

# Data Protection and Digital Information Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**Clause 11**

BARONESS HARDING OF WINSCOMBE

Clause 11, page 23, line 10, leave out “to the extent that” and insert “when any one or more of the following is true”

***Member's explanatory statement***

*This amendment would clarify that only one condition under paragraph 5 must be present for paragraphs 1 to 4 to not apply.*

BARONESS HARDING OF WINSCOMBE

Clause 11, page 23, line 24, after “subjects,” insert “the reasonable expectation of the data subjects,”

***Member's explanatory statement***

*This amendment adds to the list of what might constitute a disproportionate effort.*

**Schedule 11**

BARONESS SHERLOCK

Schedule 11, page 245, line 1, leave out from “only” to “relevant” in line 3 and insert “in cases where there are grounds to suspect that”

***Member's explanatory statement***

*This amendment, alongside others to paragraph 1 of Schedule 11 in the name of Baroness Sherlock, would reframe the Secretary of State’s power to give account information notices, making clear that the power should only be used in cases where there is suspicion that benefits are not being paid in accordance with enactments and rules of law relating to those benefits.*

BARONESS SHERLOCK

Schedule 11, page 245, line 3, after “are” insert “not”

***Member's explanatory statement***

*This amendment, alongside others to paragraph 1 of Schedule 11 in the name of Baroness Sherlock, would reframe the Secretary of State's power to give account information notices, making clear that the power should only be used in cases where there is suspicion that benefits are not being paid in accordance with enactments and rules of law relating to those benefits.*

BARONESS SHERLOCK

Schedule 11, page 245, line 4, after "have" insert "not"

***Member's explanatory statement***

*This amendment, alongside others to paragraph 1 of Schedule 11 in the name of Baroness Sherlock, would reframe the Secretary of State's power to give account information notices, making clear that the power should only be used in cases where there is suspicion that benefits are not being paid in accordance with enactments and rules of law relating to those benefits.*

BARONESS SHERLOCK

Schedule 11, page 246, leave out lines 14 to 18

***Member's explanatory statement***

*This amendment would remove from paragraph 3 of inserted Schedule 3B a provision which could require the recipient of an account information notice to provide legible and intelligible copies of information recorded otherwise than in a legible form.*

BARONESS SHERLOCK

Schedule 11, page 247, leave out lines 13 to 18 and insert—

- “5 Information provided to the Secretary of State in response to a notice may only be used to determine whether benefits have been paid in accordance with the enactments and rules of law relating to those benefits.”

***Member's explanatory statement***

*This amendment replaces paragraph 5 of inserted Schedule 3B and makes clear that information provided to the Secretary of State may only be used for the narrow purpose of determining whether benefits have been paid in accordance with enactments and rules of law relating to those benefits.*

BARONESS SHERLOCK

Schedule 11, page 247, line 22, leave out "may" and insert "must"

***Member's explanatory statement***

*This amendment would make it a requirement for the Secretary of State to issue a code of practice in connection with the use of account information notices.*

## BARONESS SHERLOCK

Schedule 11, page 247, line 24, leave out “may” and insert “must”

***Member's explanatory statement***

*This amendment would ensure that a code of practice contains all of the provisions outlined in paragraph 6(2) of Schedule 11.*

## BARONESS SHERLOCK

Schedule 11, page 247, line 26, at end insert “, including the criteria by which the Secretary of State will determine whether it is reasonable and proportionate to specify accounts in a notice”

***Member's explanatory statement***

*This amendment would ensure that a code of practice includes the criteria to be used by the Secretary of State in determining whether to issue account information notices.*

## BARONESS SHERLOCK

Schedule 11, page 247, line 32, leave out “If the Secretary of State decides to issue a code of practice,”

***Member's explanatory statement***

*This amendment is consequential on another in the name of Baroness Sherlock which makes the publication of a code of practice compulsory.*

## BARONESS SHERLOCK

Schedule 11, page 247, line 33, leave out “first”

***Member's explanatory statement***

*This amendment is consequential on another in the name of Baroness Sherlock which makes the publication of a code of practice compulsory.*

## BARONESS SHERLOCK

Schedule 11, page 247, line 34, at end insert “for consultation by –

- (a) the Social Security Advisory Committee,
- (b) organisations that will have to comply with notices, and
- (c) any other persons that the Secretary of State considers appropriate.”

***Member's explanatory statement***

*This amendment would require consultation on the draft code of conduct, with consultees to include the Social Security Advisory Committee and organisations that would have to comply with account information notices.*

## BARONESS SHERLOCK

Schedule 11, page 248, line 2, leave out lines 2 and 3 and insert –

- “(5) The code of practice, or any revision to it, may not come into force until a draft been laid before, and approved by a resolution of, each House of Parliament.
- (6) The Secretary of State may withdraw a code of practice but, unless a code of practice is in force, may not issue any new notices.”

