

# Data Protection and Digital Information Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**Clause 9**

LORD CLEMENT-JONES

Clause 9, page 18, line 6, at end insert –

- “6. Where, in accordance with paragraph 2, a controller:
- (a) charges a fee for dealing with a request, or
  - (b) refuses to act on a request

the controller must issue a notice to the data subject explaining the reasons why they are refusing to act on the request, or charging a fee for dealing with the request, including reasons as to why the controller considers the request to be vexatious or excessive and informing the subject of their right to make a complaint to the Information Commission.”

***Member's explanatory statement***

*This amendment requires the data controller to inform the data subject whose request they refuse of the reasons for refusal and their right to seek a remedy.*

**Clause 14**

LORD CLEMENT-JONES

Clause 14, page 26, line 19, at end insert –

- “3. For the purposes of Article 22C, a decision meaningfully involves automated processing where a different decision might have been reached had the output of an automated process not been a factor which was considered by the decision maker.”

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, introduces a new definition of decisions which “meaningfully involve” automated processing. It creates new additional obligations on public authorities to ensure safeguards for data subjects’ rights and freedoms, not only whenever a significant decision is based “solely” on automated processing, but also whenever automated processing was meaningfully used.*

LORD CLEMENT-JONES

Clause 14, page 26, line 22, leave out from “on” to “may” in line 23 and insert “personal data”

***Member's explanatory statement***

*This amendment broadens the restriction on solely automated decision-making in new Article 22B so that it applies to decisions based on all categories of personal data, not just “special category” data.*

LORD CLEMENT-JONES

Clause 14, page 27, line 12, leave out “paragraph 1” and insert “paragraphs 1 and 1A”

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, introduces a new definition of decisions which “meaningfully involve” automated processing. It creates new additional obligations on public authorities to ensure safeguards for data subjects’ rights and freedoms, not only whenever a significant decision is based “solely” on automated processing, but also whenever automated processing was meaningfully used.*

LORD CLEMENT-JONES

Clause 14, page 27, line 21, leave out “is, or”

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, retains the ability of the Secretary of State to introduce new safeguards but would prevent the removal or variation of safeguards under the new UK GDPR Article 22D and the new section 50D of the 2018 Act.*

LORD CLEMENT-JONES

Clause 14, page 27, line 25, leave out “, or is not,”

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, retains the ability of the Secretary of State to introduce new safeguards but would prevent the removal or variation of safeguards under the new UK GDPR Article 22D and the new section 50D of the 2018 Act.*

LORD CLEMENT-JONES

Clause 14, page 27, line 31 after “22C(1)” insert “, (1A)”

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, introduces a new definition of decisions which “meaningfully involve” automated processing. It creates new additional obligations on public authorities to ensure safeguards for data subjects’ rights and freedoms, not*

*only whenever a significant decision is based “solely” on automated processing, but also whenever automated processing was meaningfully used.*

LORD CLEMENT-JONES

Clause 14, page 28, line 13, at end insert –

- “(c) a decision meaningfully involves automated processing where a different decision might have been reached had the output of an automated process not been a factor which was considered by the decision maker.”

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, introduces a new definition of decisions which “meaningfully involve” automated processing. It creates new additional obligations on public authorities to ensure safeguards for data subjects’ rights and freedoms, not only whenever a significant decision is based “solely” on automated processing, but also whenever automated processing was meaningfully used.*

LORD CLEMENT-JONES

Clause 14, page 28, line 19, leave out “sensitive”

***Member's explanatory statement***

*This amendment broadens the restriction on solely automated decision-making in new Article 22B so that it applies to decisions based on all categories of personal data, not just sensitive personal data.*

LORD CLEMENT-JONES

Clause 14, page 28, line 28, after “controller” insert “which is a public authority”

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, introduces a new definition of decisions which “meaningfully involve” automated processing. It creates new additional obligations on public authorities to ensure safeguards for data subjects’ rights and freedoms, not only whenever a significant decision is based “solely” on automated processing, but also whenever automated processing was meaningfully used.*

LORD CLEMENT-JONES

Clause 14, page 28, line 30, leave out “based solely on” and insert “meaningfully involves”

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, introduces a new definition of decisions which “meaningfully involve” automated processing. It creates new additional obligations on public authorities to ensure safeguards for data subjects’ rights and freedoms, not*

*only whenever a significant decision is based “solely” on automated processing, but also whenever automated processing was meaningfully used.*

LORD CLEMENT-JONES

Clause 14, page 28, line 33, at end insert –

- “(1A) Subject to subsection (3), where a significant decision taken by or on behalf of a controller who is not a public authority in relation to a data subject is –
- (a) based entirely or partly on personal data, and
  - (b) based solely on automated processing,
- the controller must ensure that safeguards for the data subject’s rights, freedoms and legitimate interests are in place which comply with subsection (2) and any regulations under section 50D(4).”

