

Digital Economy Bill

RUNNING LIST OF ALL
AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

26 January 2017

[Sheets HL Bill 80(a) to (n)]

Clause 1

LORD MENDELSON
LORD STEVENSON OF BALMACARA

Page 1, leave out lines 11 and 12 and insert—

- “(2B) The universal service order shall say that broadband connections and services must be provided—
- (a) with speeds of 2 gigabits or more;
 - (b) with Fibre to the Premises (FTTP) as a minimum standard;
 - (c) with appropriate measures to ensure that internet speed levels are not affected by high contention ratios;
 - (d) with appropriate measures to ensure service providers run low latency networks.”

LORD FOX
LORD CLEMENT-JONES

Page 1, leave out lines 11 and 12 and insert—

- “(2B) The universal service order must specify that, by 2020, the following will be available in every household in the United Kingdom—
- (a) download speeds of 30 megabits per second;
 - (b) upload speeds of 6 megabits per second;
 - (c) fast response times;
 - (d) committed information rates of 10 megabits per second;
 - (e) an unlimited usage cap.
- (2BA) The Secretary of State must review the specifications under subsection (2B) annually, and must increase the speeds specified in subsection (2B) as fibre to the premises (FTTP) coverage increases.”

Clause 1 - continued

BARONESS BYFORD

Page 1, leave out lines 11 and 12 and insert –

- “(2B) The universal service order shall say that broadband connections and services must be provided to any extent –
- (a) with speeds of 10 megabits or more;
 - (b) with appropriate measures to review paragraph (a) to ensure that internet speed levels reflect technological change and needs;
 - (c) with a reasonable cost threshold of £4,000 for users to expect connection under universal service provisions, and a fund established, regulated by OFCOM, to provide individuals with this sum and the ability for this money to be pooled by communities to explore alternative delivery mechanisms.”

BARONESS JANKE
LORD CLEMENT-JONES

Page 1, line 12, at end insert –

- “(2BA) If the universal service order says that broadband connections and services must be provided to any extent, it must require the provision of a social tariff for broadband services which has the aim of preventing digital exclusion.”

LORD MENDELSON
LORD STEVENSON OF BALMACARA

Page 1, line 12, at end insert –

- “(2BA) Any excess costs associated with subsection (2B) shall not be paid by users of communication service providers.”

LORD MENDELSON
LORD STEVENSON OF BALMACARA
LORD FOSTER OF BATH
LORD CLEMENT-JONES

Page 2, line 2, after “services” insert “and mobile network coverage”

BARONESS BYFORD

Page 2, line 15, leave out “may” and insert “must”

LORD CLEMENT-JONES

Page 2, line 23, at end insert –

“72B Universal service order: annual report

- (1) OFCOM must publish an annual report on the implementation of the universal service order for all areas pursuant to the provisions of this Act.
- (2) The annual report must include information on –

Clause 1 - continued

- (a) the number of premises that have been supplied with the minimum download speed as specified by the universal service order;
- (b) the number of premises that have been required to cover some of the cost of connection;
- (c) of the premises under subsection (2)(b), the average cost of connection per premises covered by residents, disaggregated by local authority area;
- (d) the number of premises that have chosen not to be connected via the universal service order after being provided with an estimate;
- (e) the amount of time on average it takes to provide an estimate and connect a premise, disaggregated by local authority area;
- (f) the percentage of premises nationally connected via fibre to the premises (FTTP);
- (g) the take-up of superfast broadband as a proportion of connected premises;
- (h) the measures taken by OFCOM, Government and others to increase take-up of superfast broadband;
- (i) the average time taken by named service providers to reconnect broken connections;
- (j) the number of community schemes set up in that year and the level of subsidy delivered to achieve this; and
- (k) the extent to which the rights of consumers are explained to them.”

After Clause 1

LORD MENDELSON
LORD STEVENSON OF BALMACARA

Insert the following new Clause—

“Review of Broadband Delivery UK

- (1) The Secretary of State shall commission an independent evaluation of the delivery of superfast broadband by Broadband Delivery UK.
- (2) The evaluation under subsection (1) shall consider—
 - (a) the financial impact on customers of a single provider delivering superfast broadband,
 - (b) value-for-money for the taxpayer, and
 - (c) competition in the delivery of superfast broadband.
- (3) The Secretary of State shall lay the report of the review before each House of Parliament by 1 July 2018.”

Insert the following new Clause—

“SMEs: universal service broadband obligations

The Secretary of State must ensure that small and medium-sized enterprises are prioritised in the roll-out of the universal service broadband obligation.”

After Clause 1 - continued

Insert the following new Clause—

“Duties to progress universal service broadband obligation

Within 12 months of the passing of this Act, the Secretary of State must take steps to ensure that—

- (a) sufficient progress has been made on the universal service broadband obligation to place the United Kingdom in the top decile of countries internationally in respect of broadband speeds;
- (b) a minimum of 90% of United Kingdom premises have access to superfast broadband speeds as defined by OFCOM;
- (c) communications providers deliver the service they have advertised to consumers;
- (d) where a broadband provider fails to supply a user with the broadband speeds it has promised through its advertising, the provider must reimburse the user with appropriate compensation.”

Insert the following new Clause—

“Universal service broadband obligation: fair and competitive market

The Secretary of State must ensure that rollout of universal service broadband obligations is delivered on a fair and competitive basis.”

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 2

LORD STEVENSON OF BALMACARA
LORD FOSTER OF BATH

Insert the following new Clause—

“Bill limits for mobile phone contracts

- (1) A telecommunications service provider supplying a contract relating to a handheld mobile telephone must, at the time of entering into such a contract, allow the end-user the opportunity to place a financial cap on the monthly bill under that contract.
- (2) A telecommunications service provider under subsection (1) must not begin to supply a contracted service to an end-user unless the end-user has either—
 - (a) requested the monthly cap be put in place and agreed the amount of that cap, or
 - (b) decided, with the decision recorded on a durable medium, not to put a monthly cap in place.
- (3) An end-user may, after the start of the contracted service—

After Clause 2 - continued

- (a) contact the service provider to require a cap to be put in place and agree the amount of that cap, or
 - (b) require a cap to be removed, with the requirement recorded on a durable medium.
- (4) The end-user should bear no cost for the supply of any service above the cap if the provider has –
- (a) failed to impose a cap agreed under subsection (2)(a) or (3)(a); or
 - (b) removed the cap without the end-user’s express consent, provided on a durable medium as required under subsection (2)(b) or (3)(b).”

LORD MENDELSON
LORD STEVENSON OF BALMACARA

Insert the following new Clause –

“General conditions: mobile switching

- (1) Section 51 of the Communications Act 2003 (matters to which general conditions may relate) is amended as follows.
- (2) After subsection (1)(a) insert –
 - “(aa) conditions making such provision as OFCOM consider appropriate for protecting the interests of the end-users of telecommunications service providers supplying a contract relating to a handheld mobile telephone;”.
- (3) In subsection (2), after paragraph (i) (inserted by section 2 of this Act) insert –
 - “(j) specify requirements in relation to arrangements that enable an end user to change mobile service provider on request.”
- (4) The Secretary of State, within 12 months after the passing of this Act, shall prepare and lay a report before each House of Parliament on the enforcement of this section and the consequent impact on end-users.”

Clause 3

LORD MENDELSON
LORD STEVENSON OF BALMACARA

Page 2, line 37, after “obligation” insert “within reasonable timescales”

LORD GORDON OF STRATHBLANE

Page 2, line 37, after “obligation” insert “, permit the end-user to roam (at no extra charge) to other providers which do meet the specified standard or obligation, or deem the contract to have been terminated by a consistent breach”

Clause 3 - continued

LORD MENDELSON
LORD STEVENSON OF BALMACARA

Page 2, line 37, at end insert –

“(db) require telecommunications service providers supplying a contract relating to a handheld mobile telephone to pay compensation to a user for failing to meet a specified standard or obligation;”.

() After section 51(2) of that Act insert –

“(2ZA) A specified standard will include but is not limited to appropriate and satisfactory mobile coverage.””

After Clause 3

LORD MENDELSON
LORD STEVENSON OF BALMACARA

Insert the following new Clause –

“National roaming

The Secretary of State may direct OFCOM to vary the licences of UK Mobile Network Operators and require Mobile Network Operators to enable non-seamless national roaming in areas where there is intermittent or no phone signal.”

