

Data (Use and Access) Bill [HL]

RUNNING LIST OF ALL AMENDMENTS IN GRAND COMMITTEE

*Tabled up to and including
22 November 2024*

The amendments are listed in accordance with the following Instruction –

Clauses 1 to 56	Schedule 10
Schedule 1	Clauses 103 to 107
Clauses 57 and 58	Schedule 11
Schedule 2	Clauses 108 to 111
Clauses 59 to 65	Schedule 12
Schedule 3	Clauses 112 and 113
Clauses 66 to 70	Schedule 13
Schedule 4	Clauses 114 and 115
Clause 71	Schedule 14
Schedule 5	Clauses 116 to 119
Clauses 72 to 80	Schedule 15
Schedule 6	Clause 120
Clauses 81 to 84	Schedule 16
Schedules 7 to 9	Clauses 121 to 138
Clauses 85 to 102	Title

[Amendments marked ★ are new or have been altered]

Clause 2

LORD LUCAS

Clause 2, page 3, line 28, at end insert –

“(1A) The Secretary of State may by regulations make provision requiring a data holder to communicate (to the extent that they have the data required to do this) in a specified manner with all or a subset of the customers for whom they hold data.”

Member's explanatory statement

This amendment is to enable communication with customers to ascertain, for instance, whether regulations have been complied with or, for example in the case of the Student Loans Company, to enable research into the outcomes of courses that they have funded.

Clause 80

LORD LUCAS

Clause 80, page 95, line 23, at end insert –

“(e) communicate to the data subject the fact that automated decision-making has been involved, the automated decision-making system’s reasoning in reaching the conclusion that it has, and the extent of any human involvement.”

Member’s explanatory statement

This amendment seeks to ensure that, for example, a job applicant who has been rejected by an automated system is given clear reasons for the rejection.

Clause 109

LORD LUCAS

- ★ Clause 109, page 139, line 14, after “individuals” insert “and does not include communications that are necessary to avoid harm or improve consumer outcomes when complying with a legal basis or legislative measure provided by a regulatory authority”

Member’s explanatory statement

This amendment would ensure that financial services firms are able to comply with current and future regulatory requirements, such as the FCA’s new Consumer Duty, which expect firms to communicate with customers to ensure good customer outcomes. This amendment aligns to the wording of the UK GDPR (Recital 41) and includes Consumer Duty language of avoiding harm/improving outcomes.

After Clause 114

LORD LUCAS

- ★ After Clause 114, insert the following new Clause –

“Extending the soft opt-in to workplace pensions

- (1) Regulation 22 of the PEC Regulations (use of electronic mail for direct marketing purposes) is amended as follows.
- (2) In paragraph (2), after “paragraph (3)” insert “or (3A)”.
- (3) After paragraph (3) insert –

“(3A) A person may send or instigate the sending of electronic mail for the purposes of direct marketing where –

- (a) that person has obtained the contact details of the recipient of that electronic mail in the course of establishing a product or service for the benefit of that recipient as instructed by or on behalf of the employer of that recipient fulfilling a legislative requirement;

- (b) the direct marketing is in respect of that person’s product or service established for the recipient or that person’s similar products and services only;
- (c) the recipient is given, at the time of each communication, a simple means of refusing (free of charge except for the costs of the transmission of the refusal) the use of their contact details for the purposes of such direct marketing.””

Member’s explanatory statement

This is to rectify an unintended consequence of the UK’s Automatic Enrolment policy, where it is employers who set up pension arrangements. Individuals, therefore, often have not been given the opportunity to consent to receive communications for that product, meaning that they may be losing out on engaging and helpful content from their pension provider. This amendment gives that individual the opportunity to opt-out of direct marketing where previously they did not have the opportunity to opt-in.

After Clause 132

LORD LUCAS

After Clause 132, insert the following new Clause –

“Data dictionary

- (1) The Secretary of State may make regulations establishing the definitions of terms used to describe data, and may require that these definitions are used in relation to—
 - (a) Parts 2 (digital verification services) and 4 (registers of births and deaths) of this Act, and
 - (b) public data in general.
- (2) Regulations under this section are subject to the negative resolution procedure.”

Member’s explanatory statement

This amendment is to ensure consistency of definition of key terms (as requested by CoPilot) across government and over time, e.g. definitions of “sex” and “gender”.

LORD LUCAS

After Clause 132, insert the following new Clause –

“Fraud reporting

- (1) The Secretary of State may by regulations make provision requiring all reports of attempted fraud to be logged on a central database.
- (2) If regulations are made under subsection (1), the Secretary of State must, annually, lay a report before Parliament on the levels and types of fraud attempted, success rates, and action taken to combat it.

- (3) Regulations under this section are subject to the negative resolution procedure.”

Member's explanatory statement

This amendment is to raise the standard of recording of online fraud and to focus attention on combating it.

