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**Fair Processing**

**Fair Processing of Personal Data**

Section 2A of the Acts details a number of conditions, at least one of which must be met, in order to demonstrate that personal data is being processed fairly. These conditions include that the data subject has consented to the processing, or that the processing is necessary for at least one of the following reasons:

1. The performance of a contract to which the data subject is party, or
2. In order to take steps at the request of the data subject prior to entering into a contract, or
3. In order to comply with a legal obligation (other than that imposed by contract), or
4. To prevent injury or other damage to the health of the data subject, or
5. To prevent serious loss or damage to the property of the data subject, or
6. To protect the vital interests of the data subject where the seeking of the consent of the data subject is likely to result in those interests being damaged, or
7. For the administration of justice, or
8. For the performance of a function conferred on, by or under an enactment, or
9. For the performance of a function of the Government or a Minister of the Government, or
10. For the performance of any other function of a public nature performed in the public interest by a person, or
11. For the purpose of the legitimate interests pursued by a data controller except where the processing is unwarranted in any particular case by reason of prejudice to the fundamental rights and freedoms or legitimate interests of the data subject

## **Fair Processing of Sensitive Personal Data**

If processing sensitive data, you must satisfy the requirements for processing personal data set out above along with at least one of the following conditions (set out in section 2B of the Acts):

1. The data subject has given explicit consent, or
2. The processing is necessary in order to exercise or perform a right or obligation which is conferred or imposed by law on the data controller in connection with employment, or
3. The processing is necessary to prevent injury or other damage to the health of the data subject or another person, or serious loss in respect of, or damage to, property or otherwise to protect the vital interests of the data subject or of another person in a case where consent cannot be given, or the data controller cannot reasonably be expected to obtain such consent, or
4. The processing is necessary to prevent injury to, or damage to the health of, another person, or serious loss in respect of or damage to, the property of another person, in a case where such consent has been unreasonably withheld, or
5. The processing is carried out by a not-for-profit organisation in respect of its members or other persons in regular contact with the organisation, or
6. The information being processed has been made public as a result of steps deliberately taken by the data subject, or
7. The processing is necessary for the administration of justice, or
8. The processing is necessary for the performance of a function conferred on a person by or under an enactment, or
9. The processing is necessary for the performance of a function of the Government or a Minister of the Government, or
10. The processing is necessary for the purpose of obtaining legal advice, or in connection with legal proceedings, or is necessary for the purposes of establishing, exercising or defending legal rights, or
11. The processing is necessary for medical purposes, or
12. The processing is necessary in order to obtain information for use, subject to, and in accordance with, the Statistics Act, 1993, or
13. The processing is necessary for the purpose of assessment of or payment of a tax liability, or
14. The processing is necessary in relation to the administration of a Social Welfare scheme