Insert the following new Clause –

“Separation of Openreach from BT

- (1) The Secretary of State may direct OFCOM to begin the process of legal separation of Openreach from BT.
- (2) OFCOM in carrying out its duties under subsection (1) must –
 - (a) set a date for the separation,
 - (b) conduct a review on the proposed models of separation, and
 - (c) prepare and publish an impact assessment outlining the impact OFCOM’s proposals for separation will have on the BT Pension Scheme Trustees, and
 - (d) following publication of the impact assessment, take steps to ensure the new Openreach company has adequate working capital, and all equipment and services necessary for it to carry out its functions to the highest standard.
- (3) The Secretary of State must consult OFCOM before giving a direction under this section.”

After Clause 3 - continued

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.
- (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 4

LORD GRANTCHESTER
LORD STEVENSON OF BALMACARA

Page 3, line 20, at end insert –

- “() Any rent savings made by mobile network operators as a result of provisions in this section must be invested in efforts to increase geographical coverage.”

After Clause 4

LORD GRANTCHESTER
LORD STEVENSON OF BALMACARA

Insert the following new Clause –

“Applications to OFCOM to become beneficiary of code

- (1) The Communications Act 2003 is amended as follows.
- (2) In section 106 (application of the electronic communications code) after subsection (4)(b) insert –
 - “(c) the purposes of the provision by him of a collection of 10 or more land or property rights, the sole purpose of which is to hold such lands and rights for the benefit and use by providers of electronic communications networks to enable the proper and efficient provision of their networks.””

Clause 6

LORD GRANTCHESTER
LORD STEVENSON OF BALMACARA

Page 4, leave out lines 19 to 24

Page 4, leave out lines 27 to 29

Clause 8

BARONESS BYFORD

Page 5, line 9, leave out “may” and insert “must”

LORD GRANTCHESTER
LORD STEVENSON OF BALMACARA

Page 6, line 5, after “make” insert “written”

Page 7, line 29, at end insert –

- “(g) specifies a right of appeal which the person has against a decision made by OFCOM.”

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.”

After Clause 8

LORD GRANTCHESTER
LORD STEVENSON OF BALMACARA

Insert the following new Clause –

“OFCOM power to impose caps upon wireless telegraphy licenses

In paragraph 3 of Schedule 1 to the Wireless Telegraphy Act 2006 (information to be provided in connection with applications), at the end insert “, or

(b) that the applicant owns more than 30% of the total useable mobile phone spectrum in the UK and OFCOM has a reasonable belief that the award of further licences would have a damaging impact upon competition in a given electronic communications market.””

Clause 20

LORD MORROW
BARONESS HOWE OF IDLICOTE

Page 21, line 21, at beginning insert “If the person in contravention of section 15(1) is resident in the United Kingdom,”

Clause 22

BARONESS JONES OF WHITCHURCH
LORD STEVENSON OF BALMACARA

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

LORD MORROW
BARONESS HOWE OF IDLICOTE

Page 24, line 1, leave out “may” and insert “must”

BARONESS JONES OF WHITCHURCH
LORD STEVENSON OF BALMACARA

Page 24, line 6, leave out paragraph (b)

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

Page 24, line 28, leave out “or prohibited material”

Page 24, line 33, leave out “or prohibited material”

BARONESS BENJAMIN

Page 24, line 39, leave out “may” and insert “must”

BARONESS JONES OF WHITCHURCH
LORD STEVENSON OF BALMACARA

Page 24, line 42, leave out “or prohibited material”

After Clause 22

LORD MORROW
BARONESS HOWE OF IDLICOTE

Insert the following new Clause –

“Requirement to cease services to non-complying persons

- (1) Where the age-verification regulator has given notice to a payment-services provider or ancillary service provider under section 22(1), it is the duty of the payment-services provider or ancillary service provider to cease the service provided to the non-complying person.
- (2) That duty is enforceable in civil proceedings by the age-verification regulator –
 - (a) for an injunction;
 - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988; or
 - (c) for any other appropriate relief or remedy.
- (3) In this section, “payment-services provider” and “ancillary service provider” have the same meaning as in section 22.”

After Clause 23

LORD ASHTON OF HYDE

Insert the following new Clause –

“No power to give notice under section 23(1) where detrimental to national security etc

- (1) Before giving a notice under section 23 (1) requiring an internet service provider to –
 - (a) take steps referred to in section 23 (2)(c)(i), or
 - (b) put in place arrangements referred to in section 23 (2)(c)(ii),
 the regulator must consider whether the steps or arrangements would be likely to be detrimental to a matter mentioned in subsection (3).
- (2) The regulator may not give a notice under section 23 (1) where it appears to the regulator that the steps or arrangements would be likely to be detrimental to any of those matters.
- (3) The matters are –
 - (a) national security;
 - (b) the prevention or detection of serious crime, within the meaning given in section 263(1) of the Investigatory Powers Act 2016;
 - (c) the prevention or detection of an offence listed in Schedule 3 to the Sexual Offences Act 2003.”

After Clause 26

BARONESS JONES OF WHITCHURCH
 LORD STEVENSON OF BALMACARA
 BARONESS GRENDER
 BARONESS JANKE

Insert the following new Clause—

“Review of online abuse

- (1) The Secretary of State must carry out a review of online abuse.
- (2) In conducting the review, the Secretary of State must consult—
 - (a) specialists in child protection;
 - (b) people and organisations who campaign for child safety on the internet; and
 - (c) any other persons and organisations the Secretary of State considers appropriate.
- (3) The Secretary of State must consider measures to prevent online abuse and harassment.
- (4) The Secretary of State must lay a report of the review before each House of Parliament within six months of the passing of this Act.”

BARONESS JONES OF WHITCHURCH
 LORD STEVENSON OF BALMACARA
 LORD STOREY

Insert the following new Clause—

“Internet pornography: requirement to teach age requirement and risks as part of sex education

After section 403(1A)(b) of the Education Act 1996, insert—

- “(c) they learn about the risks and dangers of internet pornography, and the legal age requirement to access internet pornography under Part 3 of the Digital Economy Act 2017.””

After Clause 27

LORD STEVENSON OF BALMACARA
 BARONESS JONES OF WHITCHURCH
 LORD CLEMENT-JONES
 LORD FOSTER OF BATH

Insert the following new Clause—

“Devices or services that infringe copyright

- (1) Section 107 of the Copyright, Designs and Patents Act 1988 (criminal liability for making or dealing with infringing articles, etc) is amended as follows.
- (2) In subsection (1)(d)(ii), after “offers” insert “, advertises”.
- (3) After subsection (1)(d)(iv), insert—
 - “(v) installs, maintains or replaces, or
 - (vi) otherwise promotes by means of commercial communications, or”.

After Clause 27 - continued

- (4) After subsection (1)(e), after “article” insert “, device, product or component”.
- (5) At the end of subsection (1), insert “or which is, and which he knows or has reason to believe is, primarily designed, produced, adapted or otherwise used in a manner described in this section whether alone or in conjunction with another article, device, product, component, or service supplied by or with the knowledge of the same person for the purpose of enabling or facilitating the infringement of copyright”.

Clause 29

LORD FOSTER OF BATH

Page 29, line 32, leave out subsections (3) to (5)

After Clause 29

LORD CLEMENT-JONES
LORD FOSTER OF BATH
THE EARL OF CLANCARTY

Insert the following new Clause –

“Remote e-lending

- (1) Section 5 of the Public Lending Right Act 1979 (citation, etc.) is amended as follows.
- (2) In subsection (2) –
 - (a) in the definition of “book” –
 - (i) after “(an “audio book”)” insert “which has been licensed by the publisher on agreed terms for library lending”,
 - (ii) after “(an “e-book”)” insert “which has been licensed by the publisher on agreed terms for library lending”;
 - (b) in the definition of “lent out”, for paragraph (b) substitute –

“(b) includes communicating by means of electronic transmission to a place other than library premises”.

BARONESS JANKE
LORD TOPE

Insert the following new Clause –

“Review of sale on the internet of counterfeit electrical appliances

- (1) Within six months of the coming into force of this Act, the Secretary of State must commission a review of the sale on the internet of counterfeit electrical appliances.
- (2) The review must consider whether operators of trading websites that allow individual sellers to use those websites to sell electrical items should be required to report to the police and trading standards authorities any instances of the selling of counterfeit electrical appliances which are arranged through their website.

After Clause 29 - continued

- (3) The Secretary of State must publish the report of the review, and lay a copy of the report before each House of Parliament.”

