

Data Protection and Digital Information Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

Clause 5

LORD CLEMENT-JONES

Clause 5, page 7, leave out lines 8 and 9 and insert—

- “8. The Secretary of State may not make regulations under paragraph 6 unless a draft of the regulations has been laid before both Houses of Parliament for the 60-day period.
- 8A. The Secretary of State must consider any representations made during the 60-day period in respect of anything in the draft regulations laid under paragraph 8.
- 8B. If, after the end of the 60-day period, the Secretary of State wishes to proceed to make the regulations, the Secretary of State must lay before Parliament a draft of the regulations (incorporating any changes the Secretary of State considers appropriate pursuant to paragraph 8A).
- 8C. Draft regulations laid under paragraph 8B must, before the end of the 40-day period, have been approved by a resolution of each House of Parliament.
- 8D. In this Article—
- “the 40-day period” means the period of 40 days beginning on the day on which the draft regulations mentioned in paragraph 8 are laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the days on which it is laid);
- “the 60-day period” means the period of 60 days beginning on the day on which the draft regulations mentioned in paragraph 8B are laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the days on which it is laid).
- 8E. When calculating the 40-day period or the 60-day period for the purposes of paragraph 8D, ignore any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.”

Member's explanatory statement

This amendment would make regulations made in respect of a recognised legitimate interest subject to a super-affirmative Parliamentary procedure.

Clause 14

LORD CLEMENT-JONES

Clause 14, page 27, line 6, leave out “solely” and insert “predominantly”

Member's explanatory statement

This amendment would mean safeguards for data subjects' rights, freedoms and legitimate interests would have to be in place in cases where a significant decision in relation to a data subject was taken based predominantly, rather than solely, on automated processing.

LORD CLEMENT-JONES

Clause 14, page 27, line 12, at end insert “including the reasons for the processing”

Member's explanatory statement

This amendment would require data controllers to provide the data subject with the reasons for the processing of their data in cases where a significant decision in relation to a data subject was taken based on automated processing.

Clause 32

LORD CLEMENT-JONES

Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 32 stand part of the Bill.

Member's explanatory statement

Removing this Clause removes the powers of the Secretary of State to intervene with the functioning of the Commissioner and transfers the responsibility to appoint the Commissioner from government to Parliament.

Clause 33

LORD CLEMENT-JONES

Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 33 stand part of the Bill.

Member's explanatory statement

Removing this Clause would remove the powers of the Secretary of State to intervene with the functioning of the Commissioner and transfers the responsibility to appoint the Commissioner from government to parliament.

Clause 34

LORD CLEMENT-JONES

Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 34 stand part of the Bill.

Member's explanatory statement

Removing this Clause would remove the powers of the Secretary of State to intervene with the functioning of the Commissioner and transfers the responsibility to appoint the Commissioner from government to parliament.

Clause 35

LORD CLEMENT-JONES

Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 35 stand part of the Bill.

Member's explanatory statement

Removing this Clause removes the powers of the Secretary of State to intervene with the functioning of the Commissioner and transfers the responsibility to appoint the Commissioner from government to parliament.

Clause 44

LORD CLEMENT-JONES

Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 44 stand part of the Bill.

Member's explanatory statement

Removing this Clause would remove provisions in the Bill that would hinder data subjects' right to lodge complaints, and extends the scope of orders under Section 166 of the Data Protection Act to the appropriateness of the Commissioner's response to a complaint.

Clause 147

LORD CLEMENT-JONES

Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 147 stand part of the Bill.

Member's explanatory statement

Removing this Clause would remove provisions in the Bill that abolish the office of the Biometrics and Surveillance Camera Commissioner.

Clause 148

LORD CLEMENT-JONES

Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 148 stand part of the Bill.

Member's explanatory statement

Removing this Clause would remove provisions in the Bill that abolish the office of the Biometrics and Surveillance Camera Commissioner.

Clause 149

LORD CLEMENT-JONES

Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 149 stand part of the Bill.

Member's explanatory statement

Removing this Clause would remove provisions in the Bill that abolish the office of the Biometrics and Surveillance Camera Commissioner.

After Clause 149

LORD CLEMENT-JONES

After Clause 149, insert the following new Clause—

“Provision about implementing article 80(2) of the UK GDPR

In section 190(1) of the Data Protection Act 2018 leave out “After the report under section 189(1) is laid before Parliament, the Secretary of State may” and insert “The Secretary of State must, within three months of the passage of the Data Protection and Digital Information Act 2023,””

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 public interest organisations to raise data protection complaints on behalf of individuals generally, without the need to obtain the authorisation of each individual being represented.

LORD CLEMENT-JONES

After Clause 149, insert the following new Clause—

“Review of the impact of the Act on anonymisation and the identifiability of data subjects

- (1) Within six months of the day on which this Act is passed, the Secretary of State must lay before Parliament the report of an assessment of the impact of the

measures in the Act on anonymisation and the identifiability of data subjects in the United Kingdom.

- (2) The report must include a comparison between the rights afforded to data subjects under this Act with those afforded to data subjects by the Commission Regulation (EU) 2016/679 (General Data Protection Regulation).”

Member's explanatory statement

This amendment requires the Secretary of State to conduct an impact assessment of the measures in the Act on anonymisation and identifiability of data subjects, including a comparison between the rights afforded to data subjects in this Act and those in the EU General Data Protection Regulation.

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12 January 2024

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS