to be supplied would cost more than £450.

The Investigation

Scope of the case

10. On 5 May 2010 the complainant contacted the Commissioner to complain about the way his request for information had been handled. The complainant specifically asked the Commissioner to consider the following points:

- He does not believe that workplace email addresses are personal data;
- The University already publishes several thousand email addresses;
- The harassment issue was not then regarded as a serious issue, but even if it was the University would have to keep a record of those individuals to ensure it was discharging its duty to staff and so the costs limits could not apply in this situation because it would not take 18 hours to remove these names from the overall list; and
- Even if section 12(1) applied, the University would be obliged to offer reasonable advice and assistance under section 16(1) about how to narrow the request down.

11. During the course of the Commissioner's investigation the following matters were resolved informally and therefore these are not addressed in this Notice:

- The complainant agreed on 26 August 2010 that he would restrict his complaint to those staff who had not expressed concerns about their personal safety. The Commissioner has restricted this category to individuals who have expressed their concerns about potential serious harassment from estranged family members and partners. The University evidenced that there were 27 staff who had expressed such concerns (and these were the email addresses it had withheld under section 38). The Commissioner accepts that these 27 email addresses are outside the scope of the complaint and will not be considered further.
12. It also became apparent that the University was unable to regenerate the list of work place email addresses as it stood on 26 April 2010. The list had been amended as members of staff changed. The Commissioner agreed with the complainant and the University that the only equitable and practical course of action would be for him to consider the contemporary list in this investigation. In this case, he has considered the email list as it was on 9 March 2011.
 13. The complainant also raised other issues that are not addressed in this Notice because they are not requirements of Part 1 of the Act.

Chronology

14. The purpose of the chronology is to note the key exchanges of correspondence in this case. The arguments contained within the correspondence will be considered within the analysis section of this Notice.
15. On 17 June 2010 the Commissioner wrote to the complainant and the University to confirm that this complaint was eligible for consideration. He asked the University for its submissions about why it had taken its current position. On 24 June 2010 the University replied to explain itself.
16. On 15 July 2010 the Commissioner wrote to the complainant to explain his preliminary verdict in this case. He asked the complainant to consider this verdict and to confirm whether he wanted the investigation to continue. On 2 August 2010 the complainant wrote to the Commissioner and explained that he did want this case to continue and provided further detailed arguments.
17. The Commissioner focused his enquiries on other cases concerning workplace email addresses, which have informed his position in relation to this case. On 13 January 2011, 22 February 2011 and 9 March 2011 he again turned his attention to this case and asked the University further detailed questions about its position. He received responses on 11 February 2011, 9 March 2011 and 14 March 2011.

Findings of fact

18. The University confirmed that it held four sources of workplace email addresses:

1. Its HR records;
2. Its email server;
3. Its contact database (called 'Staff Look Up'); and
4. Elsewhere on its website – about a thousand email addresses are located here.

19. The University confirmed that the most reliable place to derive all the information was from its email server. This was updated every time a member of staff became employed and also when people left.

20. The University confirmed that there were 7,212 workplace email addresses on the server on 9 March 2011. This is the withheld information that has been considered in this case. Of those email addresses:

- 7,185 are on its contact database; and
- 27 belong to individuals who have expressed concern about the health and safety implications of their information being made available on the contact database, and so fall outside the scope of the complaint.

21. The University has confirmed that its contact database is automatically updated along with the server. It has confirmed to the Commissioner that the 7,185 individual email addresses can be therefore accessed through the contact database. The contact database can be accessed via the following link: <http://www.nottingham.ac.uk/contacting/staff-look-up.phtml>

22. The 'Contacting Us' page is included on the University's publication scheme¹. The 'Contacting Us' page has a direct link to the 'Staff Look Up'².

¹<http://www.nottingham.ac.uk/academicservices/policies/freedomofinformation/publicationscheme1.aspx>

²<http://www.nottingham.ac.uk/contacting/index.phtml?menu=index&sub=index>

Analysis

Substantive Procedural Matters

Exemptions

23. As noted the University's position at its internal review was that it was relying on a mixture of sections 40(2), 38(1) and 12(1).
24. The sections of the Act referred to below are set out in full in the legal annex to this notice.
25. The University revised its position during the course of the Commissioner's investigation. It confirmed that now the complaint was limited to only those individuals who had not expressed concerns about their personal safety, it wished to apply section 21(1) to all the remaining email addresses.
26. The Commissioner is obliged to consider the exemptions that are raised during the course of his investigation. For information to be correctly withheld he only needs to be satisfied that one exemption has been applied appropriately to each item of withheld information. He has decided to consider the operation of section 21(1) first.