Insert the following new Clause –

“Report of cost to the United Kingdom economy of sale on the internet of counterfeit electrical goods

- (1) Within six months of the coming into force of this Act, the Secretary of State must prepare a report on the cost to the United Kingdom economy of the sale of counterfeit electrical goods on the internet.
- (2) The report must include an assessment of –
 - (a) the quantity of counterfeit electrical goods being imported into the United Kingdom,
 - (b) the efficacy of the Plugs and Sockets etc. (Safety) Regulations 1994 (SI 1994/1768), and
 - (c) the quantity of counterfeit electrical goods being sold on trading websites.
- (3) The Secretary of State must publish the report, and lay a copy of the report before each House of Parliament.”

LORD FOSTER OF BATH

Insert the following new Clause –

“Copyright and the role of active hosts

- (1) The Electronic Commerce (EC Directive) Regulations 2002 are amended as follows.
- (2) At the end of Regulation 19 insert –
 - “(2) Where an information society service is storing and providing access to the public copyright protected works, and is playing an active role, including the promotion and optimising the presentation of those works, sub-paragraph (1) shall not apply.
 - (3) The service provider of an active host under sub-paragraph (2) is required to secure licensing agreements with rightsholders.”

LORD CLEMENT-JONES

Insert the following new Clause –

“Transparency and fairness obligations

- (1) Authors, artists and performers (“creators”) shall receive on a regular basis timely, adequate and sufficient information on the exploitation of their works and performances from those to whom they have licensed or transferred their rights as well as subsequent transferees or licensees, and the information shall include information on modes of exploitation, revenues generated and remuneration due.

After Clause 29 - continued

- (2) The obligation in subsection (1) may be met by complying with a code of practice collectively bargained between relevant representative organisations of creators and the representative organisations of those who exploit their works, taking into account the characteristics of each sector for the exploitation of works.
- (3) Any such code of practice is to provide that each creator is to be entitled to a statement of income generated under such licence or transfer arrangements at regular intervals during each annual accounting period, and provide an explanation as to how the creator's remuneration has been calculated referencing any contract terms relevant to the calculation.
- (4) In the event of failure of a transferee or licensee mentioned in subsection (1) to comply with a code of practice, or in the absence of such a code of practice, the creator shall be entitled to apply to the Intellectual Property Enterprise Court for a detailed account of revenues due to the creator generated from the modes of exploitation referred to in subsection (1), and in the event of failure, the Court may award damages in the amount of any shortfall in the total amount due to him."

LORD STEVENSON OF BALMACARA

Insert the following new Clause –

“Code of practice on search engines and copyright infringement

- (1) The Secretary of State may impose by order a code of practice (“the code”) for search engine providers with the purpose of minimising the availability and promotion of copyright infringing services, including those which facilitate copyright infringement by their users.
- (2) Any order made under subsection (1) must include appropriate provisions to ensure compliance with the code by the providers.
- (3) Before imposing the code under subsection (1), the Secretary of State shall publish a draft of the code and consider any representations made to him or her by –
 - (a) search engine providers,
 - (b) rights-holders and their representatives, and
 - (c) any other interested parties.
- (4) The Secretary of State shall regularly review the code to ensure that it provides the most appropriate mechanism to satisfy the purposes set out in subsection (1).”

Clause 30

LORD COLLINS OF HIGHBURY
LORD STEVENSON OF BALMACARA
BARONESS JANKE
LORD CLEMENT-JONES

Page 30, line 8, at end insert –

- “() Information disclosed from one specified person to another specified person should be used for the purposes of a specific objective only.
- () Where the information is to be used for purposes other than the specified objective, additional approval must be provided.”

LORD COLLINS OF HIGHBURY
LORD STEVENSON OF BALMACARA
LORD CLEMENT-JONES
BARONESS JANKE

Page 30, line 25, leave out “had regard to” and insert “complied with”

After Clause 30

LORD STOREY
LORD CLEMENT-JONES

Insert the following new Clause –

“Disclosure of information by local authorities: free school meals

- (1) The appropriate national authority must make regulations under section 30(6) providing that the disclosure of information held by a local authority to a relevant school to enable them to carry out the duty in section 512 of the Education Act 1996 is a specified objective.
- (2) For the purposes of this section, “disclosure of information” refers to the disclosure of information to a relevant school on the names of –
 - (a) pupils who live within a household that claims council tax benefit;
 - (b) pupils who live within a household that claims housing benefit;
 - (c) pupils who live within a household that claims any other benefits administered by the local authority.
- (3) The objective under subsection (1) may be specified by regulations only if and to the extent that it complies with the condition set in subsection (4).
- (4) The condition is that the disclosure is for the purpose of assisting children eligible for free school meals to have access to the entitlement under section 512 of the Education Act 1996.
- (5) The local authority must provide a relevant school with information which is sufficient to enable them to identify the children who are eligible for free school meals.
- (6) For the purposes of this Act, a school is “relevant” to a local authority if that school has on its pupil roll a qualifying child resident within that local authority’s area.

After Clause 30 - continued

- (7) For the purposes of this Act, a “school” is any local authority maintained school, free school or academy, or voluntary-sector alternative provision working with the local authority.
- (8) Local authorities must provide the means for a parent or guardian of a qualifying child to—
 - (a) be notified before their information is shared for the purposes under this section;
 - (b) opt out of the arrangements in subsections (1) to (4);
 - (c) consider opting in to free school meals at the beginning of each academic year, having previously chosen to opt out.
- (9) Local authorities and schools must take all reasonable steps to preserve the confidentiality and right to privacy of qualifying children and their parents or guardians in respect of the information, information-sharing and administrative arrangements provided.”

Clause 31

LORD COLLINS OF Highbury
 LORD STEVENSON OF BALMACARA
 BARONESS JANKE
 LORD CLEMENT-JONES

Page 31, line 36, leave out “had regard to” and insert “complied with”

Clause 33

LORD COLLINS OF Highbury
 LORD STEVENSON OF BALMACARA
 LORD CLEMENT-JONES
 BARONESS JANKE

Page 32, line 15, at end insert—

- “() In addition, in determining whether to make regulations under section 30 or 31, the appropriate national authority must ensure that—
 - (a) the sharing of information authorised by the regulations is limited to what is strictly necessary to fulfil one of the conditions or purposes falling within subsection (2),
 - (b) the conduct authorised by the regulations to achieve the specified objective is proportionate to what is sought to be achieved by that conduct,
 - (c) a Privacy Impact Assessment compliant with the relevant Code of Practice of the Information Commissioner’s Office has taken place and been made publicly available,
 - (d) the proposed measures have been subject to public consultation for a minimum of 12 weeks, and responses have been given conscientious consideration.

Clause 33 - continued

- () As soon as is reasonably practicable after the end of three years beginning with the day on which the regulations come into force, the relevant Minister must review the operation of the regulations for the purpose of deciding whether they should be amended or repealed.
- () Before carrying out the review, the relevant Minister must publish the criteria by reference to which that decision will be made.
- () In carrying out the review, the relevant Minister must consult the Information Commissioner, open the review to public consultation for a minimum of 12 weeks and demonstrate that responses have been given conscientious consideration.”

BARONESS BYFORD

Page 32, line 21, leave out paragraphs (c) to (f)

LORD ASHTON OF HYDE

Page 32, line 31, leave out from “behaviour” to end of line 33 and insert “means conduct that—

- (a) is likely to cause harassment, alarm or distress to any person, or
- (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

LORD COLLINS OF HIGHBURY
LORD STEVENSON OF BALMACARA
BARONESS JANKE
LORD CLEMENT-JONES

Page 32, line 38, at end insert —

- “() A particular person identified in personal information disclosed under section 30, 31 or 32 may request to a specified person, as defined in section 30, that the personal information relating to them is modified and corrected if it contains factual errors.”

LORD COLLINS OF HIGHBURY
LORD STEVENSON OF BALMACARA

Page 32, line 40, leave out “(including a body corporate)” and insert “, group of persons, private company or publicly traded company (irrespective of its size or revenue)”

Page 33, line 7, leave out subsection (7)

LORD ASHTON OF HYDE

Page 33, line 15, leave out from “by” to end of line 16 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Clause 33 - continued

Page 33, line 16, at end insert –

- “() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (8)(b) has effect as if it included a reference to that Part.”

