

# Data (Use and Access) Bill [HL]

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## COMMONS DISAGREEMENT WITH LORDS AMENDMENT WITH A REASON

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*[The clause references are to Bill 179, the Bill as first printed for the Commons]*

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### COMMONS AMENDMENT 49

#### Clause 137

**49** Page 171, line 15, leave out Clause 137

#### LORDS AGREEMENT AND AMENDMENT INSTEAD OF WORDS SO LEFT OUT OF THE BILL

*The Lords agree with the Commons in their Amendment 49 and propose Amendment 49B instead of the words so left out of the Bill –*

**49B** Before Clause 138, insert the following new Clause –

**“Requirement to make provision in relation to transparency of business data used in relation to AI models**

- (1) The Secretary of State or the Treasury must by regulations make provision as set out in this section in relation to a trader which operates a service which –
  - (a) includes the making available of an artificial intelligence (AI) model, and
  - (b) has links with the United Kingdom within the meaning of subsection (2), and in relation to a data holder for the business data of such a trader.
- (2) The service has links with the United Kingdom if –
  - (a) it has a significant number of United Kingdom users, or
  - (b) United Kingdom users form one of the target markets for the service (or the only target market).
- (3) A “data holder” for the business data of such a trader means –
  - (a) the trader, or
  - (b) a person who, in the course of a business, processes that data.

- (4) The regulations must require specified business data to be published by the trader or the data holder so as to provide copyright owners with information regarding the text and data used in the pre-training, training, fine-tuning and retrieval-augmented generation in the AI model, or any other data input to the AI model.
- (5) The regulations must require the business data to be published by the trader or the data holder in such form, at such intervals and in such manner as the regulations may prescribe, in particular so as to ensure that it is accessible to copyright owners upon request.
- (6) The regulations must require the trader or the data holder, when publishing the business data as required under subsections (4) and (5), to provide an effective mechanism to allow copyright owners to identify all individual works that they own that are used in the pre-training, training, fine-tuning and retrieval-augmented generation in the AI model, or any other data input to the AI model.
- (7) The regulations may provide that the regulations apply in modified form in order that they apply proportionately to small companies and micro-entities within the meaning of the Companies Act 2006, or apply differently to UK-registered companies within the meaning of the Companies Act 2006 as opposed to companies which are not UK-registered.
- (8) The regulations must require the trader, if bots are used in the making available of its AI model, to disclose information regarding the identity of such bots used by them or by third parties on their behalf, including but not limited to –
  - (a) the name of the bot,
  - (b) the legal entity responsible for the bot, and
  - (c) the specific purposes for which each bot is used.
- (9) In this section “bot” means an autonomous software application that can interact with systems or users (including crawlers and fetchers) and which obtains data from websites in accordance with instructions.
- (10) The regulations must make provision for enforcement of the regulations made under this section in accordance with sections 8 (enforcement of regulations under this Part), 9 (restrictions on powers of investigation etc) and 10 (financial penalties) of this Act as if this section were in Part 1 of this Act.
- (11) The Secretary of State or the Treasury must lay before Parliament a draft of the statutory instrument containing regulations under this section within 12 months of the day on which this Act is passed and the regulations are subject to the affirmative procedure.”

#### COMMONS REASON

*The Commons disagree with the Lords in their Amendment 49B for the following Reason –*

**49C**

*Because the Amendment would involve charges on public funds, and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

## LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

*The Lords do not insist on their Amendment 49B, to which the Commons have disagreed for their Reason 49C, and do propose Amendment 49D in lieu of Amendment 49B –*

**49D** Before Clause 138, insert the following new Clause –

**“Requirement to make provision in relation to transparency of copyrighted works used in relation to AI models**

- (1) The Secretary of State or the Treasury must by regulations make provision as set out in this section in relation to a trader which operates a service which –
  - (a) includes the making available of an artificial intelligence (AI) model, and
  - (b) has links with the United Kingdom within the meaning of subsection (2).
- (2) The service has links with the United Kingdom if –
  - (a) it has a significant number of United Kingdom users, or
  - (b) United Kingdom users form one of the target markets for the service (or the only target market).
- (3) The regulations must require relevant traders to provide copyright owners with clear, relevant, accurate and accessible information that will allow them to identify –
  - (a) the use of their copyright works used, and
  - (b) the means by which those works were accessed,in the pre-training, training, fine-tuning and retrieval-augmented generation of the AI model, or any other data input to the AI model.
- (4) The regulations may provide that the regulations apply in modified form in order that they apply proportionately to small companies and micro-entities within the meaning of the Companies Act 2006, or apply differently to UK-registered companies within the meaning of the Companies Act 2006 as opposed to companies which are not UK-registered.
- (5) Regulations made under this section may make provision for enforcement of their provisions.
- (6) The Secretary of State or the Treasury must lay before Parliament a draft of the statutory instrument containing regulations made under this section within six months of the publication of the report on the use of copyright works in the development of AI systems required by section (*Report on the use of copyright works in the development of AI systems*), and the regulations are subject to the affirmative procedure.”

## COMMONS REASON

*The Commons disagree with the Lords in their Amendment 49D for the following Reason –*

**49E** *Because the Amendment would involve charges on public funds, and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

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COMMONS DISAGREEMENT WITH LORDS AMENDMENT WITH A REASON

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*22 May 2025*

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