Data Protection and Digital Information Bill

AMENDMENTS

TO BE MOVED

IN GRAND COMMITTEE

[Supplementary to the Marshalled List]

Amendment No.

Clause 14

BARONESS BENNETT OF MANOR CASTLE

38A★ Clause 14, page 26, line 19, at end insert ", and

(b) a human interpreted, assessed, and was able to intervene in the decision and any information on which it was based."

LORD HOLMES OF RICHMOND

52A★ Clause 14, page 27, leave out lines 20 to 27 and insert—

"1. The Information Commissioner's Office must publish guidance on the implementation and interpretation of the safeguards in Article 22C within one year of the passing of this Act.

2. The Information Commissioner's Office must publish guidance on the implementation and interpretation of what constitutes "similarly significant effect" and "meaningful human involvement" under Article 22A within one year of the passing of this Act."

LORD HOLMES OF RICHMOND

59A★ Clause 14, page 27, line 36, at end insert—

"7. Not less than every two years from the commencement of this Act, the Secretary of State must consult the Information Commissioner's Office and any of the following as the Secretary of State considers appropriate—

(a) data subjects; and

(b) persons and organisations who appear to the Secretary of State to represent the interests of data subjects such as trade unions, civil society organisations or other representative bodies

about the guidance on the implementation and interpretation of the safeguards in Article 22C under paragraph 1."

Clause 85

BARONESS BENNETT OF MANOR CASTLE

195A★ Clause 85, page 108, line 38 at end insert—

"(v) the energy and carbon intensity of the goods, services or digital content),"

Member's explanatory statement
This adds carbon and energy intensity to the information that can be required to be provided as "business data"

After Clause 103

LORD HOLMES OF RICHMOND

197A★ After Clause 103, insert the following new Clause—

"Oversight of biometric technology use by the Information Commission

(1) The Information Commission must establish a Biometrics Office.

(2) The Biometrics Office is to be constituted by a committee of three appointed commissioners with relevant expertise.

(3) It is the function of the Biometrics Office to—

(a) establish and maintain a public register of relevant entities engaged in processing the biometric data of members of the public;

(b) oversee and review the biometrics use of relevant entities;

(c) produce a Code of Practice for the use of biometric technology by registered parties, which must include—

(i) compulsory standards of accuracy and reliability for biometric technologies;

(ii) a requirement for the proportionality of biometrics use to be assessed prior to use and annually thereafter, and a procedure for such assessment;

(iii) a procedure for individual complaints about the use of biometrics by registered parties;

(d) receive and publish annual reports from all relevant entities, which includes the relevant entity's proportionality assessment of their biometrics use;

(e) enforce registration and reporting by the issuing of enforcement notices and, where necessary, the imposition of fines for non-compliance with the registration and reporting requirements;

(f) ensure lawfulness of biometrics use by relevant entities, including by issuing compliance and abatement notices where necessary.

(4) The Secretary of State may by regulations add to the responsibilities of the Biometrics Office.

(5) Regulations made under subsection (4) are subject to the affirmative resolution procedure.

(6) For the purposes of this Part, "relevant entity" means any organisation or body corporate (whether public or private) which processes biometric data as defined in Article 9 GDPR, other than where the biometric processing undertaken by the organisation or body corporate is otherwise overseen by the Investigatory Powers Commissioner, because it is—

(a) for the purposes of making or renewing a national security determination as defined by section 20(2) of the Protection of Freedoms Act 2012, or

(b) for the purposes set out in section 20(6) of the Protection of Freedoms Act 2012."

LORD HOLMES OF RICHMOND

197B★ After Clause 103, insert the following new Clause—

"Requirement to register with the Information Commission

(1) Any relevant entity intending to process the biometric data of members of the public (including any sub-group of the public, such as employees of the private entity) for purposes other than those contained in section 20(2) and (6) of the Protection of Freedoms Act 2012 must register with the Information Commission prior to the deployment of the biometric technology.

(2) An application for registration must include an explanation of the intended biometrics use, including an assessment of its proportionality and its extent.

(3) All relevant entities must provide an annual report to the Biometrics Office addressing their processing of biometric data in the preceding year and their intended processing of biometrics in the following year.

(4) Each annual report must contain a proportionality assessment of the relevant entity's processing of biometric data in the preceding year and intended processing of biometric data in the following year.

(5) Any relevant entity which processes biometric data without having registered with the Information Commission, or without providing annual reports to the Biometrics Office, is liable to an unlimited fine to be imposed by the Information Commission."

LORD HOLMES OF RICHMOND

197C★ After Clause 103, insert the following new Clause—

"Private biometrics use prior to entry into force of this Act

Any relevant entity engaged in processing the biometric data of members of the public prior to the commencement of this Act must register with the Information Commission within 6 months of the date of commencement of this Act."

Member's explanatory statement

This amendment creates a mechanism for the Information Commission to oversee biometric technology use by private parties. The Investigatory Powers Commissioner regime, as referred to in Clause 103, oversees the use by public bodies of biometric technology. With increasing use of biometric technology by private entities and corporations, this Clause introduces a scheme for oversight that extends to those real-world uses.

Data Protection and Digital Information Bill

AMENDMENTS

TO BE MOVED

IN GRAND COMMITTEE

[Supplementary to the Marshalled List]

19 March 2024