LORD KIRKWOOD OF KIRKHOPE

Page 33, line 18, at end insert –

- “() Disclosures under section 30, 31 or 32 may be made in order to share the information needed to provide a Warm Home Discount to any Universal Credit or Tax Credit claimant who –
- (a) is entitled to receive a Warm Home Discount; and
 - (b) has a gross annual household income of less than £16,105, and is in receipt of –
 - (i) Child Tax Credit, or
 - (ii) a child element of Universal Credit.”

LORD COLLINS OF HIGHBURY
LORD STEVENSON OF BALMACARA

Page 33, line 18, at end insert –

- “() In its application to a specified person with functions relating to the provision of health services, section 30 does not authorise the disclosure of identifiable health information held by the person in connection with such functions.”

Clause 34

LORD COLLINS OF HIGHBURY
LORD STEVENSON OF BALMACARA
BARONESS JANKE
LORD CLEMENT-JONES

Page 33, line 25, leave out “or permitted”

Page 33, line 33, leave out “made” and insert “necessary”

LORD COLLINS OF HIGHBURY
LORD STEVENSON OF BALMACARA

Page 33, line 34, leave out “made” and insert “necessary”

LORD ASHTON OF HYDE

Page 33, line 35, at end insert –

- “() which is a protected disclosure for any of the purposes of the Employment Rights Act 1996 or the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)),

Clause 34 - continued

- (i) consisting of the publication of information for the purposes of journalism, where the publication of the information is in the public interest,”

LORD COLLINS OF HIGHBURY
LORD STEVENSON OF BALMACARA

Page 33, line 37, leave out “made” and insert “necessary”

LORD ASHTON OF HYDE

Page 33, line 43, leave out from “behaviour” to end of line 45 and insert “means conduct that—

- (a) is likely to cause harassment, alarm or distress to any person, or
(b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

BARONESS BYFORD

Page 34, line 21, leave out subsection (8)

Clause 35

LORD ASHTON OF HYDE

Page 34, line 25, leave out “(“P”)”

Page 34, leave out lines 26 and 27 and insert “by that person”

After Clause 35

LORD COLLINS OF HIGHBURY
LORD STEVENSON OF BALMACARA
LORD CLEMENT-JONES
BARONESS JANKE

Insert the following new Clause—

“Public register of information disclosures

- (1) No disclosure of information by a public authority under Part 5 shall be lawful unless detailed by an entry in a public register.
- (2) Each entry in the register must contain, or include information on—
- (a) the uniform resource locator of the entry,
(b) the purpose of the disclosure,
(c) the specific information to be disclosed,
(d) the data controllers and data processors involved in the sharing of the information,
(e) any exchange of letters between the data controllers on the disclosure,
(f) any other information deemed relevant.
- (3) In this section, “uniform resource locator” means a standardised naming convention for entries made in a public register.”

After Clause 35 - continued

LORD COLLINS OF HIGHBURY
LORD STEVENSON OF BALMACARA

Insert the following new Clause—

“Personal data breaches

- (1) The Data Protection Act 1998 is amended as follows.
- (2) After section 24 insert—

“24A Personal data breaches: notification to the Commissioner

- (1) In this section, section 24B and section 24C “personal data breach” means unauthorised or unlawful processing of personal data or accidental loss or destruction of, or damage to, personal data.
- (2) Subject to subsections (3), (4)(c) and (4)(d), if a personal data breach occurs, the data controller in respect of the personal data concerned in that breach shall, without undue delay, notify the breach to the Commissioner.
- (3) The notification referred to in subsection (2) is not required to the extent that the personal data concerned in the personal data breach are exempt from the seventh data protection principle.
- (4) The Secretary of State may by regulations—
 - (a) prescribe matters which a notification under subsection (2) must contain;
 - (b) prescribe the period within which, following detection of a personal data breach, a notification under subsection (2) must be given;
 - (c) provide that subsection (2) shall not apply to certain data controllers;
 - (d) provide that subsection (2) shall not apply to personal data breaches of a particular description or descriptions.

24B Personal data breaches: notification to the data subject

- (1) Subject to subsections (2), (3), (4), (6)(b) and (6)(c), if a personal data breach is likely to adversely affect the personal data or privacy of a data subject, the data controller in respect of the personal data concerned in that breach shall, without undue delay, notify the breach to the data subject concerned, insofar as it is reasonably practicable to do so.
- (2) The notification referred to in subsection (1) is not required to the extent that the personal data concerned in the personal data breach are exempt from the seventh data protection principle.
- (3) The notification referred to in subsection (1) is not required to the extent that the personal data concerned in the personal data breach are exempt from section 7(1).
- (4) The notification referred to in subsection (1) is not required if the data controller has demonstrated, to the satisfaction of the Commissioner—
 - (a) that the data controller has implemented appropriate measures which render the data unintelligible to any person who is not authorised to access it; and

After Clause 35 - continued

- (b) that those measures were applied to the data concerned in that personal data breach.
- (5) If the data controller has not notified the data subject in compliance with subsection (1), the Commissioner may, having considered the likely adverse effects of the personal data breach, require the data controller to do so.
- (6) The Secretary of State may by regulations –
 - (a) prescribe matters which a notification under subsection (1) must contain;
 - (b) provide that subsection (1) shall not apply to certain data controllers;
 - (c) provide that subsection (1) shall not apply to personal data breaches of a particular description or descriptions.

24C Personal data breaches: audit

- (1) Data controllers shall maintain an inventory of personal data breaches comprising –
 - (a) the facts surrounding the breach;
 - (b) the effects of that breach; and
 - (c) remedial action taken;
 which shall be sufficient to enable the Commissioner to verify compliance with the provisions of sections 24A and 24B.
 The inventory shall only include information necessary for this purpose.
- (2) The Commissioner may audit the compliance of data controllers with the provisions of sections 24A, 24B and 24C(1)."
- (3) In section 40 (enforcement notices) –
 - (a) in subsection (1) –
 - (i) after “data protection principles,” insert “or section 24A, 24B or 24C”;
 - (ii) for “principle or principles” substitute “principle, principles, section or sections”;
 - (b) in subsection (6)(a) after “principles” insert “or the section or sections”.
- (4) In section 41 (cancellation of enforcement notice) –
 - (a) in subsection (1) after “principles” insert “or the section or sections”;
 - (b) in subsection (2) after “principles” insert “or the section or sections”.
- (5) In section 41A (assessment notices) –
 - (a) in subsection (1) after “data protection principles” insert “or section 24A, 24B or 24C”;
 - (b) in subsection (10)(b) after “data protection principles” insert “or section 24A, 24B or 24C”.
- (6) In section 41C (code of practice about assessment notices) –
 - (a) in subsection (4)(a) after “principles” insert “and sections 24A, 24B and 24C”;
 - (b) in subsection (4)(b) after “principles” insert “or sections”.
- (7) In section 43 (information notices) –

After Clause 35 - continued

- (a) in subsection (1) –
 - (i) after “data protection principles” insert “or section 24A, 24B or 24C”;
 - (ii) after “the principles” insert “or those sections”;
 - (b) in subsection (2)(b) after “principles” insert “or section 24A, 24B or 24C”.
- (8) In section 55A (power of Commissioner to impose monetary penalty) –
- (a) after subsection (1) insert –
 - “(1A) The Commissioner may also serve a data controller with a monetary penalty notice if the Commissioner is satisfied that there has been a serious contravention of section 24A, 24B or 24C by the data controller.”;
 - (b) in subsection (3A) after “subsection (1)” insert “or (1A)”;
 - (c) in subsection (4) omit “determined by the Commissioner and”;
 - (d) in subsection (5) –
 - (i) after “The amount” insert “specified in a monetary penalty notice served under subsection (1) shall be”;
 - (ii) after “Commissioner” insert “and”;
 - (e) after subsection (5) insert –
 - “(5A) The amount specified in a monetary penalty notice served under subsection (1A) shall be £1,000.
 - (5B) The Secretary of State may by regulations amend subsection (5A) to change the amount specified therein.”
- (9) In section 55B (monetary penalty notices: procedural rights) –
- (a) in subsection (3)(a) omit “and”;
 - (b) after subsection (3)(a) insert –
 - “(aa) specify the provision of this Act of which the Commissioner is satisfied there has been a serious contravention, and”;
 - (c) after subsection (3) insert –
 - “(3A) A data controller may discharge liability for a monetary penalty in respect of a contravention of section 24A, 24B or 24C if he pays to the Commissioner the amount of £800 before the time within which the data controller may make representations to the Commissioner has expired.
 - (3B) A notice of intent served in respect of a contravention of section 24A, 24B or 24C must include a statement informing the data controller of the opportunity to discharge liability for the monetary penalty.
 - (3C) The Secretary of State may by regulations amend subsection (3A) to change the amount specified therein, save that the amount specified in subsection (3A) must be less than the amount specified in section 55A(5A).”;
 - (d) in subsection (5) after “served” insert “under section 55A(1)”;
 - (e) after subsection (5) insert –