Section 21

27. Section 21(1) states that information is exempt from disclosure if it is reasonably accessible to the applicant by other means. The purpose behind the exemption is that if there is alternative route by which a requester can obtain information there is no need for the Act to provide the means of access. This removes the burden of responding to requests under the Act from public authorities.
28. Section 21(3) qualifies section 21(1). It explains:

'For the purposes of section 21(1), information which is held by a public authority...is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.'
29. The effect of the provisions above means that for section 21(1) to be appropriately applied in this case the Commissioner needs to be satisfied that:

- (1) That all the relevant recorded information that is held is available to the applicant (the list is not incomplete); and
 - (2) That the relevant recorded information is available in accordance with the University's publication scheme.
30. The University has explained that its contact database and its server are updated in synch (the only exception being the information where an individual expressed concerns about their personal safety, which is outside the scope of the complaint). It follows that the 7185 outstanding email addresses are all on the contact directory. Accordingly, the complainant's concerns about the data set being incomplete are not founded in fact.
 31. The Commissioner has considered the University's publication scheme and is satisfied that the contact directory was available via the scheme at the date of the request and remains so now.
 32. It follows that section 21(1) has been applied appropriately to 7185 email addresses.
 33. The Commissioner has considered the complainant's argument that obtaining the information would be particularly onerous. This is not a relevant consideration when the information is on the publication scheme. It is for the University to organise its publication scheme in a manner where its business objectives can be fulfilled.
 34. The Commissioner has also considered whether the complainant's individual personal circumstances could work to disapply section 21(3). He is of the view that there is no discretion to read the Act in this way.

Procedural Requirements

Section 11

35. The Commissioner notes that the complainant specifically mentioned section 11 in his internal review request dated 27 April 2010 and in his further detailed submissions dated 2 August 2010. The Commissioner considers it is prudent to address this point in this Notice.
36. Section 11 requires that where an individual expresses a preference for the means by which information is to be communicated, the public authority shall so far as is reasonably practicable give effect to that preference.
37. The Commissioner's view is that the obligation imposed by section 11 does not stand alone. The obligation applies only where the University is required to disclose information under the Act, in order to comply with

section 1(1)(b). As the University is not required to disclose any information under the Act in this case, there is no need to consider in what format that information is to be provided.

38. It follows that section 11 can impose no obligations on the University when the information is exempt.

Section 17

39. Section 17 of the Act imposes the requirements that are expected when the University issues a refusal notice.
40. Section 17(1)(b) requires that a refusal notice is provided to the complainant which specifies the exemption being applied to the information. The University failed to specifically cite section 21(1) in its refusal notice and did not mention it in the internal review. As this is so, the University breached section 17(1)(b).
41. Section 17(1) also imposes a time limit on when a refusal notice must be issued. It must be issued within the time limit for complying with section 1(1). This time limit (subject to a limited number of exceptions, none of which are relevant in this case) is twenty working days. As noted above, the University has not issued a procedurally correct refusal notice. Its failure to do so, up to the date of this Notice, is also a breach of section 17(1).
42. The Commissioner does not require any remedial steps to be taken in respect to those procedural breaches because this Decision Notice has determined the substantive matters to which it relates. A new refusal notice would not therefore serve any purpose.

The Decision

43. The Commissioner's decision is that the University dealt with the following elements of the request in accordance with the requirements of the Act:
- It appropriately applied section 21(1) to the remaining information under consideration; and
 - It had no obligations under section 11.
44. However, the Commissioner has also decided that the following elements of the request were not dealt with in accordance with the Act:
- It breached section 17(1)(b) because it failed to specify the section of the Act which contained the exemption that it wished to rely on; and

- It breached 17(1) because it failed to issue a completely appropriate refusal notice in twenty working days.

Steps Required

45. The Commissioner requires no steps to be taken.

Right of Appeal

46. Either party has the right to appeal against this Decision Notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
Arnhem House,
31, Waterloo Way,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@tribunals.gsi.gov.uk.

Website: www.informationtribunal.gov.uk

47. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
48. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this Decision Notice is sent.

