

# Data (Use and Access) Bill [HL]

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## RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including  
7 January 2025*

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*[Amendments marked ★ are new or have been altered]*

### Clause 70

LORD CLEMENT-JONES

- ★ Clause 70, page 78, leave out lines 9 to 30

***Member's explanatory statement***

*This amendment removes powers for the Secretary of State to override primary legislation and modify key aspects of UK data protection law via statutory instrument.*

### Clause 71

LORD CLEMENT-JONES

- ★ Clause 71, page 81, leave out lines 15 to 28

***Member's explanatory statement***

*This amendment removes powers for the Secretary of State to override primary legislation and modify key aspects of UK data protection law via statutory instrument.*

### Clause 80

LORD CLEMENT-JONES

- ★ Clause 80, page 95, line 12, leave out “solely” and insert “predominantly”

***Member's explanatory statement***

*This amendment would mean safeguards for data subjects' rights, freedoms and legitimate interests would have to be in place in cases where a significant decision in relation to a data subject was taken based predominantly, rather than solely, on automated processing.*

**After Clause 80**

LORD CLEMENT-JONES

★ After Clause 80, insert the following new Clause –

**“Requirements of public sector organisations on use of algorithmic or automated decision-making systems**

- (1) No later than the commencement of use of a relevant algorithmic or automated decision-making system, a public authority must –
  - (a) give notice on a public register that the decision rendered will be undertaken in whole, or in part, by an algorithmic or automated decision-making system,
  - (b) make arrangements for the provision of a meaningful and personalised explanation to affected individuals of how and why a decision affecting them was made, including meaningful information about the decision-making processes, and an assessment of the potential consequences of such processing for the data subject, as prescribed in regulations to be made by the Secretary of State,
  - (c) develop processes to –
    - (i) monitor the outcomes of the algorithmic or automated decision-making system to safeguard against unintentional outcomes and to verify compliance with this Act and other relevant legislation, and
    - (ii) validate that the data collected for, and used by, the system is relevant, accurate, up-to-date, and in accordance with the Data Protection Act 2018, and
  - (d) make arrangements to conduct regular audits and evaluations of algorithmic and automated decision-making systems, including the potential risks of those systems and steps to mitigate such risks, as prescribed in regulations to be made by the Secretary of State.
- (2) “Algorithmic decision system” or “automated decision system” mean any technology that either assists or replaces the judgement of human decision-makers.
- (3) Regulations under this section are subject to the affirmative resolution procedure.”

LORD CLEMENT-JONES

★ After Clause 80, insert the following new Clause –

**“Definition of meaningful human involvement in automated decision-making**

The Secretary of State must, in conjunction with the Information Commissioner’s Office and within six months of the day on which this Act is passed, produce a definition of what constitutes meaningful human involvement in automated decision-making or clearly set out their reasoning as to why a definition is not required.”

**Member's explanatory statement**

*This amendment requires the Secretary of State to produce a definition of meaningful human involvement in automated decision-making, in collaboration with the Information Commissioner's Office, or clearly set out its reasoning as to why this is not required, within six months of the Act's passing.*

**After Clause 84**

LORD CLEMENT-JONES

★ After Clause 84, insert the following new Clause –

**“Impact of this Act and other developments at national and international level on EU data adequacy decision**

Before the European Union's next reassessment of data adequacy in June 2025, the Secretary of State must carry out an assessment of the likely impact on the European Union data adequacy decisions relating to the United Kingdom of the following –

- (a) this Act;
- (b) other changes to the United Kingdom's domestic frameworks which are relevant to the matters listed in Article 45(2) of the UK GDPR (transfers on the basis of an adequacy decision);
- (c) relevant changes to the United Kingdom's international commitments or other obligations arising from legally binding conventions or instruments, as well as from its participation in multilateral or regional systems, in particular in relation to the protection of personal data.”

**Member's explanatory statement**

*This amendment requires the Secretary of State to carry out an assessment of the impact of this Act and other changes to the UK's domestic and international frameworks relating to data adequacy.*

**After Clause 114**

LORD CLEMENT-JONES

★ After Clause 114, insert the following new Clause –

**“Soft opt-in for email marketing for charities**

- (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) the direct marketing is solely for the purpose of furthering a charitable objective of that person,
- (b) that person obtained the contact details of the recipient of the electronic mail in the course of the recipient expressing an interest in or offering or providing support for the furtherance of that objective or a similar objective, and
- (c) the recipient has been given 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, at the time that the details were initially collected, and, where the recipient did not initially refuse the use of the details, at the time of each subsequent communication.””

***Member's explanatory statement***

*This amendment seeks to enable charities to communicate to donors in the same way that businesses have been able to communicate to customers since 2003. The clause intends to help facilitate greater fundraising and support the work charities do for society.*

**After Clause 132**

LORD BASSAM OF BRIGHTON  
LORD FREYBERG  
THE EARL OF CLANCARTY

After Clause 132, insert the following new Clause –

**“Private copy levy on digital access**

- (1) The Secretary of State may by regulations make provision for the establishment of an annual private copy levy, to be levied when online digital content is accessed or stored.
- (2) Before making regulations under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (3) The provisions made under subsection (1) must include but are not limited to –
  - (a) establishing governance arrangements to calculate the rate and application of the levy,
  - (b) permitting relevant copyright collecting societies to collect and distribute monies raised by the levy to rightsholder funds, and
  - (c) distributing any surplus funds raised by the levy for the purposes of funding arts and cultural initiatives in the United Kingdom.
- (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 resolution procedure.
- (5) The Secretary of State must commission an annual transparency report on the operation of the levy.

- (6) The Secretary of State must lay the report made under subsection (5) before Parliament.”

***Member's explanatory statement***

*This amendment seeks to allow the Secretary of State to establish a private copy levy for digital content, with revenue distributed to rightsholder funds and cultural initiatives.*

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