After Clause 35 - continued

- “(5A) A person on whom a monetary penalty notice is served under section 55A(1A) may appeal to the Tribunal against the issue of the monetary penalty notice.”
- (10) In section 55C(2)(b) (guidance about monetary penalty notices) at the end insert “specified in a monetary penalty notice served under section 55A(1)”.
- (11) In section 67 (orders, regulations and rules) –
- (a) in subsection (4) –
 - (i) after “order” insert “or regulations”;
 - (ii) after “section 22(1),” insert “section 24A(4)(c) or (d), 24B(6)(b) or (c),”;
 - (b) in subsection (5) –
 - (i) after paragraph (c) insert “(ca) regulations under section 24A(4)(a) or (b) or section 24B(6)(a),”;
 - (ii) for “(ca) regulations under section 55A(5) or (7) or 55B(3)(b),” substitute “(cb) regulations under section 55A(5), (5B) or (7) or 55B(3)(b) or (3C),”.
- (12) In section 71 (index of defined expressions) after “personal data section 1(1)” insert –
- ““personal data breach section 24A(1)”.
- (13) In paragraph 1 of Schedule 9 –
- (a) after sub-paragraph (1)(a) insert –

“(aa) that a data controller has contravened or is contravening any provision of section 24A, 24B or 24C, or”;
 - (b) in sub-paragraph (1B) after “principles” insert “or section 24A, 24B or 24C”;
 - (c) in sub-paragraph (3)(d)(ii) after “principles” insert “or section 24A, 24B or 24C”;
 - (d) in sub-paragraph (3)(f) after “principles” insert “or section 24A, 24B or 24C.””

Clause 36

LORD COLLINS OF HIGHBURY
 LORD STEVENSON OF BALMACARA
 BARONESS JANKE
 LORD CLEMENT-JONES

Page 35, line 4, leave out “have regard to” and insert “comply with”

LORD CLEMENT-JONES
 BARONESS JANKE

Page 35, line 7, leave out subsection (4) and insert –

- “(4) As soon as reasonably practicable after issuing or reissuing the code of practice, the relevant Minister must arrange for a copy of it to be laid before, and approved by, a resolution of both Houses of Parliament.”

Clause 36 - continued

LORD COLLINS OF HIGHBURY
 LORD STEVENSON OF BALMACARA
 BARONESS JANKE
 LORD CLEMENT-JONES

Page 35, line 15, at end insert –

“() the public, for a minimum of 12 weeks, and”

Page 35, line 16, at end insert –

“and the relevant Minister must demonstrate that responses have been given conscientious consideration.”

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

Clause 38

LORD ASHTON OF HYDE

Page 37, line 36, leave out paragraphs (a) and (b) and insert –

- “() a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006, or
- () a person providing services to a devolved Welsh authority as defined by that section.”

Clause 39

LORD CLEMENT-JONES
BARONESS JANKE

Page 38, line 23, leave out from “that” to end of line 26 and insert—

- “(a) the authority or civil registration official to whom it is disclosed (the “recipient”) requires the information to enable the recipient to exercise one or more of the recipient’s functions, and
- (b) the data subjects whose information is being disclosed have given valid consent under data protection legislation.”

Page 40, line 7, leave out “have regard to” and insert “comply with”

Page 40, line 18, after “before” insert “, and approved by a resolution of both Houses of,”

BARONESS BYFORD

Baroness Byford gives notice of her intention to oppose the Question that Clause 39 stand part of the Bill.

After Clause 40

BARONESS SCOTT OF NEEDHAM MARKET
LORD CLEMENT-JONES

Insert the following new Clause—

“Registers under the Births and Deaths Registration Act 1953 to be kept in electronic form

For section 25 of the Births and Deaths Registration Act 1953 substitute—

“25 Provision of registers, etc, by Registrar General

Any register required to be kept under the provisions this Act shall be in electronic form and the Registrar General shall provide electronically any of the forms mentioned in this Act for making certified copies of entries held in the registers, which may be required for the purposes of this Act.”

Clause 41

LORD CLEMENT-JONES
BARONESS JANKE

Page 41, line 41, leave out “had regard to” and insert “complied with”

Clause 42

LORD ASHTON OF HYDE

Page 42, line 29, leave out from “behaviour” to end of line 31 and insert “means conduct that—

- (a) is likely to cause harassment, alarm or distress to any person, or

Clause 42 - continued

- (b) is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises."

LORD CLEMENT-JONES
BARONESS JANKE

Page 43, line 2, at the end insert –

- “() In addition, in determining whether to make regulations under section 41, the appropriate national authority must ensure that –
- (a) the sharing of information authorised by the regulations is minimised to what is strictly necessary on grounds falling within subsections (2) and (3),
 - (b) the conduct authorised by the regulations to achieve the “specified objective” is proportionate to what is sought to be achieved by that conduct,
 - (c) a Privacy Impact Assessment compliant with the relevant code of practice of the Information Commissioner's Office has taken place and been made publicly available,
 - (d) the proposed measures have been subject to public consultation for a minimum of 12 weeks, and responses have been given conscientious consideration.”

LORD ASHTON OF HYDE

Page 43, line 10, leave out from “by” to end of line 11 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Page 43, line 11, at end insert –

- “() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (8)(b) has effect as if it included a reference to that Part.”

Clause 43

LORD CLEMENT-JONES
BARONESS JANKE

Page 43, line 20, leave out “or permitted”

Page 43, line 27, leave out “made” and insert “necessary”

Page 43, line 28, leave out “made” and insert “necessary”

Clause 43 - continued

LORD ASHTON OF HYDE

Page 43, line 29, at end insert –

- “() which is a protected disclosure for any of the purposes of the Employment Rights Act 1996 or the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)),
- () consisting of the publication of information for the purposes of journalism, where the publication of the information is in the public interest,”

LORD CLEMENT-JONES
BARONESS JANKE

Page 43, line 31, leave out “made” and insert “necessary”

Page 43, line 33, leave out “made” and insert “necessary”

LORD ASHTON OF HYDE

Page 43, line 34, leave out from “behaviour” to end of line 36 and insert “means conduct that –

- (a) is likely to cause harassment, alarm or distress to any person, or
- (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

Clause 44

LORD ASHTON OF HYDE

Page 44, line 16, leave out “(“P”)”

Page 44, leave out lines 17 and 18 and insert “by that person”

Clause 45LORD CLEMENT-JONES
BARONESS JANKE

Page 44, line 38, leave out “have regard to” and insert “comply with”

LORD STEVENSON OF BALMACARA

Page 44, line 40, at end insert –

- “(3A) A specified person is required to ensure that he or she complies with the code of practice in respect of any action taken in connection with a debt listed in section 41(3).”

Clause 45 - continued

Page 44, line 40, at end insert –

- “() Any person capable of being a specified person in regulations made under section 41(4) is required to follow the code of practice in respect of any action taken in connection with a debt listed in section 41(3).”

LORD CLEMENT-JONES
BARONESS JANKE

Page 44, line 41, leave out subsection (4) and insert –

- “(4) Before issuing or reissuing the code of practice, the relevant Minister must arrange for a draft to be laid before, and approved by a resolution of, both Houses of Parliament.”

Page 44, line 42, at end insert –

- “(4A) The code of practice must be subjected to public consultation for a minimum of 12 weeks, and the relevant Minister must demonstrate that responses have been given conscientious consideration.”

Clause 48

LORD ASHTON OF HYDE

Page 48, line 25, leave out paragraphs (a) and (b) and insert –

- “() a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006, or
() a person providing services to a devolved Welsh authority as defined by that section.”

