

## **BBC comments on the Data (Use and Access) Bill**

March 2025

Part 1 of the Data (Use and Access) Bill allows the Secretary of State for Science, Innovation and Technology and HM Treasury to introduce regulations around access to data about goods, services, and digital content. This can include obligations to collect and maintain certain data, to correct it, and to publish it.

The BBC is concerned that, due to the reference to digital content, journalism could be in scope of the legislation leading to unintended consequences for the BBC and other news publishers.

The BBC is the UK's most widely used and trusted news outlet, used by 75% of UK adults on average each week. We are regulated externally to a very high standard by Ofcom, and our Editorial Guidelines are based on – and in many instances go beyond – the Ofcom Broadcasting Code and On-Demand Programme Service Rules.

We would welcome explicit carve outs in the Bill explicitly around the ability to make data regulations that affect customer or business data that consists of or includes information relating to media content.

Without this, we believe that there could be unintended consequences on our journalism and other content, and on that of other broadcasters and media outlets. Such data regulations could in particular –

- compromise the ability of journalists do their jobs, e.g. by giving third parties access to their unpublished/unbroadcast investigations
- impinge upon our editorial discretion and independence, e.g. by forcing disclosure of discussions of editorial policy
- lead to double regulation e.g. under both media legislation and the data regulations.

To protect against these harmful consequences, we would welcome confirmation from the Government that it does not intend to include journalism within the scope of the Bill.

There should be a carve-out for journalism material from Part 1 of the Data (Use and Access) Bill to prevent these challenges, which would be similar to comparable exemptions in other legislation – such as freedom of information, equality, and data protection rules.

This could be done by inserting an additional clause 2(A) at the end of page 2, line 44, reading: “(2A) In this Part, references to “business data” or “customer data” do not include references to information that is being processed by the data holder for the purposes of journalism”.

Two further consequential amendments would be needed on page 2, line 2 and page 2, line 19, to insert after “means” “(subject to subsection (2A))”.