

# Digital Markets, Competition and Consumers Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**Schedule 20**

LORD MENDOZA

Schedule 20, page 369, line 38, at end insert –

“14 Membership subscriptions which qualify as gifts to charity in accordance with the provisions of the Income Tax Act 2007, Part 8, Chapter 2 (gift aid).”

***Member's explanatory statement***

*This amendment would list charity membership subscriptions which qualify for Gift Aid as an excluded contract pursuant to Clause 253 and Schedule 20 (Excluded Contracts) of the Bill.*

**Clause 259**

VISCOUNT COLVILLE OF CULROSS

Clause 259, page 173, line 15, at end insert –

- “(7) At the end of the contract, the trader must make available to the consumer any digital content other than personal data which the consumer has provided or created during the contract.
- (8) The consumer must be able to access and transfer such digital content without charge and for a reasonable period of time after the contract ended.
- (9) The obligations in subsections (7) and (8) do not extend to any digital content other than personal data which –
- (a) cannot be used by the consumer after the contract has ended;
  - (b) has been combined with other data and cannot be disaggregated by taking proportionate steps.
- (10) After the contract has ended, the trader must not continue to use any digital content other than personal data provided or created by the consumer, except in the situations in subsection (9).
- (11) In subsections (7) and (9), “personal data” has the same meaning as in Article 4(1) of the UK-GDPR.

- (12) For the consumer’s right to retrieve personal data and the trader’s obligations to cease processing personal data after the contract has ended, the relevant provisions of the UK-GDPR apply.”

***Member's explanatory statement***

*This amendment will ensure that at the end of a contract a consumer’s non personal data can be returned to them and the trader will not be able to continue using their data. As the bill stands personal data which identifies a person is protected in law, but their other data does not receive such protection.*



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*12 December 2023*

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