Clause 49

LORD CLEMENT-JONES
BARONESS JANKE

Page 49, line 32, leave out “had regard to” and insert “complied with”

Page 49, line 43, at the end insert –

- “() In determining whether to make regulations under subsection (5), the appropriate national authority must ensure that –
- (a) the sharing of information authorised by the regulations is minimised to what is strictly necessary on grounds falling within subsections (2) and (3),
 - (b) the conduct authorised by the regulations to achieve the “specified objective” is proportionate to what is sought to be achieved by that conduct,
 - (c) a Privacy Impact Assessment compliant with the relevant Code of Practice of the Information Commissioner’s Office has taken place and been made publicly available,

Clause 49 - continued

- (d) the proposed measures have been subject to public consultation for a minimum of 12 weeks, and responses have been given conscientious consideration.”

Clause 50

LORD ASHTON OF HYDE

Page 50, line 28, leave out from “behaviour” to end of line 30 and insert “means conduct that—

- (a) is likely to cause harassment, alarm or distress to any person, or
(b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

Page 51, line 8, leave out from “by” to end of line 9 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Page 51, line 9, at end insert—

- “() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (8)(b) has effect as if it included a reference to that Part.”

Clause 51LORD CLEMENT-JONES
BARONESS JANKE

Page 51, line 18, leave out “or permitted”

Page 51, line 25, leave out “made” and insert “necessary”

Page 51, line 26, leave out “made” and insert “necessary”

LORD ASHTON OF HYDE

Page 51, line 27, at end insert—

- “() which is a protected disclosure for any of the purposes of the Employment Rights Act 1996 or the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)),
() consisting of the publication of information for the purposes of journalism, where the publication of the information is in the public interest,”

LORD CLEMENT-JONES
BARONESS JANKE

Page 51, line 29, leave out “made” and insert “necessary”

Clause 51 - continued

LORD ASHTON OF HYDE

Page 51, line 35, leave out from “behaviour” to end of line 37 and insert “means conduct that—

- (a) is likely to cause harassment, alarm or distress to any person, or
- (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

Clause 52

LORD ASHTON OF HYDE

Page 52, line 19, leave out “(“P”)”

Page 52, leave out lines 20 and 21 and insert “by that person”

Clause 53LORD CLEMENT-JONES
BARONESS JANKE

Page 52, line 41, leave out “have regard to” and insert “comply with”

Page 53, line 1, leave out subsection (4) and insert—

- “(4) Before issuing or reissuing the code of practice, the relevant Minister must arrange for a draft to be laid before, and approved by a resolution of, both Houses of Parliament.”

Page 53, line 2, at end insert—

- “() The code of practice must be subjected to public consultation for a minimum of 12 weeks, and the relevant Minister must demonstrate that responses have been given conscientious consideration.”

Clause 56

LORD ASHTON OF HYDE

Page 56, line 22, leave out paragraphs (a) and (b) and insert—

- “() a devolved Welsh authority as defined by section 157A of the Government of Wales Act 2006, or
- () a person providing services to a devolved Welsh authority as defined by that section.”

Clause 57

LORD ASHTON OF HYDE

Page 57, line 14, at end insert—

- “() Information may be disclosed under subsection (5)(b)—

Clause 57 - continued

- (a) only with the consent of the Commissioners for Her Majesty's Revenue and Customs, if it is information to which section 60 (2) applies;
- (b) only with the consent of the Welsh Revenue Authority, if it is information to which section (*Information disclosed by the Welsh Revenue Authority*)(5) applies;
- (c) only with the consent of Revenue Scotland, if it is information to which section (*Information disclosed by Revenue Scotland*)(5) applies."

Page 57, leave out lines 27 to 30 and insert –

“() any person (including the public authority) who is involved in processing the information for disclosure under subsection (1);”

LORD CLEMENT-JONES
BARONESS JANKE

Page 57, line 34, leave out “has regard to” and insert “comply with”

Clause 58

LORD ASHTON OF HYDE

Page 58, line 11, leave out from “by” to end of line 12 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Page 58, line 12, at end insert –

“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (2)(b) has effect as if it included a reference to that Part.”

Clause 59

LORD ASHTON OF HYDE

Page 58, line 28, at end insert –

“(A1) Subsection (A2) applies to personal information –

- (a) in which the identity of a particular person is specified or from which the identity of a particular person can be deduced, whether from the information itself or from that information taken together with any other published information, and
- (b) which is received by a person (“P”) under section 57 (1)(disclosure for research purposes).

(A2) Personal information to which this subsection applies may not be disclosed –

- (a) by P, or
- (b) by any other person who has received it directly or indirectly from P.

(A3) Subsection (A2) does not apply to a disclosure –

- (a) to a person by whom the research referred to in section 57(1) is being or is to be carried out, or

Clause 59 - *continued*

- (b) by a person by whom such research is being or has been carried out –
 - (i) for the purposes of enabling anything that is to be published as a result of the research to be reviewed before publication, and
 - (ii) to a person who is accredited under section 62 as a person to whom such information may be disclosed for that purpose.”

Page 58, line 29, leave out “This section” and insert “Subsection (2)”

Page 58, line 33, leave out “section” and insert “subsection”

Page 58, line 35, at end insert –

- “() Subsection (2) does not apply to a disclosure –
 - (a) under section 57 (1) or (5), or
 - (b) of information previously disclosed under section 57 (1), where the disclosure is made by –
 - (i) the person to whom the information was disclosed under that provision, or
 - (ii) any person who has received the information directly or indirectly from the person mentioned in sub-paragraph (i),
 (but subsection (A2) may apply to such a disclosure).”

Page 58, line 36, after “Subsection” insert “(A2) or”

LORD CLEMENT-JONES
BARONESS JANKE

Page 58, line 37, leave out “or permitted”

LORD ASHTON OF HYDE

Page 58, line 37, leave out “(including section 57(5))”

LORD CLEMENT-JONES
BARONESS JANKE

Page 58, line 40, leave out “made” and insert “necessary”

Page 59, line 1, leave out “made” and insert “necessary”

Page 59, line 3, leave out “made” and insert “necessary”

LORD ASHTON OF HYDE

Page 59, line 5, after “criminal),” insert –

- “() which is a protected disclosure for any of the purposes of the Employment Rights Act 1996 or the Employment Rights (Northern Ireland) Order 1996 (SI 1996/1919 (NI 16)),

Clause 59 - continued

- () consisting of the publication of information for the purposes of journalism, where the publication of the information is in the public interest,”

Page 59, line 16, leave out from “behaviour” to end of line 18 and insert “means conduct that—

- (a) is likely to cause harassment, alarm or distress to any person, or
- (b) is capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises.”

Page 59, line 21, after “subsection” insert “(A2) or”

Page 59, line 40, leave out “57(5)” and insert “57 (1) or (5)”

Page 59, line 40, at end insert “, the Welsh Revenue Authority or Revenue Scotland”

Clause 60

LORD ASHTON OF HYDE

Page 59, line 41, at end insert—

“(A1) Subsection (A2) applies to personal information—

- (a) in which the identity of a particular person is specified or from which the identity of a particular person can be deduced, whether from the information itself or from that information taken together with any other published information, and
- (b) which—
 - (i) is disclosed under section 57 (1)(disclosure for research purposes) by the Revenue and Customs, or
 - (ii) is disclosed under section 57 (1) by a person other than the Revenue and Customs and is derived from information disclosed under section 57 (5) by the Revenue and Customs,
 and is received by a person (“P”) under section 57(1).

(A2) Personal information to which this subsection applies may not be disclosed by P.

(A3) Subsection (A2) does not apply to a disclosure—

- (a) to a person by whom the research referred to in section 57 (1) is being or is to be carried out, or
- (b) by a person by whom such research is being or has been carried out—
 - (i) for the purposes of enabling anything that is to be published as a result of the research to be reviewed before publication, and
 - (ii) to a person who is accredited under section 62 as a person to whom such information may be disclosed for that purpose.”

Page 59, line 42, leave out “This section” and insert “Subsection (2)”

Clause 60 - continued

Page 60, line 1, leave out “section” and insert “subsection”

Page 60, line 3, leave out “directly or indirectly from P” and insert “under section 57 (5)”

Page 60, line 3, at end insert –

“() Subsection (2) does not apply to a disclosure under section 57 (1).”