Dated the 20th day of April 2011

Signed

**Pamela Clements
Group Manager, Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Legal Annex

General Right of Access

Section 1 - General right of access to information held by public authorities

(1) Any person making a request for information to a public authority is entitled—

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.

(2) Subsection (1) has effect subject to the following provisions of this section and to the provisions of sections 2, 9, 12 and 14.

(3) Where a public authority—

(a) reasonably requires further information in order to identify and locate the information requested, and

(b) has informed the applicant of that requirement,

the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.

Section 2 - Effect of the exemptions in Part II

(1) Where any provision of Part II states that the duty to confirm or deny does not arise in relation to any information, the effect of the provision is that where either—

(a) the provision confers absolute exemption, or

(b) in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the public authority holds the information,

section 1(1)(a) does not apply.

(2) In respect of any information which is exempt information by virtue of any provision of Part II, section 1(1)(b) does not apply if or to the extent that—

(a) the information is exempt information by virtue of a provision conferring absolute exemption, or

(b) in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(3) For the purposes of this section, the following provisions of Part II (and no others) are to be regarded as conferring absolute exemption—

- (a) section 21,
- (b) section 23,
- (c) section 32,
- (d) section 34,
- (e) section 36 so far as relating to information held by the House of Commons or the House of Lords,
- (f) in section 40—
- (i) subsection (1), and
- (ii) subsection (2) so far as relating to cases where the first condition referred to in that subsection is satisfied by virtue of subsection (3)(a)(i) or (b) of that section,
- (g) section 41, and
- (h) section 44.

Section 10 - Time for Compliance

(1) Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

(2) Where the authority has given a fees notice to the applicant and the fee paid is in accordance with section 9(2), the working days in the period beginning with the day on which the fees notice is given to the applicant and ending with the day on which the fee is received by the authority are to be disregarded in calculating for the purposes of subsection (1) the twentieth working day following the date of receipt."

(3) If, and to the extent that –

- (a) section 1(1)(a) would not apply if the condition in section 2(1)(b) were satisfied, or
- (b) section 1(1)(b) would not apply if the condition in section 2(2)(b) were satisfied,

the public authority need not comply with section 1(1)(a) or (b) until such time as is reasonable in the circumstances; but this subsection does not affect the time by which any notice under section 17(1) must be given."

Section 11 – Means by which communication can be made

(1) Where, on making his request for information, the applicant expresses a preference for communication by one or more of the following means, namely –

- (a) the provision to the applicant of a copy of the information in permanent form or in another form acceptable to the applicant,
- (b) the provision to the applicant of a reasonable opportunity to inspect a record containing the information, and
- (c) the provision to the applicant of a digest or summary of the information in permanent form or in another form acceptable to the applicant.

The public authority shall so far as is reasonably practicable give effect to that preference.

(2) In determining for the purposes of this section whether it is reasonably practicable to communicate information by a particular means, the public authority may have regard to all the circumstances, including the cost of doing so.

(3) Where a public authority determines that it is not reasonably practicable to comply with any preference expressed by the applicant in making his request, the authority shall notify the applicant of the reasons for its determination

(4) Subject to subsection (1), a public authority may comply with a request by communicating information by any means which are reasonable in the circumstances."

...

Section 12 Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit."

(2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit."

(3) In subsections (1) and (2) "the appropriate limit" means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases."

(4) The secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority –

- (a) by one person, or
- (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,

the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.”

(5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are estimated.

Section 16 Duty to provide advice and assistance

(1) “It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.

(2) Any public authority which, in relation to the provision of advice or assistance in any case, conforms with the code of practice under section 45 is to be taken to comply with the duty imposed by subsection (1) in relation to that case.”

Section 17 - Refusal of request

(1) A public authority which, in relation to any request for information, is to any extent relying on a claim that any provision of Part II relating to the duty to confirm or deny is relevant to the request or on a claim that information is exempt information must, within the time for complying with section 1(1), give the applicant a notice which—

- (a) states that fact,
- (b) specifies the exemption in question, and
- (c) states (if that would not otherwise be apparent) why the exemption applies.