***Member's explanatory statement***

*This amendment would require the code of practice (and any revisions to it) to be approved by a resolution of both Houses of Parliament. It would also retain the Secretary of State's ability to withdraw a code of practice, while making clear that the ability to issue notices would lapse if no code is in force.*

## BARONESS SHERLOCK

Schedule 11, page 248, leave out lines 4 to 15

***Member's explanatory statement***

*This amendment would remove current provisions around revisions to the code of practice, as this is now dealt with in an earlier amendment in the name of Baroness Sherlock to Schedule 11.*

## BARONESS SHERLOCK

Schedule 11, page 248, line 24, at end insert –

**“PART 2A****ANNUAL REPORTING**

- 8A (1) As soon as reasonably practicable after the end of each financial year, the Secretary of State must prepare and lay before Parliament a report regarding the use of account information notices under paragraph 1 of this Schedule.
- (2) A report under sub-paragraph (1) must outline, for the whole financial year –
  - (a) the number of account information notices issued,
  - (b) the number of account holders whose information was obtained as a result of the use of account information notices,
  - (c) the number of cases in which relevant benefits were identified as being paid otherwise than in accordance with the enactments and rules of law relating to those benefits, and
  - (d) the number of cases in which individuals' personal data was obtained but no fraud or error was identified.

- (3) A report under sub-paragraph (1) must also outline whether, in the view of the Secretary of State –
- (a) the breadth and scope of account information notices issued during the financial year was proportionate,
  - (b) the extent to which account information notices provided an effective means of ensuring that relevant benefits are paid in accordance with the enactments and rules of law relating to those benefits, and
  - (c) whether the use of account information notices will continue into the next financial year.”

***Member's explanatory statement***

*This amendment would insert a new Part into inserted Schedule 3B, to provide for annual reporting to Parliament on the use of account information notices. As well as requiring the provision of statistics around the use of such notices during the previous financial year, the amendment would also compel the Secretary of State to outline their views on the proportionality and effectiveness of notices.*

BARONESS SHERLOCK

Schedule 11, page 252, line 22, leave out from “relevant” to end of line 23 and insert “working-age social security benefit to be specified by the Secretary of State in regulations;”

***Member's explanatory statement***

*This amendment alters the definition of “relevant benefit” for the purposes of Schedule 11 and aims to remove pensions from the scope of the Bill’s social security powers.*

BARONESS SHERLOCK

Schedule 11, page 252, line 28, at end insert –

- “16A A statutory instrument containing regulations under paragraph 16(a) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

***Member's explanatory statement***

*This amendment would require regulations specifying the working-age benefits covered by the Bill’s social security powers to be approved by Parliament.*

**Clause 155**

BARONESS SHERLOCK

Clause 155, page 189, line 27, leave out “and (3)” and insert “, (3) and (3A)”

***Member's explanatory statement***

*This amendment is consequential on a later change to commencement provisions and would ensure that the new social security powers granted by the Bill are only commenced when a number of steps have been taken.*

BARONESS SHERLOCK

Clause 155, page 190, line 12, leave out paragraph (f)

***Member's explanatory statement***

*This amendment would remove the automatic entry into force of the new social security powers contained in the Bill. At present, these provisions would be commenced two months after Royal Assent.*

BARONESS SHERLOCK

Clause 155, page 190, line 14, at end insert –

- “(3A) The Secretary of State may not lay regulations to bring section 128 (power to require information for social security purposes) and Schedule 11 (power to require information for social security purposes) into force until the Secretary of State has –
- (a) issued a call for evidence to inform the creation of the first code of practice as required by Schedule 3B of the Social Security Administration Act 1992 (power of the Secretary of State to require account information),
  - (b) consulted the Financial Conduct Authority and organisations that will have to comply with notices on the operation of the proposed powers, and
  - (c) laid before Parliament one or more statements outlining –
    - (i) whether and how the Secretary of State proposes to use artificial intelligence tools as part of the exercising of their powers, and how these tools will take account of protected characteristics,
    - (ii) whether and how special provision will be made to ensure individuals who are subject to investigation do not experience financial hardship during that investigation, or any lasting detriment following its completion, and
    - (iii) whether the Secretary of State intends to outsource investigations to private contractors and, if so, what assurances the Secretary of State will seek in relation to the conduct of those investigations.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to fulfil several requirements prior to laying regulations to commence the Bill's new social security powers.*



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*1 March 2024*

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