

Data Protection and Digital Information Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

Schedule 5

LORD BETHELL

Schedule 5, page 209, line 5, at end insert –

- “1B. A third country cannot be considered either adequate or capable of providing appropriate safeguards by any authority where there exists no credible means to enforce data subject rights or obtain legal remedies.
- 1C. For the purposes of paragraph 1A. the Secretary of State must have due regard to the view of the Information Commission in determining whether credible means are available in a third country.”

After Clause 142

BARONESS KIDRON
LORD ARBUTHNOT OF EDROM
LORD CLEMENT-JONES

After Clause 142, insert the following new Clause –

“Evidence from computer records

- (1) In any proceedings, a statement containing information in a document produced by a computer is not to be admissible as evidence of any fact stated therein unless it is shown –
 - (a) that there are no reasonable grounds for believing that the information contained in the statement is inaccurate because of improper use of the computer,
 - (b) that at all material times the computer was operating properly, or if not, that any respect in which it was not operating properly or was out of operation was not such as to materially affect the production of the document or the accuracy of the information it contains, and
 - (c) that any relevant conditions specified in rules of court under subsection (2) below are satisfied.
- (2) Provision may be made by rules of court requiring that in any proceedings where it is desired to give a statement in evidence by virtue of this section such

information concerning the statement as may be required by the rules must be provided in such form and at such time as may be so required.”

Member's explanatory statement

This probing amendment reinstates the substantive provisions of section 69 of the Police and Criminal Evidence Act 1984. This would revoke the current assumption that the information provided by computers is always accurate. It seeks to address one of the main issues arising in the Post Office Horizon scandal.

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