

Data Protection and Digital Information Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

Clause 5

BARONESS JONES OF WHITCHURCH

Clause 5, page 6, line 31, leave out from beginning to end of line 9 on page 7

Member's explanatory statement

This amendment removes a delegated power allowing the Secretary of State to amend the grounds for lawful processing of personal data. It is intended to implement a recommendation of the Delegated Powers and Regulatory Reform Committee.

Clause 6

BARONESS JONES OF WHITCHURCH

Clause 6, page 9, leave out lines 10 to 23

Member's explanatory statement

This amendment removes a delegated power allowing the Secretary of State to amend conditions under which processing is treated as compatible with the original purpose. It is intended to implement a recommendation of the Delegated Powers and Regulatory Reform Committee.

Clause 14

BARONESS JONES OF WHITCHURCH

Clause 14, page 27, line 34, at end insert –

“5A. Regulations under paragraph 4 may not be made where the effect of the regulations would be to reduce the protections afforded by Article 22C to a data subject who is subject to automated decision-making.”

Member's explanatory statement

This amendment is one of two changes to delegated powers allowing the Secretary of State to vary safeguards applying to automated decision-making. It is intended to implement a recommendation of the Delegated Powers and Regulatory Reform Committee.

BARONESS JONES OF WHITCHURCH

Clause 14, page 29, line 40, at end insert –

“5A. Regulations under subsection (4) may not be made where the effect of the regulations would be to reduce the protections afforded by section 50C.”

Member's explanatory statement

This amendment is one of two changes to delegated powers allowing the Secretary of State to vary safeguards applying to automated decision-making. It is intended to implement a recommendation of the Delegated Powers and Regulatory Reform Committee.

Clause 53

BARONESS JONES OF WHITCHURCH

Clause 53, page 88, line 16, at end insert –

“(13) The DVS trust framework and any revision to it must be made by regulations subject to the affirmative resolution procedure.”

Member's explanatory statement

This amendment would require the document setting rules for providers of digital verification services (or any revisions to it) to be laid before, and approved by, both Houses of Parliament. It is intended to implement a recommendation of the Delegated Powers and Regulatory Reform Committee.

Clause 60

BARONESS JONES OF WHITCHURCH

Clause 60, page 91, line 4, leave out “the determination” and insert “regulations”

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

BARONESS JONES OF WHITCHURCH

Clause 60, page 91, line 5, leave out “A determination” and insert “Regulations”

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

BARONESS JONES OF WHITCHURCH

Clause 60, page 91, line 9, leave out “the determination” and insert “regulations”

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

BARONESS JONES OF WHITCHURCH

Clause 60, page 91, line 11, leave out “A determination” and insert “Regulations”

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

BARONESS JONES OF WHITCHURCH

Clause 60, page 91, line 17, leave out “A determination” and insert “Regulations”

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

BARONESS JONES OF WHITCHURCH

Clause 60, page 91, line 18, leave out subsections (7) to (9) and insert –

“(7) Regulations under this section are subject to the negative resolution procedure.”

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations, with the negative procedure offering the appropriate level of parliamentary scrutiny.

Clause 63

BARONESS JONES OF WHITCHURCH

Clause 63, page 92, line 27, leave out “a determination” and insert “regulations”

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

Clause 64

BARONESS JONES OF WHITCHURCH

Clause 64, page 93, line 24, leave out "a determination" and insert "regulations"

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

Clause 65

BARONESS JONES OF WHITCHURCH

Clause 65, page 94, line 3, leave out "a determination" and insert "regulations"

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

Clause 66

BARONESS JONES OF WHITCHURCH

Clause 66, page 94, line 41, leave out "a determination" and insert "regulations"

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

Clause 68

BARONESS JONES OF WHITCHURCH

Clause 68, page 95, line 33, leave out "determination" and insert "regulations"

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

BARONESS JONES OF WHITCHURCH

Clause 68, page 95, line 34, leave out "A determination" and insert "Regulations"

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

BARONESS JONES OF WHITCHURCH

Clause 68, page 95, line 36, leave out "determine" and insert "by regulations require"

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

BARONESS JONES OF WHITCHURCH

Clause 68, page 95, line 37, leave out "determination" and insert "regulations"

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

BARONESS JONES OF WHITCHURCH

Clause 68, page 95, line 38, leave out "determination" and insert "regulations"

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

BARONESS JONES OF WHITCHURCH

Clause 68, page 96, line 1, leave out "A determination" and insert "Regulations"

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

BARONESS JONES OF WHITCHURCH

Clause 68, page 96, line 6, leave out "A determination" and insert "Regulations"

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations.

BARONESS JONES OF WHITCHURCH

Clause 68, page 96, line 7, leave out subsections (7) to (9) and insert –

“(7) Regulations under this section are subject to the negative resolution procedure.”

Member's explanatory statement

This is one of a series of amendments to make the Secretary of State's fee-setting powers subject to parliamentary scrutiny. The Delegated Powers and Regulatory Reform Committee found that certain Part 2 powers should only be exercisable by the Secretary of State by regulations, with the negative procedure offering the appropriate level of parliamentary scrutiny.

After Clause 149

BARONESS KIDRON

After Clause 149, insert the following new Clause –

“Offence to use personal data or digital information to create digital models or files that facilitate the creation of AI or computer generated child sexual abuse material

- (1) A person commits an offence if they –
- (a) collect, scrape, possess, distribute or otherwise process personal data or digital information with the intention of using it, or attempting to use it, to create or train a digital model which enables the creation of AI or computer generated child sexual abuse material or priority illegal content;
 - (b) use personal data or digital information to create, train or distribute or attempt to create, train or distribute a digital file or model that has been trained on child sexual abuse material or priority illegal content, or which enables the creation of artificial intelligence or computer generated child sexual abuse material or priority illegal content;

- (c) collate, or attempt to collate, digital files or models based on personal data or digital information that, when combined, enable the creation of AI or computer generated child sexual abuse material or priority illegal content;
 - (d) possess, or attempt to possess, a digital file or model based on personal data or digital information with the intention of using it to produce or gain access to AI or computer generated child sexual abuse material or priority illegal content.
- (2) For the purposes of this section, “artificial intelligence or computer generated child sexual abuse material or primary priority illegal content” includes images, videos, audio including voice, chatbots, material generated by large language models, written text, computer file and avatars.
- (3) A person who commits an offence under subsection (1) is liable to the sentences set out in section 160 of the Criminal Justice Act 1988 and section 6 of the Protection of Children Act 1978 for the equivalent offences.
- (4) For the purposes of this section, “priority illegal content” is content that meets the definition of “priority illegal content” set out in section 59 of the Online Safety Act 2023.”

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