

Data Protection and Digital Information Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

After Clause 149

LORD CLEMENT-JONES

After Clause 149, insert the following new Clause –

“Deepfakes depicting sexual offences or activity without consent

- (1) It is an offence for a person to intentionally create, alter, or otherwise generate a deepfake depicting –
 - (a) a Child Sexual Exploitation and Abuse (CSEA) offence; or
 - (b) an intimate act.
- (2) It is an offence for a person to intentionally create, alter, or otherwise generate a CSEA deepfake.
- (3) A person is not guilty of an offence by virtue of subsection (1)(b) if they show the person or persons, being over the age of 18, depicted in the deepfake provided consent for the creation, alteration or generation of the deepfake.
- (4) Offences under this section are punishable either on conviction on indictment or on summary conviction.
- (5) A person convicted on indictment of an offence under this section is liable to imprisonment for a term of not more than ten years, or to a fine not exceeding the prescribed sum for the purposes of this Act or to both.
- (6) A person convicted summarily of an offence under this section is liable –
 - (a) to imprisonment for a term not exceeding six months; or
 - (b) to a fine not exceeding the prescribed sum for the purposes of this Act.
- (7) The Secretary of State must by regulations prescribe the sum for the purposes subsections (5) and (6).
- (8) Regulations made under subsection (7) are subject to the affirmative procedure.”

Member's explanatory statement

This amendment would make it an offence to intentionally generate a deepfake depicting sexual offences or activity without consent.

LORD CLEMENT-JONES

After Clause 149, insert the following new Clause –

“Deepfakes for the purpose of committing fraud

- (1) It is an offence for a person to create, alter or otherwise generate a deepfake where the person knows or suspects (or has reasonable grounds for knowing or suspecting) that the deepfake will, or is likely to, be used to carry out activity which would breach section 2 of the Fraud Act 2006 or otherwise constitute the common law offence of fraud.
- (2) Offences under this section are punishable either on conviction on indictment or on summary conviction.
- (3) A person convicted on indictment of an offence under this section is liable to imprisonment for a term of not more than five years, or to a fine not exceeding the prescribed sum for the purposes of this Act or to both.
- (4) A person convicted summarily of an offence under this section is liable –
 - (a) to imprisonment for a term not exceeding six months; or
 - (b) to a fine not exceeding the prescribed sum for the purposes of this Act.
- (5) The Secretary of State must by regulations prescribe the sum for the purposes subsections (3) and (4).
- (6) Regulations made under subsection (5) are subject to the affirmative procedure.”

Member's explanatory statement

This amendment would make it an offence for a person to generate a deepfake for the purpose of committing fraud.

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