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TO

Amend the Data Protection Act 1998 to make provision about the transparency of privacy notices.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Online data protection**

(1) The Data Protection Act 1998 is amended as follows.

(2) At the end of Part I of Schedule 1 (the data protection principles) insert—

“9 Privacy notices detailing how personal data is collected, processed and used must be in a concise, transparent, intelligible and easily accessible form, using clear and plain language, in particular for any information addressed specifically to a child, so that any consent that they give in relation to the use of their data is properly informed.” 5

(3) At the end of Part 2 of Schedule 1 (interpretation of the principles in Part I) insert— 10

*“The ninth principle*

16 In determining whether the objectives of the ninth principle have been met, regard is to be had to how prominently the personal data that is collected is on the website or mobile application is displayed.

17 In determining for the purposes of the ninth principle whether privacy notices are concise, transparent, intelligible and easily accessible, using clear and plain language, regard is to be had to the method by which the data subject has signalled consent, in particular if the data subject is a child.” 15

**2 Extent, commencement and short title** 20

(1) This Act applies to the whole of the United Kingdom.

- (2) Section 1 comes into force on such as day as the Secretary of State may by regulations, made by statutory instrument, appoint.
- (3) This section comes into force on the day on which this Act is passed.
- (4) This Act may be cited as the Online Privacy Protection Act 2016.



# Online Privacy Protection Bill [HL]

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*Lord Paddick*

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