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, introduces a new definition of decisions which “meaningfully involve” automated processing. It creates new additional obligations on public authorities to ensure safeguards for data subjects’ rights and freedoms, not only whenever a significant decision is based “solely” on automated processing, but also whenever automated processing was meaningfully used.*

LORD CLEMENT-JONES

Clause 14, page 28, line 36, after “(1)” insert “and (1A)”

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, introduces a new definition of decisions which “meaningfully involve” automated processing. It creates new additional obligations on public authorities to ensure safeguards for data subjects’ rights and freedoms, not only whenever a significant decision is based “solely” on automated processing, but also whenever automated processing was meaningfully used.*

LORD CLEMENT-JONES

Clause 14, page 29, line 2, after “(1)” insert “, (1A)”

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, introduces a new definition of decisions which “meaningfully involve” automated processing. It creates new additional obligations on public authorities to ensure safeguards for data subjects’ rights and freedoms, not only whenever a significant decision is based “solely” on automated processing, but also whenever automated processing was meaningfully used.*

LORD CLEMENT-JONES

Clause 14, page 29, line 25, leave out ", or is not," and insert "not"

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, retains the ability of the Secretary of State to introduce new safeguards but would prevent the removal or variation of safeguards under the new UK GDPR Article 22D and the new section 50D of the 2018 Act.*

LORD CLEMENT-JONES

Clause 14, page 29, line 29, leave out “, or is not,”

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, retains the ability of the Secretary of State to introduce new safeguards but would prevent the removal or variation of safeguards under the new UK GDPR Article 22D and the new section 50D of the 2018 Act.*

LORD CLEMENT-JONES

Clause 14, page 29, line 35, leave out ", or is not," and insert "not"

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, retains the ability of the Secretary of State to introduce new safeguards but would prevent the removal or variation of safeguards under the new UK GDPR Article 22D and the new section 50D of the 2018 Act.*

LORD CLEMENT-JONES

Clause 14, page 29, line 38, leave out “or varying”

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, retains the ability of the Secretary of State to introduce new safeguards but would prevent the removal or variation of safeguards under the new UK GDPR Article 22D and the new section 50D of the 2018 Act.*

**After Clause 14**

LORD CLEMENT-JONES

After Clause 14, insert the following new Clause —

**“Use of the Algorithmic Transparency Recording Standard**

- (1) The Secretary of State must by regulations make provision requiring Government departments, public authorities and all persons exercising a public function using algorithmic tools to process personal data to use the Algorithmic Transparency Recording Standard (“the Standard”).

- (2) The Standard is that published by the Central Digital and Data Office and Centre for Data Ethics and Innovation as part of the Government’s National Data Strategy.
- (3) Regulations under subsection (1) must require the submission and publication of algorithmic transparency reports as required by the Standard.
- (4) Regulations under subsection (1) may provide for exemptions to the requirement for publication where necessary –
  - (a) to avoid obstructing an official or legal inquiry, investigation or procedure,
  - (b) to avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties,
  - (c) to protect public security, or
  - (d) to safeguard national security.
- (5) Regulations under subsection (1) are subject to the affirmative resolution procedure.”

***Member's explanatory statement***

*This new clause puts a legislative obligation on public bodies using algorithmic tools that have a significant influence on a decision-making process with direct or indirect public effect, or directly interact with the general public, to publish reports under the Algorithmic Transparency Recording Standard.*

**Clause 20**

LORD CLEMENT-JONES

Clause 20, page 40, line 19, leave out subsection (2)

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, maintains the current requirement to conduct a data protection impact assessment and introduces a new requirement on public authorities to publish data protection impact assessments.*

LORD CLEMENT-JONES

Clause 20, page 40, line 23, leave out paragraphs (b) to (d)

***Member's explanatory statement***

*This amendment, along with others in the name of Lord Clement-Jones, removes the provisions in Clause 20 which would arguably weaken the requirements for data protection impact assessments. The amendment maintains the other changes made by Clause 20.*

LORD CLEMENT-JONES

Clause 20, page 40, line 38, leave out paragraph (f)

**Member's explanatory statement**

*This amendment, along with others in the name of Lord Clement-Jones, removes the provisions in Clause 20 which would arguably weaken the requirements for data protection impact assessments. The amendment maintains the other changes made by Clause 20.*

LORD CLEMENT-JONES

Clause 20, page 41, line 5, leave out paragraph (h) and insert –

“(h) in paragraph 11, for “data protection impact assessment” substitute “assessment made pursuant to paragraph 1””

**Member's explanatory statement**

*This amendment, along with others in the name of Lord Clement-Jones, removes the provisions in Clause 20 which would arguably weaken the requirements for data protection impact assessments. The amendment maintains the other changes made by Clause 20.*

LORD CLEMENT-JONES

Clause 20, page 41, line 16, leave out subsections (5), (6), and (7)

**Member's explanatory statement**

*This amendment, along with others in the name of Lord Clement-Jones, maintains the current requirement to conduct a data protection impact assessment and introduces a new requirement on public authorities to publish data protection impact assessments.*

LORD CLEMENT-JONES

Clause 20, page 41, line 25, leave out paragraph (d)

**Member's explanatory statement**

*This amendment, along with others in the name of Lord Clement-Jones, removes the provisions in Clause 20 which would arguably weaken the requirements for data protection impact assessments. The amendment maintains the other changes made by Clause 20.*

**Clause 28**

LORD CLEMENT-JONES

*Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 28 stand part of the Bill.*

**Member's explanatory statement**

*This amendment would stop the Home Secretary from potentially infringing upon data protection rights through the use of ‘national security certificates’ and ‘designation notices’.*

**Clause 29**

LORD CLEMENT-JONES

*Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 29 stand part of the Bill.*

***Member's explanatory statement***

*This amendment would stop the Home Secretary from potentially infringing upon data protection rights through the use of 'national security certificates' and 'designation notices'.*

**Clause 30**

LORD CLEMENT-JONES

*Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 30 stand part of the Bill.*

***Member's explanatory statement***

*This amendment would stop the Home Secretary from potentially infringing upon data protection rights through the use of 'national security certificates' and 'designation notices'.*





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*29 January 2024*

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