

## **INFORMATION SHEET**

### **RE: DATA PROTECTION ACT 1998**

#### **Exemption From Non-Disclosure Provisions**

Section 35 (Sub-Section 2) of the Data Protection Act 1998 reads as follows:

'Personal Data are exempt from the non-disclosure provisions where the disclosure is necessary –

(A) for the purpose of, or in connection with, any Legal Proceedings (including prospective Legal Proceedings), or

(B) for the purpose of obtaining legal advice, or if otherwise necessary for the purposes of establishing exercising or defending legal rights.'

The above exemption would, for example, legally permit a Housing Authority, Housing Association, Letting Agent or Landlord, to supply a forwarding address for a previous (and possibly current) Tenant, to any person who can prove that they are seeking such Tenant in connection with any Legal Proceedings (Civil, Criminal, Court or Tribunal) for the purpose of merely tracing them, or to effect Service of documentation.

It also permits the disclosure of a forwarding address if a person is sought in connection with a matter which will require them to seek legal advice and/or defend their rights.