Page 60, line 4, after “Subsection” insert “(A2) or”

Page 60, line 7, after “subsection” insert “(A2) or”

After Clause 60

LORD ASHTON OF HYDE

Insert the following new Clause –

“Information disclosed by the Welsh Revenue Authority

- (1) Subsection (2) applies to personal information –
 - (a) in which the identity of a particular person is specified or from which the identity of a particular person can be deduced, whether from the information itself or from that information taken together with any other published information, and
 - (b) which –
 - (i) is disclosed under section 57 (1)(disclosure for research purposes) by the Welsh Revenue Authority, or
 - (ii) is disclosed under section 57 (1) by a person other than the Welsh Revenue Authority and is derived from information disclosed under section 57 (5) by the Welsh Revenue Authority, and is received by a person (“P”) under section 57(1).
- (2) Personal information to which this subsection applies may not be disclosed by P.
- (3) Subsection (2) does not apply to a disclosure –
 - (a) to a person by whom the research referred to in section 57 (1) is being or is to be carried out, or
 - (b) by a person by whom such research is being or has been carried out –
 - (i) for the purposes of enabling anything that is to be published as a result of the research to be reviewed before publication, and
 - (ii) to a person who is accredited under section 62 as a person to whom such information may be disclosed for that purpose.
- (4) Subsection (5) applies to personal information which –
 - (a) identifies a particular person, and
 - (b) is disclosed by the Welsh Revenue Authority under section 57 (5)(disclosure for processing) and received by a person (“P”).

After Clause 60 - continued

- (5) Personal information to which this subsection applies may not be disclosed –
 - (a) by P, or
 - (b) by any other person who has received it under section 57 (5).
- (6) Subsection (5) does not apply to a disclosure under section 57 (1).
- (7) Subsection (2) or (5) does not apply to a disclosure which is made with the consent of the Welsh Revenue Authority (which may be general or specific).
- (8) A person who contravenes subsection (2) or (5) is guilty of an offence.
- (9) It is a defence for a person charged with an offence under subsection (8) to prove that the person reasonably believed –
 - (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (10) A person who is guilty of an offence under subsection (8) is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine, or to both;
 - (b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.
- (11) In the application of subsection (10)(a) to an offence committed before the coming into force of section 154(1) of the Criminal Justice Act 2003 the reference to 12 months is to be read as a reference to 6 months.”

Insert the following new Clause –

“Information disclosed by Revenue Scotland

- (1) Subsection (2) applies to personal information –
 - (a) in which the identity of a particular person is specified or from which the identity of a particular person can be deduced, whether from the information itself or from that information taken together with any other published information, and
 - (b) which –
 - (i) is disclosed under section 57 (1)(disclosure for research purposes) by Revenue Scotland, or
 - (ii) is disclosed under section 57 (1) by a person other than Revenue Scotland and is derived from information disclosed under section 57 (5) by Revenue Scotland,
 and is received by a person (“P”) under section 57(1).
- (2) Personal information to which this subsection applies may not be disclosed by P.
- (3) Subsection (2) does not apply to a disclosure –
 - (a) to a person by whom the research referred to in section 57 (1) is being or is to be carried out, or
 - (b) by a person by whom such research is being or has been carried out –
 - (i) for the purposes of enabling anything that is to be published as a result of the research to be reviewed before publication, and

After Clause 60 - continued

- (ii) to a person who is accredited under section 62 as a person to whom such information may be disclosed for that purpose.
- (4) Subsection (5) applies to personal information which –
 - (a) identifies a particular person, and
 - (b) is disclosed by Revenue Scotland under section 57 (5)(disclosure for processing) and received by a person (“P”).
- (5) Personal information to which this subsection applies may not be disclosed –
 - (a) by P, or
 - (b) by any other person who has received it under section 57 (5).
- (6) Subsection (5) does not apply to a disclosure under section 57 (1).
- (7) Subsection (2) or (5) does not apply to a disclosure which is made with the consent of Revenue Scotland (which may be general or specific).
- (8) A person who contravenes subsection (2) or (5) is guilty of an offence.
- (9) It is a defence for a person charged with an offence under subsection (8) to prove that the person reasonably believed –
 - (a) that the disclosure was lawful, or
 - (b) that the information had already and lawfully been made available to the public.
- (10) A person who is guilty of an offence under subsection (8) is liable –
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;
 - (b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.”

Clause 61

LORD ASHTON OF HYDE

Page 60, line 18, after “of” insert “personal”

Page 60, line 20, after “of” insert “personal”

LORD CLEMENT-JONES
BARONESS JANKE

Page 60, line 24, leave out “have regard to” and insert “comply with”

LORD ASHTON OF HYDE

Page 60, line 24, after “disclosing” insert “personal information”

LORD CLEMENT-JONES
BARONESS JANKE

Page 60, line 26, leave out “have regard to” and insert “comply with”

LORD ASHTON OF HYDE

Page 60, line 29, leave out “or (c)” and insert “, (c) or (ca)”

Clause 61 - continued

Page 60, line 30, after “using” insert “personal”

LORD CLEMENT-JONES
BARONESS JANKE

Page 60, line 41, at end insert –

“() The code of practice must be subjected to public consultation for a minimum of 12 weeks, and the relevant Minister must demonstrate that responses have been given conscientious consideration.”

Clause 62

LORD ASHTON OF HYDE

Page 61, line 18, at end insert –

“(ca) may accredit a person as a person to whom such information may be disclosed for the purposes of a review of the kind mentioned in section 59 (A3)(b), 60 (A3)(b), (*Information disclosed by the Welsh Revenue Authority*)(3)(b) or (*Information disclosed by Revenue Scotland*)(3)(b),”

Page 61, line 19, leave out “that section” and insert “section 57 ”

Page 61, line 23, leave out “or (c)” and insert “, (c) or (ca)”

LORD CLEMENT-JONES
BARONESS JANKE

Page 61, line 36, leave out “have regard to” and insert “comply with”

LORD ASHTON OF HYDE

Page 62, line 11, at end insert “, and

() a register of persons who are accredited under subsection (1)(ca).”

Clause 65

BARONESS BYFORD

Page 63, line 18, leave out “A Revenue and Customs official” and insert “The Executive Chair and First Permanent Secretary of HMRC”

Clause 67

LORD ASHTON OF HYDE

Page 65, line 15, leave out from “by” to “or” in line 16 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”

Clause 67 - continued

Page 65, line 18, at end insert –

- “() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (9)(b) has effect as if it included a reference to that Part.”

Clause 68

LORD WILLETTS

Page 66, line 16, leave out from beginning to end of line 25 on page 67 and insert –

- “(2) Subject to subsection (1) of this section and section 45E, the Board may, by notice in writing to a public authority to which this section applies, require the authority to disclose to the Board information which –
- (a) is held by the authority in connection with its functions, and
 - (b) is specified, or is of a kind specified, in the notice.
- (3) A notice under subsection (2) may require information to be disclosed on more than one date specified in the notice within a period specified in the notice.
- (4) A notice under subsection (2) other than one within subsection (3) must specify the date by which or the period within which the information must be disclosed.
- (5) A notice under subsection (2) may specify the form or manner in which the information to which it relates must be disclosed.
- (6) A notice under subsection (2) may require the public authority to consult the Board before making changes to –
- (a) its processes for collecting, organising, storing or retrieving the information to which the notice relates, or
 - (b) its processes for supplying such information to the Board.
- (7) The reference in subsection (6) to making changes to a process includes introducing or removing a process.
- (8) The Board may give a notice under subsection (2) only if the Board requires the information to which the notice relates to enable it to exercise one or more of its functions.
- (9) The Board must obtain the consent of the Scottish Ministers before giving a notice under subsection (2) to a public authority which is a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998).
- (10) The Board must obtain the consent of the Welsh Ministers before giving a notice under subsection (2) to a public authority which is a Wales public authority as defined by section 157A of the Government of Wales Act 2006.
- (11) The Board must obtain the consent of the Department of Finance in Northern Ireland before giving a notice under subsection (2) to a public authority if –
- (a) the public authority exercises functions only as regards Northern Ireland, and

Clause 68 - *continued*

- (b) its functions are wholly or mainly functions which relate to transferred matters (within the meaning of the Northern Ireland Act 1998).
- (12) A public authority to which a notice under subsection (2) is given must comply with it.
- (13) But the public authority need not comply with the notice if compliance—
 - (a) might prejudice national security,
 - (b) would contravene the Data Protection Act 1998,
 - (c) would be prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000, or
 - (d) would contravene directly applicable EU legislation or any enactment to the extent that it implements EU legislation.”

LORD ASHTON OF HYDE

Page 66, line 25, leave out from “by” to “or” in line 26 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”

Page 66, line 28, at end insert—

“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (3)(b) has effect as if it included a reference to that Part.”

