

# Data Protection and Digital Information Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**Schedule 1**

BARONESS JONES OF WHITCHURCH

Schedule 1, page 192, line 21, leave out from beginning to end of line 6 on page 197

***Member's explanatory statement***

*This amendment is consequential on an amendment in the name of Baroness Jones of Whitchurch to leave out Clause 114. These Schedule 1 provisions would become redundant if Clause 114 is removed from the Bill.*

**Clause 9**

BARONESS JONES OF WHITCHURCH

Clause 9, page 17, leave out line 33

***Member's explanatory statement***

*This amendment would mean that the resources available to the controller could not be taken into account when determining whether a request by a data subject is vexatious or excessive.*

BARONESS JONES OF WHITCHURCH

Clause 9, page 18, line 36, at end insert—

“(6A) When informing the data subject of the reasons for not taking action on the request in accordance with subsection (6), the controller must provide evidence of why the request has been treated as vexatious or excessive.”

***Member's explanatory statement***

*This amendment would require the data controller to provide evidence of why a request has been considered vexatious or excessive if the controller is refusing to take action on the request.*

## Clause 14

BARONESS JONES OF WHITCHURCH

Clause 14, page 27, line 6, after “solely” insert “or partly”

### *Member's explanatory statement*

*This amendment would mean that the protections provided for by the new Article 22C would apply where a decision is based either solely or partly on automated processing, not only where it is based solely on such processing.*

BARONESS JONES OF WHITCHURCH

Clause 14, page 27, line 36, at end insert –

“7. When exercising the power to make regulations under this Article, the Secretary of State must have regard to the following principles.

### **Digital information principles at work**

1. People should have access to a fair, inclusive and trustworthy digital environment at work.
2. Algorithmic systems should be designed and used to achieve better outcomes (to make work better, and not for surveillance), and workers and their representatives should be involved in this process.
3. People should be protected from unsafe, unaccountable and ineffective algorithmic systems at work. Impacts on individuals and groups must be assessed in advance and monitored, with reasonable and proportionate steps taken.
4. Algorithmic systems should not harm workers’ mental or physical health, or integrity.
5. Workers and their representatives should always know when an algorithmic system is being used, how and why it is being used, and what impacts it may have on them or their work.
6. Workers and their representatives should be involved in meaningful consultation before and during use of an algorithmic system that may significantly impact work or people.
7. Workers should have control over their own data and digital information collected about them at work.
8. Workers and their representatives should always have an opportunity for human contact, review and redress when an algorithmic system is used at work where it may significantly impact work or people, including a right to a written explanation when a decision is made.
9. Workers and their representatives should be able to use their data and digital technologies for contact and association to improve work quality and conditions.
10. Workers should be supported to build the information, literacy and skills needed to fulfil their capabilities through work transitions.”

### *Member's explanatory statement*

*This amendment would insert into new Article 22D of the UK GDPR a requirement for the Secretary of State to have regard to the statement of digital information principles at work when making regulations about automated decision-making.*

## Clause 16

BARONESS JONES OF WHITCHURCH

*Baroness Jones of Whitchurch gives notice of her intention to oppose the Question that Clause 16 stand part of the Bill.*

### ***Member's explanatory statement***

*This amendment to leave out Clause 16 is to probe why the Government deem it appropriate to remove the requirement for non-UK entities to appoint a UK representative when such a requirement exists in the data protection law of many other jurisdictions.*

## Clause 17

BARONESS JONES OF WHITCHURCH

Clause 17, page 32, line 37, at end insert “(including in the cases specified in sub-paragraphs (a) to (c) of paragraph 3 of Article 35)”

### ***Member's explanatory statement***

*This amendment, together with an amendment to Clause 18 in the name of Baroness Jones of Whitchurch, would provide a definition of what constitutes “high risk processing” for the purposes of applying Articles 27A, 27B and 27C, which require data controllers to designate, and specify the duties of, a “senior responsible individual” with responsibility for such processing.*

## Clause 20

BARONESS JONES OF WHITCHURCH

Clause 20, page 40, line 24, leave out paragraph (c) and insert—

- “(c) omit paragraph 2,
- (ca) in paragraph 3—
  - (i) for “data protection” substitute “high risk processing”,
  - (ii) in sub-paragraph (a), for “natural persons” substitute “individuals”,
  - (iii) in sub-paragraph (a) for “natural person” substitute “individual” in both places where it occurs,
- (cb) omit paragraphs 4 and 5,”

### ***Member's explanatory statement***

*This amendment would ensure that there is a definition of “high risk processing” on the face of the Regulation.*

**After Clause 46**

BARONESS JONES OF WHITCHURCH

After Clause 46, insert the following new Clause—

**“Provision about representation of data subjects**

In subsection (1) of section 190 of the Data Protection Act 2018, for “After the report under section 189(1) is laid before Parliament, the Secretary of State may” substitute “The Secretary of State must, within three months of the passage of the Data Protection and Digital Information Act 2024,””

***Member's explanatory statement***

*This new Clause would require the Secretary of State to exercise powers under section 190 of the Data Protection Act 2018 to allow organisations to raise data breach complaints on behalf of data subjects generally, in the absence of a particular subject who wishes to bring forward a claim about misuse of their own personal data.*

**Clause 109**

BARONESS JONES OF WHITCHURCH

Clause 109, page 137, line 9, leave out from beginning to end of line 16 on page 138

***Member's explanatory statement***

*This amendment would leave out the proposed new regulation 6B of the Privacy and Electronic Communications Regulations (PEC Regulations), which would enable consent to be given, or an objection to be made, to cookies automatically.*

