

Digital Economy Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

After Clause 1

LORD MENDELSON
LORD STEVENSON OF BALMACARA

Insert the following new Clause—

“Broadband universal service obligation: rural areas

In meeting the requirements set out in section 1 of this Act, internet service providers have a duty to build their networks in areas with no or very low broadband coverage before deploying their networks in urban areas.”

After Clause 3

LORD MENDELSON
LORD STEVENSON OF BALMACARA

Insert the following new Clause—

“Regional competition: broadband universal service obligation

- (1) Where local authorities identify areas of residents and businesses that fail to receive the broadband connections and services required under a universal service order in accordance with section 1, the relevant local authority shall take steps to ensure alternative suppliers are in place to meet those broadband requirements.
- (2) Local authorities in Wales, Northern Ireland and Scotland may publish data on broadband speeds in their area and the extent to which the broadband universal service obligation is met.”

Insert the following new Clause—

“Code of Practice: business broadband speeds

- (1) The Secretary of State must, after consulting relevant stakeholders, prepare and publish a draft Code of Practice on business broadband speeds.
- (2) The Secretary of State may, from time to time, after consulting relevant stakeholders, prepare and publish draft revisions to the Code of Practice.

After Clause 3 - continued

- (3) The Code of Practice, and revisions to the code, come into force when the Secretary of State has laid a copy of the draft code, or the draft revisions, before each House of Parliament, and each House has by resolution approved the code or the revisions.
- (4) The code may contain provisions requiring internet service providers to –
 - (a) undertake to provide accurate and transparent speed information on standard business broadband services at point of sale,
 - (b) manage business customers' speed-related problems,
 - (c) allow customers to exit the contract without penalty if speeds fall below a minimum threshold,
 - (d) take all reasonable measures to provide public office holders with information that is accurate and factual.
- (5) Internet service providers must comply with the Code of Practice.”

Clause 8

BARONESS BYFORD

Page 8, line 20, at end insert –

“() In the event that section 53E(4) applies, the penalty shall be levied from the point at which the contravention began.”

Clause 22BARONESS JONES OF WHITCHURCH
LORD STEVENSON OF BALMACARA

Page 23, line 44, leave out paragraph (b)

Page 24, line 11, leave out subsection (4)

After Clause 36

LORD CLEMENT-JONES

Insert the following new Clause –

“Notification to the individual of disclosed personal data

- (1) A person specified by the Secretary of State must maintain at all times a secure audit record of all personal information shared in order to fulfil the process of notification to the individual of the personal information pertaining to them which has been shared.
- (2) The audit record shall include –
 - (a) the name of the individual to whom the personal information pertains;
 - (b) details of the personal information shared;
 - (c) the date and time the personal information was shared;
 - (d) the details of the specified person sharing the personal information;

After Clause 36 - continued

- (e) the details of the specified person receiving the personal information; and
- (f) the purpose for which the personal information was obtained.”

After Clause 69

LORD CLEMENT-JONES

Insert the following new Clause—

Provisions that apply to the processing of personal data

- (1) This section relates to this Part and to the processing of personal data defined by section 1 of the Data Protection Act 1998 (basic interpretative provisions).
- (2) Where the Information Commissioner is of the view that the processing of personal data which has been shared under the provisions of this Part contravenes Article 8 of the European Convention on Human Rights, the Commissioner may serve an enforcement notice (see section 40 of the Data Protection Act 1998) specifying that fact.
- (3) Provisions of this Part do not allow personal data which has been shared to be processed as follows—
 - (a) data matching of personal data in order to identify any data subject who can be excluded from any benefit;
 - (b) profiling using personal data in order to target any data subject who can be excluded from any benefit;
 - (c) facilitating a disclosure of a “bulk personal dataset” (whether directly or indirectly) to an “intelligence service” (as described in the Investigatory Powers Act 2016).
- (4) Any data sharing arrangement (as required by Chapter 14 of the Data Sharing Code of Practice produced by the Information Commissioner) that applies to the disclosure of personal data from a data controller to any “third party” (as defined in section 70(1) of the Data Protection Act 1998) must contain the proposed or estimated benefits associated with the data sharing before any disclosure of personal data occurs, and the data sharing arrangement must describe how these benefits are to be measured or assessed.
- (5) The Information Commissioner, with respect to an assessment of whether any data sharing arrangement subject to subsection (4) is beneficial, can require the production of—
 - (a) key performance indicators which demonstrate that the benefits associated with any data sharing are being realised by the data sharing;
 - (b) the costs associated with the data sharing arrangements;
 - (c) the number of data subjects involved; and
 - (d) any other information that the Information Commissioner considers reasonable in order to make an informed and independent assessment of the benefits of data sharing.
- (6) If the benefits associated with data sharing are not being realised, the Information Commissioner can require the sharing to cease by serving an enforcement notice (see section 40 of the Data Protection Act 1998).

After Clause 69 - continued

- (7) With respect to any data sharing arrangement subject to subsection (4), the provision in section 40(8) of the Data Protection Act 1998 shall be read as if the words “If by reason of special circumstances” were replaced by “If for any reason”.”

After Clause 87

LORD CLEMENT-JONES
LORD FOSTER OF BATH

Insert the following new Clause—

“Unauthorised online ticket resale for a recreational, sporting or cultural event

- (1) The Consumer Rights Act 2015 is amended as follows.
- (2) After section 90 (duty to provide information about tickets) insert—
- “90A Unauthorised online ticket resale for a recreational, sporting or cultural event**
- (1) It is an offence for an unauthorised online secondary ticketing facility to—
- (a) re-sell a ticket, or
 - (b) otherwise dispose of such a ticket to another person.
- (2) For this purpose—
- (a) a secondary ticketing facility is “unauthorised” unless it is authorised in writing to re-sell or otherwise dispose of tickets by the organisers of the recreational, sporting or cultural event;
 - (b) re-selling a ticket includes—
 - (i) offering to sell a ticket;
 - (ii) exposing a ticket for sale;
 - (iii) making a ticket available for sale by another;
 - (iv) advertising that a ticket is available for purchase; and
 - (v) giving a ticket to a person who agrees to pay for some other goods or services or offers to do so;
 - (c) a “ticket” means anything which purports to be a ticket.
- (3) A person guilty of an offence under this section is liable to summary conviction to a fine not exceeding level 5 on the standard scale.””

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25 January 2017