LORD LUCAS

After Clause 132, insert the following new Clause –

“Schools admissions data

- (1) The Secretary of State must by regulations make provision requiring all schools admissions authorities in England to contribute to a public register, online and in a specified format, by 1 September each year, their schools admissions rules for the forthcoming year and the outcomes of their schools admissions process for the year just beginning.
- (2) Regulations under this section are subject to the negative resolution procedure.”

Member's explanatory statement

This amendment is to create a national register of schools admissions rules and outcomes, so that parent may obtain a complete and consistent picture of which schools are likely to be available to their children.

BARONESS KIDRON
LORD CLEMENT-JONES

★ After Clause 132, 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 AI- 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, “AI- or computer-generated child sexual abuse material or priority illegal content” includes images, videos, audio including voice, chatbots, material generated by large language models, written text, computer files 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 (possession of indecent photograph of child) and section 6 of the Protection of Children Act 1978 (punishments) 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.”

Member's explanatory statement

It is illegal in the UK to possess or distribute child sexual abuse material including AI- or computer-generated child sexual abuse material. However, while the content is clearly covered by existing law, the mechanism that enables their creation – i.e. the files trained on or trained to create such material – is not. This amendment seeks to address that gap.

BARONESS KIDRON

★ After Clause 132, insert the following new Clause –

“Compliance with UK copyright law by operators of web crawlers and general-purpose AI models

- (1) The Secretary of State must by regulations make provisions clarifying the steps the operators of web crawlers and general-purpose artificial intelligence (AI) models must take to comply with United Kingdom copyright law, including the Copyright, Designs and Patents Act 1988.
- (2) The provisions made under subsection (1) must apply if the products and services of such operators are marketed in the United Kingdom.
- (3) The provisions made under subsection (1) must apply to the entire lifecycle of a general-purpose AI model, including but not limited to –
 - (a) pre-training,
 - (b) fine tuning, and
 - (c) grounding and retrieval-augmented generation.
- (4) The Secretary of State must lay before Parliament a draft of the statutory instrument containing regulations under subsection (1) within six months of the day on which this Act is passed and the regulations are subject to the affirmative procedure.”

Member's explanatory statement

This amendment would require operators of internet scrapers and general-purpose AI models to comply with UK copyright law, and to abide by a set of procedures.

BARONESS KIDRON

★ After Clause 132, insert the following new Clause –

“Transparency of crawler identity, purpose, and segmentation

- (1) The Secretary of State must by regulations make provision requiring operators of web crawlers and general-purpose artificial intelligence (AI) models to disclose information regarding the identity of their crawlers, including but not limited to –
 - (a) the name of the crawler,
 - (b) the legal entity responsible for the crawler,
 - (c) the specific purposes for which each crawler is used,
 - (d) the legal entities to which they provide data scraped by the crawlers they operate, and
 - (e) a single point of contact to enable copyright holders to communicate with them and to lodge complaints about the use of their copyrighted works.
- (2) The information disclosed under subsection (1) must be available on an easily accessible platform and updated at the same time as any change.
- (3) The Secretary of State must by regulations make provision requiring operators of web crawlers and general-purpose AI models to deploy distinct crawlers for different purposes, including but not limited to –
 - (a) web indexing for search engine results pages,
 - (b) general-purpose AI model pre-training, and
 - (c) retrieval-augmented generation.
- (4) The Secretary of State must by regulations make provision requiring operators of web crawlers and general-purpose AI models to ensure that the exclusion of a crawler by a copyright holder does not negatively impact the findability of the copyright holder’s content in a search engine.
- (5) The Secretary of State must lay before Parliament a draft of the statutory instrument containing regulations under this section within six months of the day on which this Act is passed and the regulations are subject to the affirmative procedure.”

Member's explanatory statement

This amendment would require operators of internet crawlers and general-purpose AI models to be transparent about the identity and purpose of their crawlers; operate distinct crawlers for different purposes; and not penalise copyright holders who choose to deny scraping for AI by downranking their content in, or removing their content from, a search engine.

BARONESS KIDRON

★ After Clause 132, insert the following new Clause –

“Transparency of copyrighted works scraped

- (1) The Secretary of State must by regulations make provision requiring operators of web crawlers and general-purpose [artificial intelligence \(AI\)](#) models to disclose

information regarding copyrighted works their crawlers have scraped, including but not limited to—

- (a) the URLs accessed,
 - (b) information that can be used to identify individual works,
 - (c) the timeframe of data collection, and
 - (d) the type of data collected.
- (2) The disclosure of information under subsection (1) must be updated on a monthly basis and be accessible to the copyright holder upon request.
- (3) The Secretary of State must lay before Parliament a draft of the statutory instrument containing regulations under subsection (1) within six months of the day on which this Act is passed and the regulations are subject to the affirmative procedure.”

Member's explanatory statement

This amendment would require operators of web crawlers and general-purpose AI models to be transparent about the copyrighted works they have scraped, allowing copyright holders to understand when their work has been scraped.

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