

DATA PROTECTION BILL: MEMORANDUM ON THE APPLICATION OF STANDING ORDER 83L OF THE STANDING ORDERS OF THE HOUSE IN RESPECT OF THE GOVERNMENT AMENDMENTS TABLED FOR COMMONS REPORT STAGE

Summary

1. Subject to certain exceptions (as detailed in Annex E to the Explanatory Notes), the provisions of the Bill extend and apply to England and Wales, Scotland and Northern Ireland.

2. Taking into account the Government amendments tabled for Commons Report stage, in the view of the Government of the United Kingdom (“UK”), clause 190 relates to England and Wales only, and would be within the legislative competence of the Scottish Parliament and the Northern Ireland Assembly.

Commons Report stage amendments

3. The following is the Department’s assessment of the amendments to the Bill tabled by the government for consideration at Commons Report stage.

4. None of the amendments to existing clauses of, or Schedules to, the Bill alter the territorial extent or application of the clause or Schedule in question or the analysis at Annex E to the Explanatory Notes as brought from the House of Lords.

5. The following new clauses do not relate exclusively to England or to England and Wales:

- New Clause 13: Information orders. This new clause concerns the enforcement of the protection of personal data and applies and extends to the whole of the United Kingdom.
- New Clause 14: Destroying or falsifying information and documents etc. This new clause concerns the enforcement of the protection of personal data and applies and extends to the whole of the United Kingdom.
- New Clause 15: Applications in respect of urgent notices. This new clause concerns the enforcement of the protection of personal data and applies and extends to the whole of the United Kingdom.
- New Clause 16: Post-review powers to make provision about representation of data subjects. This applies and extends to England and Wales and Northern Ireland. It does not extend to Scotland because of the operation of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill, currently before the Scottish Parliament, which would render New Clause 16 otiose in Scotland.

- New Clause 17: Reserve forces: data-sharing by HMRC. This is a defence matter and applies and extends to the whole of the United Kingdom.
- New Clause 19: Guidance about how to seek redress against media organisations. This new clause concerns the enforcement of the protection of personal data and applies and extends to the whole of the United Kingdom.
- New Clause 22: Review of processing of personal data for the purposes of journalism. This new clause concerns the enforcement of the protection of personal data and applies and extends to the whole of the United Kingdom.
- New Clause 23: Data protection and journalism code. This new clause concerns the enforcement of the protection of personal data and applies and extends to the whole of the United Kingdom.

Minor and consequential effects

None

Department for Digital, Culture, Media and Sport
4 May 2018

Government new clauses tabled for Commons Report

Provision	Extends to E & W and applies to England ?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
New Clause 13: Information orders	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
New Clause 14: Destroying or falsifying information and documents etc	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
New Clause 15: Applications in respect of urgent notices	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
New Clause 16: Post-review powers to make provision about representation of data subjects	Yes	Yes	No	Yes	N/A	N/A	N/A	No
New Clause 17: Reserve forces: data-sharing by HMRC	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
New Clause 19: Guidance about how to seek redress against media organisations	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No

Provision	Extends to E & W and applies to England ?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
New Clause 22: Review of processing of personal data for the purposes of journalism	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
New Clause 23: Data protection and journalism code	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No