

# Data (Use and Access) Bill [HL]

---

AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

*[Supplementary to the Marshalled List]*

---

**Clause 67**

LORD HOLMES OF RICHMOND

Clause 67, page 75, line 21, at end insert –

- “(c) do not include processing for the development or improvement of AI training, and
- (d) do not include re-using personal data scraped from the internet.”

**After Clause 80**

LORD HOLMES OF RICHMOND

After Clause 80, insert the following new Clause –

**“Safeguards: personalised explanation for automated decision-making**

- (1) Wherever automated decision-making has been deployed, any individual subject to that automated decision is entitled to a personalised explanation of that decision.
- (2) The personalised explanation must –
  - (a) be clear, concise and in plain language of their choice,
  - (b) be understandable, and assume limited technical knowledge of algorithmic systems,
  - (c) address how the decision affects the individual personally, explaining which aspects of the individual’s data have likely influenced the automated decisions (or alternatively a counterfactual of what change in their data would have resulted in a more favourable outcome),
  - (d) be available free of charge and without being time-consuming for the individual to access,
  - (e) be in a readily accessible format that complies with equality duties,
  - (f) be provided through an accessible user interface, easily findable and free of deceptive design patterns, and

- (g) enable meaningful challenge if needed.”

LORD HOLMES OF RICHMOND

After Clause 80, insert the following new Clause –

**“Automated decision-making: obligations**

- (1) Data controllers must ensure human reviewers of algorithmic decisions have adequate capabilities, training, and authority to challenge and rectify automated decisions.
- (2) Organisations deploying automated decision-making must ensure that they have sufficient technical capabilities and resources to identify and rectify aspects of algorithms that bear significant responsibility for biased decisions, at the point these systems are implemented.”

**After Clause 107**

LORD HOLMES OF RICHMOND

After Clause 107, insert the following new Clause –

**“Data use: definition of unauthorised access to computer programs or data**

In section 17 of the Computer Misuse Act 1990, at the end of subsection (5) insert –

- “(c) they do not reasonably believe that the person entitled to control access of the kind in question to the program or data would have consented to that access if they had known about the access and the circumstances of it, including the reasons for seeking it, and
- (d) they are not empowered by an enactment, by a rule of law, or by order of a court or tribunal to access of the kind in question to the program or data.””

LORD HOLMES OF RICHMOND

After Clause 107, insert the following new Clause –

**“Data use: defences to charges under the Computer Misuse Act 1990**

- (1) The Computer Misuse Act 1990 is amended as follows.
- (2) In section 1, after subsection (3) insert –
  - “(4) It is a defence to a charge under subsection (1) to prove that –
    - (a) the person’s actions were necessary for the detection or prevention of crime, or
    - (b) the person’s actions were justified as being in the public interest.”

(3) In section 3, after subsection (6) insert –

- “(7) It is a defence to a charge under subsection (1) in relation to an act carried out for the intention in subsection (2)(b) or (c) to prove that –
- (a) the person’s actions were necessary for the detection or prevention of crime, or
  - (b) the person’s actions were justified as being in the public interest.”

***Member's explanatory statement***

*This amendment updates the definition of “unauthorised access” in the Computer Misuse Act 1990 to provide clearer legal protections for legitimate cybersecurity activities.*

**Schedule 14**

LORD CLEMENT-JONES

Schedule 14, page 232, line 22, at end insert –

*“Membership: non-executive members expertise*

- 3A In making recommendations of persons for appointment as non-executive members, the Secretary of State must ensure that the membership of the Commission includes non-executive members with expertise in –
- (a) civil liberties and freedom of expression,
  - (b) public administration,
  - (c) international trade,
  - (d) business and economics,
  - (e) consumer rights, and
  - (f) children’s rights.”

***Member's explanatory statement***

*To ensure that non-executive members of the Commission have a sufficient balance of expertise to inform the Commission outside of purely data protection issues.*

**Clause 123**

LORD BETHELL  
BARONESS KIDRON

Clause 123, page 153, leave out line 26

LORD CLEMENT-JONES

Clause 123, page 153, line 27, at end insert –

- “(l) the definition of “independent researcher,””

***Member's explanatory statement***

*This amendment would enable regulations to make provision about the definition of researchers.*

LORD BETHELL  
BARONESS KIDRON

Clause 123, page 153, leave out lines 28 to 35 and insert –

- “(3) Any requirements or duties placed on providers of regulated services by regulations made under subsection (1) may be enforceable requirement within the meaning of section 131.”

***Member's explanatory statement***

*This amendment provides for any requirements under the researcher access regulations to be enforceable in the same way as other requirements in the OSA, obviating the need to design a bespoke enforcement system.*

LORD BETHELL  
BARONESS KIDRON

Clause 123, page 154, line 42, at end insert –

**“154B Non-enforceability of contractual restraints on research about online safety matters**

- (1) No contractual term is enforceable by a provider of a regulated service to the extent that its enforcement would prevent any person from carrying out research of the kind provided for by regulations made under section 154A.
- (2) Subsection (1) applies regardless of whether the person against whom the contractual term is sought to be enforced has obtained any information under regulations made under section 154A.
- (3) A contractual term is not unenforceable pursuant to subsection (1) by reason only of it requiring personal data to be processed in accordance with the data protection legislation.”

***Member's explanatory statement***

*This amendment amends the Online Safety Act, making any contractual provision – such as a provision in a platform’s terms of service – unenforceable if enforcing it would prevent ‘research into online safety matters’ as defined in and provided for by the regulations which the Secretary of State will make.*

**After Clause 132**

LORD HOLMES OF RICHMOND

After Clause 132, insert the following new Clause –

**“Data use: image, likeness and personality**

- (1) The Secretary of State must, within six months of the day on which this Act is passed, make provision by regulations to prohibit the development, deployment, marketing and sale of data related to an individual’s image, likeness or personality for AI training or product development without that individual’s express consent.
- (2) The characteristics in subsection (1) include but are not limited to an individual’s name, face, voice or any physical characteristic.
- (3) Regulations under this section are subject to the affirmative resolution procedure.”

LORD HOLMES OF RICHMOND

After Clause 132, insert the following new Clause –

**“Data use: supply chains**

- (1) On the day on which this Act is passed, the Secretary of State must launch a review of all data regulations and standards as they pertain to supply chains for financial, trade and legal documents and products.
- (2) The review must assess how the data regulations and standards align with the principles of traceability, transparency and trust.”

LORD HOLMES OF RICHMOND

After Clause 132, insert the following new Clause –

**“Consultation on public trust**

- (1) On the day on which this Act is passed, the Secretary of State must launch a national consultation on the use of individuals’ data.
- (2) The consultation should adopt a human-lead technology-empowered approach to reach a wide range of citizens in the United Kingdom.
- (3) The consultation methodology should be dynamic and should deploy technologies such as AI to analyse the research findings.
- (4) The consultation’s construction and approach should be informed by international examples such as the “alignment assemblies” in Taiwan.”

# Data (Use and Access) Bill [HL]

---

AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE  
*[Supplementary to the Marshalled List]*

---

*3 December 2024*

---

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS