

Data Protection and Digital Information Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

[Supplementary to the Fifth Marshalled List]

Amendment
No.

Clause 47

LORD CLEMENT-JONES

- 154A★** Clause 47, page 81, line 4, leave out “and court procedure” and insert “and procedure of tribunals”

Member's explanatory statement

These amendments are consequential on other amendments in the name of Lord Clement-Jones which seek to clarify the jurisdictional confusion currently in the 2018 Act and to have a clear and coherent specialist tribunal appeals procedure.

LORD CLEMENT-JONES

- 154B★** Clause 47, page 81, line 7, leave out “court” and insert “tribunal”

Member's explanatory statement

These amendments are consequential on other amendments in the name of Lord Clement-Jones which seek to clarify the jurisdictional confusion currently in the 2018 Act and to have a clear and coherent specialist tribunal appeals procedure.

LORD CLEMENT-JONES

- 154C★** Clause 47, page 81, line 15, leave out “court” and insert “tribunal”

Member's explanatory statement

These amendments are consequential on other amendments in the name of Lord Clement-Jones which seek to clarify the jurisdictional confusion currently in the 2018 Act and to have a clear and coherent specialist tribunal appeals procedure.

LORD CLEMENT-JONES

- 154D★** Clause 47, page 81, line 16, leave out “court” and insert “tribunal”

Member's explanatory statement

These amendments are consequential on other amendments in the name of Lord Clement-Jones which seek to clarify the jurisdictional confusion currently in the 2018 Act and to have a clear and coherent specialist tribunal appeals procedure.

LORD CLEMENT-JONES

154E★ Clause 47, page 81, line 18, leave out “court” and insert “tribunal”

Member's explanatory statement

These amendments are consequential on other amendments in the name of Lord Clement-Jones which seek to clarify the jurisdictional confusion currently in the 2018 Act and to have a clear and coherent specialist tribunal appeals procedure.

LORD CLEMENT-JONES

154F★ Clause 47, page 81, line 23, leave out “court” and insert “tribunal”

Member's explanatory statement

These amendments are consequential on other amendments in the name of Lord Clement-Jones which seek to clarify the jurisdictional confusion currently in the 2018 Act and to have a clear and coherent specialist tribunal appeals procedure.

Clause 138

LORD CLEMENT-JONES

Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 138 stand part of the Bill.

Member's explanatory statement

This clause was not in the Bill as introduced in the Commons.

Schedule 13

LORD CLEMENT-JONES

Lord Clement-Jones gives notice of his intention to oppose the Question that Schedule 13 be the Thirteenth Schedule to the Bill.

Member's explanatory statement

This Schedule was not in the Bill as introduced in the Commons.

Clause 139

LORD CLEMENT-JONES

Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 139 stand part of the Bill.

Member's explanatory statement

This clause was not in the Bill as introduced in the Commons.

Clause 140

LORD CLEMENT-JONES

Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 140 stand part of the Bill.

Member's explanatory statement

This clause was not in the Bill as introduced in the Commons.

Clause 141

LORD CLEMENT-JONES

Lord Clement-Jones gives notice of his intention to oppose the Question that Clause 141 stand part of the Bill.

Member's explanatory statement

This clause not in the Bill as introduced in the Commons.

After Clause 149

LORD CLEMENT-JONES

295G★ After Clause 149, insert the following new Clause—

“Data risks from systemic competitors and hostile actors

- (1) The Secretary of State, in consultation with the Information Commissioner, must conduct a risk assessment on the data privacy risks associated with genomics and DNA companies that are headquartered in countries they determine to be systemic competitors and hostile actors.
- (2) Within 12 months of the passage of this Act, the Secretary of State must present this risk assessment report to Parliament and consult the intelligence and security agencies on the findings, taking into account the need to not make public information critical to national defence or ongoing operations.
- (3) This risk assessment must evaluate—

- (a) the potential for genomic and DNA data to be exfiltrated outside of the UK,
 - (b) the degree of access granted to foreign entities, particularly those linked to systemic competitors and hostile actors, to the genomic and DNA data collected within the UK,
 - (c) the potential misuse of genomic and DNA data for dual-use or other nefarious purposes,
 - (d) the implications for UK national security and strategic advantage,
 - (e) the risks to the privacy and rights of UK citizens, and
 - (f) the potential for such data to be used in a manner that could compromise the privacy or security of UK citizens or the national interest.
- (4) The risk assessment must include, but is not limited to –
- (a) an analysis of the data handling and storage practices of genomics companies that are based in countries designated as systemic competitors and hostile actors,
 - (b) an independent audit at any company site that could have access to UK genomics data, and
 - (c) evidence of clear disclosure statements to consumers of products and services from genomics companies subject to data handling and disclosure requirements in the countries they are headquartered.
- (5) This risk assessment must be conducted as frequently as deemed necessary by the Secretary of State or the Information Commissioner to address evolving threats and ensure continued protection of the genomics sector from malign entities controlled, directly or indirectly, by countries designated as systemic competitors and hostile actors.
- (6) The Secretary of State has the authority to issue directives or guidelines based on the findings of the risk assessment to ensure compliance by companies or personnel operating within the genomics sector in the UK, safeguarding against identified risks and vulnerabilities to data privacy.”

Member's explanatory statement

This amendment seeks to ensure sufficient scrutiny of emerging national security and data privacy risks related to advanced technology and areas of strategic interest for systemic competitors and hostile actors. It aims to inform the development of regulations or guidelines necessary to mitigate risks and protect the data privacy of UK citizens' genomics data and the national interest. It seeks to ensure security experts can scrutinise malign entities and guide researchers, consumers, businesses, and public bodies.

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16 April 2024
