

EXTRACT FROM COMMONS AMENDMENTS TO
DATA PROTECTION BILL

After Clause 176

108 Insert the following new Clause—

“Guidance about how to seek redress against media organisations

- (1) The Commissioner must produce and publish guidance about the steps that may be taken where an individual considers that a media organisation is failing or has failed to comply with the data protection legislation.
- (2) In this section, “media organisation” means a body or other organisation whose activities consist of or include journalism.
- (3) The guidance must include provision about relevant complaints procedures, including—
 - (a) who runs them,
 - (b) what can be complained about, and
 - (c) how to make a complaint.
- (4) For the purposes of subsection (3), relevant complaints procedures include procedures for making complaints to the Commissioner, the Office of Communications, the British Broadcasting Corporation and other persons who produce or enforce codes of practice for media organisations.
- (5) The guidance must also include provision about—
 - (a) the powers available to the Commissioner in relation to a failure to comply with the data protection legislation,
 - (b) when a claim in respect of such a failure may be made before a court and how to make such a claim,
 - (c) alternative dispute resolution procedures,
 - (d) the rights of bodies and other organisations to make complaints and claims on behalf of data subjects, and
 - (e) the Commissioner’s power to provide assistance in special purpose proceedings.
- (6) The Commissioner—
 - (a) may alter or replace the guidance, and
 - (b) must publish any altered or replacement guidance.
- (7) The Commissioner must produce and publish the first guidance under this section before the end of the period of 1 year beginning when this Act is passed.”

109 Insert the following new Clause—

“Review of processing of personal data for the purposes of journalism

LINE 1

- (1) The Commissioner must—
 - (a) review the extent to which the processing of personal data for the purposes of journalism complied with the data protection legislation during the review period,
 - (b) prepare a report of the review, and
 - (c) submit the report to the Secretary of State.
- (2) “The review period” means the period of 4 years beginning with the day on which Chapter 2 of Part 2 of this Act comes into force.

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- (3) The Commissioner must—
- (a) start the review within the period of 6 months beginning when the review period ends, and
 - (b) submit the report to the Secretary of State before the end of the period of 18 months beginning when the Commissioner started the review.
- (4) The report must include consideration of the extent of compliance (as described in subsection (1)(a)) in each part of the United Kingdom.
- (5) The Secretary of State must—
- (a) lay the report before Parliament, and
 - (b) send a copy of the report to—
 - (i) the Scottish Ministers,
 - (ii) the Welsh Ministers, and
 - (iii) the Executive Office in Northern Ireland.”

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Clause 177

- 110 Page 102, line 4, for “subsection (3)” substitute “subsections (3) and (4)”
- 111 Page 102, line 5, at end insert—
“() section (*Information orders*) (information orders);”
- 112 Page 102, line 12, after “jurisdiction” insert “conferred by the provisions listed in subsection (2)”
- 113 Page 102, line 13, at end insert—
- “(4) In relation to an information notice which contains a statement under section 143(7), the jurisdiction conferred on a court by section (*Information orders*) is exercisable only by the High Court or, in Scotland, the Court of Session.
 - (5) The jurisdiction conferred on a court by section (*Applications in respect of urgent notices*) (applications in respect of urgent notices) is exercisable only by the High Court or, in Scotland, the Court of Session.”

Clause 179

- 114 Page 103, line 35, at end insert—
- “() If a draft of a statutory instrument containing regulations under section 7 would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.”

Clause 183

- 115 Page 105, line 42, leave out “80” and insert “80(1)”
- 116 Page 105, line 44, leave out “certain rights” and insert “the data subject’s rights under Articles 77, 78 and 79 of the GDPR (rights to lodge complaints and to an effective judicial remedy)”
- 117 Page 106, line 7, leave out “under the following provisions” and insert “of a data subject”