

## FIRST UK CASE ON DISCLOSURE OF PERSONAL DATA INVOLVES A PERSONAL INJURY CLAIM

The recent case of Rowley v. Liverpool City Council, Court of Appeal (Times Law Report, October 26, 1989) throws light on the exemption provisions of the Act. The case demonstrates that it makes no difference to disclosure for the purposes of court proceedings whether the data user is registered or not.

The case involved a plaintiff, Mrs Rowley, who was bringing a personal injury claim against her former employers, Liverpool City Council, for an accident at work.

Her solicitors made a request for specific discovery relating to the earnings of three comparative employees to assist in the assessment of damages for continuing loss. Liverpool City Council rejected the request on the grounds that they were claiming exemption from the Act under the payroll and accounting provision. The Council suggested that their exemption would be lost if they disclosed data for any purposes other than those for which they were held. This limitation is set out in clause 32(2).

However, the Council ignored the fact that disclosure of data would have been permitted under Section 34(5)(a). This states that an exemption (for example, for payroll and accounting) is not lost if disclosure is "required by or under any enactment, by any rule of law or by the order of a court." The Council could accordingly disclose the data in court with no fear of contravening the Act in general and S 32(2) in particular.

Incidentally, if the Council had been registered, it would have been restricted from disclosing by Section 5(2)(b). However, that section also would have to give way to Section 34(5)(a), quoted above, and Section 34(5)(b) which allows for exemption from the non-disclosure provisions in any case in which the disclosure is required:

- \* for the purpose of obtaining legal advice or
- \* for the purposes of, or in the course of, legal proceedings in which the person making the disclosure is a party or a witness.

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