(2) Where—

(a) in relation to any request for information, a public authority is, as respects any information, relying on a claim—

(i) that any provision of Part II which relates to the duty to confirm or deny and is not specified in section 2(3) is relevant to the request, or

(ii) that the information is exempt information only by virtue of a provision not specified in section 2(3), and

(b) at the time when the notice under subsection (1) is given to the applicant, the public authority (or, in a case falling within section 66(3) or (4), the responsible authority) has not yet reached a decision as to the application of subsection (1)(b) or (2)(b) of section 2,

the notice under subsection (1) must indicate that no decision as to the application of that provision has yet been reached and must contain an estimate of the date by which the authority expects that such a decision will have been reached.

(3) A public authority which, in relation to any request for information, is to any extent relying on a claim that subsection (1)(b) or (2)(b) of section 2 applies must, either in the notice under subsection (1) or in a separate notice given within such time as is reasonable in the circumstances, state the reasons for claiming—

(a) that, in all the circumstances of the case, the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the authority holds the information, or

(b) that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(4) A public authority is not obliged to make a statement under subsection (1)(c) or (3) if, or to the extent that, the statement would involve the disclosure of information which would itself be exempt information.

(5) A public authority which, in relation to any request for information, is relying on a claim that section 12 or 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

(6) Subsection (5) does not apply where—

(a) the public authority is relying on a claim that section 14 applies,

(b) the authority has given the applicant a notice, in relation to a previous request for information, stating that it is relying on such a claim, and

(c) it would in all the circumstances be unreasonable to expect the authority to serve a further notice under subsection (5) in relation to the current request.

(7) A notice under subsection (1), (3) or (5) must—

(a) contain particulars of any procedure provided by the public authority for dealing with complaints about the handling of requests for information or state that the authority does not provide such a procedure, and

(b) contain particulars of the right conferred by section 50.

...

Section 21 - Information accessible to applicant by other means

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1)—

(a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and

(b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Section 38 - Health and safety

(1) Information is exempt information if its disclosure under this Act would, or would be likely to—

(a) endanger the physical or mental health of any individual, or

(b) endanger the safety of any individual.

(2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, have either of the effects mentioned in subsection (1).

Section 40 – Personal information

Section 40 of the Act provides that:

“(1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.

(2) Any information to which a request for information relates is also exempt information if—

- (a) it constitutes personal data which do not fall within subsection (1), and
- (b) either the first or the second condition below is satisfied.

(3) The first condition is—

(a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the [1998 c. 29.] Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—

- (i) any of the data protection principles, or
- (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and

(b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the [1998 c. 29.] Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

(4) The second condition is that by virtue of any provision of Part IV of the [1998 c. 29.] Data Protection Act 1998 the information is exempt from section 7(1)(c) of that Act (data subject’s right of access to personal data).

(5) The duty to confirm or deny—

(a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and

(b) does not arise in relation to other information if or to the extent that either—

(i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the [1998 c. 29.] Data Protection Act 1998 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or

(ii) by virtue of any provision of Part IV of the [1998 c. 29.] Data Protection Act 1998 the information is exempt from section 7(1)(a) of that Act (data subject’s right to be informed whether personal data being processed).

(6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the [1998 c. 29.] Data Protection Act 1998 shall be disregarded.

(7) In this section—

- “the data protection principles” means the principles set out in Part I of Schedule 1 to the [1998 c. 29.] Data Protection Act 1998, as read subject to Part II of that Schedule and section 27(1) of that Act;
- “data subject” has the same meaning as in section 1(1) of that Act;
- “personal data” has the same meaning as in section 1(1) of that Act.”

Data Protection Act 1998

Section 1 – Personal Data

Section 1 provides that:

‘In this Act, unless the context otherwise requires—

“personal data” means data which relate to a living individual who can be identified—
(a) from those data, or
(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,
and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual;’

Schedule 2 - Conditions relevant for purposes of the first principle: processing of any personal data

1. The data subject has given his consent to the processing.
2. The processing is necessary— (a) for the performance of a contract to which the data subject is a party, or (b) for the taking of steps at the request of the data subject with a view to entering into a contract.
3. The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract.
4. The processing is necessary in order to protect the vital interests of the data subject.
5. The processing is necessary—
(a) for the administration of justice

- (b) for the exercise of any functions conferred on any person by or under any enactment
- (c) for the exercise of any functions of the Crown, a Minister of the Crown or a government department
- (d) for the exercise of any other functions of a public nature exercised in the public interest by any person.

6. — (1) The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject.

(2) The Secretary of State may by order specify particular circumstances in which this condition is, or is not, to be taken to be satisfied.