

Data Protection and Digital Information Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

Clause 45

LORD CLEMENT-JONES

Leave out Clause 45 and insert the following new Clause –

“Commissioner’s response to a complaint

- (1) Section 166 of the Data Protection Act 2018 (orders to progress complaints) is amended as follows.
- (2) After subsection (1)(c) insert –
“(d) fails to investigate the complaint to the extent necessary, or to take appropriate action in order to remedy any findings of inadequacy.”
- (3) After subsection (2)(b) insert –
“(c) to use formal powers as appropriate to investigate the complaint and to remedy any findings of inadequacy, unless the request from the data subject is manifestly unfounded or excessive.””

Member's explanatory statement

This amendment removes provisions in the Bill that would limit data subjects’ right to lodge complaints, and extends the scope of orders under section 166 of the Data Protection Act 2018 to the appropriateness of the Commissioner’s response to a complaint.

Schedule 15

LORD CLEMENT-JONES

Schedule 15, page 278, line 21, leave out “The Secretary of State may by regulations” and insert “His Majesty by Letters Patent”

Member's explanatory statement

This amendment removes the powers of the Secretary of State to interfere with the functioning of the Commissioner and transfers the responsibility to appoint the Commissioner from government to Parliament.

LORD CLEMENT-JONES

Schedule 15, page 278, line 30, leave out sub-paragraph (2) and insert –

- “(2) The non-executive members are appointed by His Majesty by Letters Patent on the recommendation of the person who chairs the relevant Parliamentary committee.
- (2A) At least two non-executive members must be appointed for the specific task of overseeing regulatory complaints and the rights and freedoms of data subjects.”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 279, line 5, leave out “Secretary of State” and insert “relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 279, leave out lines 10 and 11 and insert –

- “(6) The non-executive members must exercise the powers conferred on the non-executive members by this paragraph so as to secure that the number of non-executive members of the Commission is, so far as practicable, at all times greater than the number of executive members.”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 279, leave out lines 14 to 19

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 279, line 21, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 279, line 34, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 279, line 36, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 279, line 38, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 280, line 5, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 280, line 15, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 280, line 24, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 281, line 3, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 281, line 9, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 281, line 12, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 281, line 16, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 281, line 17, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 281, line 24, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 281, line 26, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 281, line 32, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 286, line 21, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 286, line 26, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 286, line 34, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 286, line 37, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 287, line 8, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

LORD CLEMENT-JONES

Schedule 15, page 287, line 31, leave out “Secretary of State” and insert “person who chairs the relevant Parliamentary committee”

Member's explanatory statement

This amendment 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.

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