



House of Commons

Tuesday 15 May 2018

CONSIDERATION OF LORDS MESSAGE

DATA PROTECTION BILL [*LORDS*]

MANUSCRIPT MOTION

On Consideration of Lords Message

Lords Amendment No. **62B**

Secretary Matt Hancock

To move, That this House disagrees to Lords Amendment No. 62B proposed instead of the words left out of the Bill by Commons Amendment No. 62 but proposes amendments **(za)** to **(a)** to Clause (*Review of processing of personal data for the purposes of journalism*) inserted by Commons Amendment No. 109 and amendments **(c)** to **(f)** to the Bill in lieu of the Lords Amendment:—

- (za)**
- Line 3, leave out paragraph (a) and insert—
- “(a) review the extent to which, during each review period, the processing of personal data for the purposes of journalism complied with—
- (i) the data protection legislation, and
- (ii) good practice in the processing of personal data for the purposes of journalism.”
- (zb)**
- Line 8, leave out ““The review period” means” and insert “In this section—
“review period” means—
- (a) ”
- (zc)**
- Line 9, at end insert “and
- (b) each subsequent period of 5 years beginning with the day after the day on which the previous review period ended;
- “good practice in the processing of personal data for the purposes of journalism” has the same meaning as in section (*Data protection and journalism code*).”
- (zd)**

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- Line 10, leave out subsection (3) and insert—
- “(3) The Commissioner must start a review under this section, in respect of a review period, within the period of 6 months beginning when the review period ends.
- (3A) The Commissioner must submit the report of a review under this section to the Secretary of State—
- (a) in the case of the first review, before the end of the period of 18 months beginning when the Commissioner started the review, and
 - (b) in the case of each subsequent review, before the end of the period of 12 months beginning when the Commissioner started the review.”
- (a)
- Line 23, at end insert—
- “() Schedule (*Review of processing of personal data for the purposes of journalism*) makes further provision for the purposes of the review under this section.”
- (c)
- Page 101, line 41, at end insert the following new Clause—
- “Effectiveness of the media’s dispute resolution procedures**
- (1) The Secretary of State must, before the end of each review period, lay before Parliament a report produced by the Secretary of State or an appropriate person on—
- (a) the use of relevant alternative dispute resolution procedures, during that period, in cases involving a failure, or alleged failure, by a relevant media organisation to comply with the data protection legislation, and
 - (b) the effectiveness of those procedures in such cases.
- (2) In this section—
- “appropriate person” means a person who the Secretary of State considers has appropriate experience and skills to produce a report described in subsection (1);
- “relevant alternative dispute resolution procedures” means alternative dispute resolution procedures provided by persons who produce or enforce codes of practice for relevant media organisations;
- “relevant media organisation” means a body or other organisation whose activities consist of or include journalism, other than a broadcaster;
- “review period” means—
- (a) the period of 3 years beginning when this Act is passed, and
 - (b) each subsequent period of 3 years.
- (3) The Secretary of State must send a copy of the report to—
- (a) the Scottish Ministers,
 - (b) the Welsh Ministers, and
 - (c) the Executive Office in Northern Ireland.”
- (d)
- Page 120, line 32, leave out “subsection (2)” and insert “subsections (2) and (2A)”
- (e)
- Page 121, line 4, at end insert—
- “(2A) The following provisions come into force at the end of the period of 2 months beginning when this Act is passed—
- (a) section (*Data protection and journalism code*);
 - (b) sections 125, 126 and 127, so far as they relate to a code prepared under section (*Data protection and journalism code*);
 - (c) section (*Guidance about how to seek redress against media organisations*);

Data Protection Bill [Lords], continued

- (d) section (*Review of processing of personal data for the purposes of journalism*) and Schedule (*Review of processing of personal data for the purposes of journalism*);
 - (e) section (*Effectiveness of the media's dispute resolution procedures*).”
- (f)

Page 203, line 16, at end insert the following new Schedule—

“REVIEW OF PROCESSING OF PERSONAL DATA FOR THE PURPOSES OF JOURNALISM

Interpretation

- 1 In this Schedule—
- “relevant period” means—
- (a) the period of 18 months beginning when the Commissioner starts the first review under section (*Review of processing of personal data for the purposes of journalism*), and
 - (b) the period of 12 months beginning when the Commissioner starts a subsequent review under that section;
- “the relevant review”, in relation to a relevant period, means the review under section (*Review of processing of personal data for the purposes of journalism*) which the Commissioner must produce a report about by the end of that period.

Information notices

- 2 (1) This paragraph applies where the Commissioner gives an information notice during a relevant period.
- (2) If the information notice—
- (a) states that, in the Commissioner’s opinion, the information is required for the purposes of the relevant review, and
 - (b) gives the Commissioner’s reasons for reaching that opinion,
- subsections (5) and (6) of section 143 do not apply but the notice must not require the information to be provided before the end of the period of 24 hours beginning when the notice is given.

Assessment notices

- 3 (1) Sub-paragraph (2) applies where the Commissioner gives an assessment notice to a person during a relevant period.
- (2) If the assessment notice—
- (a) states that, in the Commissioner’s opinion, it is necessary for the controller or processor to comply with a requirement in the notice for the purposes of the relevant review, and
 - (b) gives the Commissioner’s reasons for reaching that opinion,
- subsections (6) and (7) of section 146 do not apply but the notice must not require the controller or processor to comply with the requirement before the end of the period of 7 days beginning when the notice is given.
- (3) During a relevant period, section 147 has effect as if for subsection (5) there were substituted—
- “(5) The Commissioner may not give a controller or processor an assessment notice with respect to the processing of personal data for the special purposes unless a determination under section 174 with respect to the data or the processing has taken effect.”

Data Protection Bill [*Lords*], *continued**Applications in respect of urgent notices*

- 4 Section (*Applications in respect of urgent notices*) applies where an information notice or assessment notice contains a statement under paragraph 2(2)(a) or 3(2)(a) as it applies where such a notice contains a statement under section 143(7)(a) or 146(8)(a).”

NOTICES WITHDRAWN

The motion tabled on Monday 14 May in the name of Secretary Matt Hancock.