**Clause 114**

BARONESS JONES OF WHITCHURCH

*Baroness Jones of Whitchurch gives notice of her intention to oppose the Question that Clause 114 stand part of the Bill.*

***Member's explanatory statement***

*This amendment would remove the Clause which would enable direct marketing for the purposes of democratic engagement.*

**Clause 115**

BARONESS JONES OF WHITCHURCH

*Baroness Jones of Whitchurch gives notice of her intention to oppose the Question that Clause 115 stand part of the Bill.*

**Member's explanatory statement**

*This amendment is consequential on an amendment to leave out Clause 114. Clause 115 would become redundant if Clause 114 were removed from the Bill.*

**Clause 116**

BARONESS JONES OF WHITCHURCH

Clause 116, page 145, line 12, at end insert –

- “(2A) A provider of a public electronic communications service or network is not required to intercept or examine the content of any communication in order to comply with their duty under this regulation.”

**Member's explanatory statement**

*This amendment would clarify that a public electronic communications service or network is not required to intercept or examine the content of any communication in order to comply with their duty to notify the Commissioner of unlawful direct marketing.*

BARONESS JONES OF WHITCHURCH

Clause 116, page 147, line 23, at end insert –

- “(2A) In regulation 1 –
- (a) after “shall”, insert “save for regulation 26A”;
  - (b) at end, insert –
    - “(2) Regulation 26A comes into force six months after the Commissioner has published guidance under regulation 26C (Guidance in relation to regulation 26A).”

**Member's explanatory statement**

*This amendment would provide for the new regulation 26A, Duty to notify Commissioner of unlawful direct marketing, not to come into force until six months after the Commissioner has published guidance in relation to that duty.*

**Before Clause 130**

BARONESS JONES OF WHITCHURCH

Before Clause 130, insert the following new Clause –

**“Definition of “biometric data”**

In paragraph 1 of Article 9 of the UK GDPR, omit “for the purpose of uniquely identifying a natural person”.

***Member's explanatory statement***

*This new Clause would amend the UK General Data Protection Regulation to extend the protections currently in place for biometric data for identification to include biometric data for the purpose of classification.*

**Clause 133**

BARONESS JONES OF WHITCHURCH

Clause 133, page 169, line 10, at end insert –

“(2A) After section 25, insert –

**“25A Review of form in which registers are to be kept**

- (1) The Secretary of State must commission a review of the provisions of this Act and of related legislation, with a view to the creation of a single digital register of births and deaths.
- (2) The review must consider and make recommendations on the effect of the creation of a single digital register on –
  - (a) fraud,
  - (b) data collection, and
  - (c) ease of registration.
- (3) The Secretary of State must lay the conclusions of their review before Parliament within six months of this section coming into force.”

***Member's explanatory statement***

*This amendment would insert a new section into the Births and Deaths Registration Act 1953 requiring a review of relevant legislation, with consideration of creating a single digital register for registered births and registered deaths and recommendations on the effects of such a change on reducing fraud, improving data collection and streamlining digital registration.*

**After Clause 142**

BARONESS JONES OF WHITCHURCH

After Clause 142, insert the following new Clause –

**“Review of notification of changes of circumstances legislation**

- (1) The Secretary of State must commission a review of the operation of the Social Security (Notification of Changes of Circumstances) Regulations 2010 (S.I. 2010/444).
- (2) In conducting the review, the designated reviewer must –
  - (a) consider the current operation and effectiveness of the legislation;
  - (b) identify any gaps in its operation and provisions;

- (c) consider and publish recommendations as to how the scope of the legislation could be expanded to include non-public sector, voluntary and private sector holders of personal data.
- (3) In undertaking the review, the reviewer must consult –
- (a) specialists in data sharing;
  - (b) people and organisations who campaign for the interests of people affected by the legislation;
  - (c) people and organisations who use the legislation;
  - (d) any other persons and organisations the reviewer considers appropriate.
- (4) The Secretary of State must lay a report of the review before Parliament within six months of the day on which this Act is passed.”

***Member's explanatory statement***

*This new Clause would require a review of the operation of the “Tell Us Once” programme, which seeks to provide simpler mechanisms for citizens to pass information regarding births and deaths to government, and consideration of whether the progress of “Tell Us Once” could be extended to non-public sector holders of data.*

**Clause 149**

BARONESS JONES OF WHITCHURCH

Clause 149, page 187, line 19, leave out “, which allows or confirms the unique identification of that individual,”

***Member's explanatory statement***

*This amendment would amend the definition of “biometric data” for the purpose of the oversight of law enforcement biometrics databases so as to extend the protections currently in place for biometric data for identification to include biometric data for the purpose of classification.*

**Before Clause 150**

BARONESS JONES OF WHITCHURCH

Before Clause 150, insert the following new Clause –

**“Impact of Act on EU data adequacy decision**

- (1) Within six months of the day on which this Act is passed, the Secretary of State must carry out an assessment of the likely impact of this Act on the EU data adequacy decisions relating to the UK.
- (2) Upon completion of the assessment under subsection (1), a Minister of the Crown must lay before Parliament a report of the findings.
- (3) The assessment must include specific consideration of the impact of the Act on –
  - (a) data risk, and
  - (b) small and medium-sized businesses.

- (4) The report under subsection (2) must include an estimate of the impact of the Act in financial terms.”

***Member's explanatory statement***

*This amendment is to probe whether the Government anticipate the provisions of this Bill conflicting with the requirements that need to be met by the UK to maintain a data adequacy decision by the EU.*





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