Page 67, line 18, leave out “Wales public authority” and insert “devolved Welsh authority”

Page 68, line 21, leave out “Wales public authority” and insert “devolved Welsh authority”

Page 68, line 38, leave out from “by” to “or” in line 39 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”

Page 68, line 41, at end insert—

“() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (13)(c) has effect as if it included a reference to that Part.”

Page 69, line 25, leave out from “by” to end of line 26 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.”

Clause 68 - continued

Page 69, line 26, at end insert –

- “() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (9)(c) has effect as if it included a reference to that Part.”

BARONESS BYFORD

Page 69, line 30, leave out “any” and insert “a qualifying”

Page 69, line 36, at end insert –

- “(d) a charity with annual income of less than £2.5 million;
(e) a charity which employs fewer than 10 people.”

Clause 69

LORD ASHTON OF HYDE

Page 72, line 23, at end insert “, or

- () the Registrar General for Northern Ireland.”

Page 73, line 16, leave out from “by” to “or” in line 17 and insert “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016,”

Page 73, line 19, at end insert –

- “() Until the repeal of Part 1 of the Regulation of Investigatory Powers Act 2000 by paragraphs 45 and 54 of Schedule 10 to the Investigatory Powers Act 2016 is fully in force, subsection (10)(c) has effect as if it included a reference to that Part.”

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;

After Clause 69 - continued

- (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).
- (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 70

LORD LUCAS

Insert the following new Clause—

“Evaluation of algorithms

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 134C insert—

“Evaluation of algorithms

134D Evaluation of algorithms

- (1) OFCOM may, in the interests of the end users of public electronic communications services, carry out and publish evaluations of algorithms, or of electronic systems embodying algorithms—
 - (a) which are implemented electronically;

After Clause 70 - continued

- (b) which impact substantially upon some such users or impact upon a substantial number of such users; and
 - (c) where the details of the algorithm are not freely and publicly available.
- (2) In undertaking such evaluations, OFCOM may –
- (a) collaborate with any organisation using and affected by the algorithm in question; and
 - (b) act as a “mystery shopper”, using assumed identities and information, despite any and all conditions that may purport to forbid such behaviour.””

Clause 75

LORD FOSTER OF BATH

Page 78, line 10, leave out from “, by” to end of line 12 and insert “by reference to the grounds of appeal set out in the notice of appeal and taking due account of the merits of the case.”

Page 78, line 11, leave out from “appeal,” to end of line 12 and insert “only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds –

- (a) that the decision was based, wholly or partly, on an error of fact;
- (b) that the decision was wrong in law;
- (c) that an error was made in the exercise of a discretion;
- (d) that the decision failed to achieve, in whole or in part, its intended effects;
- (e) that the decision was based on a judgment or a prediction which OFCOM could not reasonably make; or
- (f) that a material procedural error was made in the taking of the decision.”

After Clause 76

LORD LESTER OF HERNE HILL
LORD PANNICK
LORD INGLEWOOD
LORD STEVENSON OF BALMACARA

Insert the following new Clause –

“The BBC Charter: timing

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 198ZA (inserted by section 76 of this Act) insert –

“198ZB The BBC Charter: timing

- (1) The first BBC Charter to be granted following the day on which this Act is passed must have effect for a term of 11 years beginning with the day on which it is granted, and each subsequent BBC Charter must have effect for a term of 10 years beginning with the day on which it is granted.

After Clause 76 - continued

- (2) In this section “the BBC Charter” has the meaning given by section 362(1) of the Communications Act 2003.””

Insert the following new Clause—

“The independence and funding of the BBC

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 198ZB (inserted by section *(The BBC Charter: timing)* of this Act) insert—

“198ZC The independence and funding of the BBC

- (1) The BBC is to be independent in all matters concerning the content of its output, the times and manner in which its output is supplied, and the governance and management of its affairs.
- (2) The Prime Minister, the Secretary of State, the BBC, Ofcom, and all other persons and bodies with responsibility for matters relating to the governance and establishment of the BBC must ensure that the BBC is able to operate independently from Ministers and other public authorities in the United Kingdom.
- (3) In carrying out the duty in subsection (2)—
- (a) the Secretary of State and other Ministers of the Crown must not seek to influence the BBC’s decisions; and
 - (b) the Secretary of State must have regard to—
 - (i) the need to defend the BBC’s independence;
 - (ii) the need for the BBC to have the financial and non-financial support necessary to enable it to exercise its functions; and
 - (iii) the need for the public interest to be considered in regard to matters relating to the BBC.
- (4) The Secretary of State must make available to the BBC sufficient funds, through the licence fee and otherwise, to enable the BBC to perform its functions and public purposes as a public service broadcaster.
- (5) The licence fee is to be for the exclusive benefit of and use by the BBC to fund the performance of the BBC’s functions and public purposes.
- (6) The licence fee must be index-linked and increased at least in line with the Consumer Price Index.
- (7) Subject to sections 365 and 365A, the Secretary of State may not transfer to the BBC responsibility, including liability and costs, for any public expenditure.
- (8) Ofcom is to oversee the BBC’s performance of its functions and any increase above the Consumer Price Index in the licence fee.””

Insert the following new Clause—

“The governance of the BBC

- (1) The Communications Act 2003 is amended as follows.
- (2) After section 198ZC (inserted by section *(The independence and funding of the BBC)* of this Act) insert—

After Clause 76 - continued**“198ZD The governance of the BBC**

- (1) The BBC is to be governed by an independent board which consists of not more than 14 people with the skill, knowledge and experience needed to perform the board’s functions as public service broadcaster.
 - (2) The board is to be appointed in accordance with Schedule 8A.
 - (3) The members of the board must be drawn from across the nations and regions of the United Kingdom, and must include BBC licence fee payers and present or former members of staff.
 - (4) The process for the appointment of the board members must follow the requirements of the Code of Practice of the Commissioner for Public Appointments, adhering to the principles of merit, openness and fairness, and following the process laid out in Schedule 8A.
 - (5) Her Majesty in Council may appoint the Chair, on the recommendation of the Prime Minister, following a fair and open competition.
 - (6) The Chair must run a competition for board members and recommend appointments to the Prime Minister, who must advise Her Majesty in Council.
 - (7) The Chief Executive must be a board member and an employee and must be appointed under the process set out in Schedule 8A.
 - (8) The board must carry out its functions in an open and transparent manner.
 - (9) Once per year, the board must publish a recommendation to the Secretary of State on the amount of funding the Secretary of State should make available to the BBC.
 - (10) The Secretary of State must publish a response to each recommendation made under subsection (9).”
- (3) Schedule (*New Schedule 8A to Communications Act 2003*) has effect.”

LORD BEST
LORD INGLEWOOD
BARONESS BONHAM-CARTER OF YARNBURY

Insert the following new Clause –

“Duty of OFCOM to make a recommendation on BBC funding

It shall be the duty of OFCOM to make a recommendation to the Secretary of State regarding appropriate levels of BBC funding in respect of the settlement from 1 April 2022.”

Insert the following new Clause –

“Duty of Secretary of State to consult and lay recommendation before Parliament

- (1) The Secretary of State shall conduct a full public consultation on appropriate levels of BBC funding.
- (2) The Secretary of State shall lay a report before Parliament with a recommendation as to an appropriate level of funding.”

After Clause 76 - continued

Insert the following new Clause—

“Duty of the Secretary of State in determining funding settlement

- (1) The Secretary of State shall determine the final settlement for BBC funding for the period from 1 April 2022.
- (2) In determining the final settlement, the Secretary of State shall consider whether or not to accept OFCOM’s recommendation and, if the Secretary of State decides to reject that recommendation, the Secretary of State shall publish the reasons for the rejection.
- (3) In determining the final settlement, the Secretary of State shall also take account of —
 - (a) the views of the BBC Board;
 - (b) the results of the public consultation under section (*Duty of Secretary of State to consult and lay recommendation before Parliament*); and
 - (c) the need for effective fulfilment of the BBC’s mission and purposes under the Royal Charter.”

After Clause 77

LORD LESTER OF HERNE HILL
 LORD PANNICK
 LORD INGLEWOOD
 LORD STEVENSON OF BALMACARA

Insert the following new Clause—

“Repeal of section 77

Section 77 is repealed at the end of the period of nine years beginning on with the day on which this Act is passed.”

After Clause 79

LORD STEVENSON OF BALMACARA
 LORD ADDINGTON

Insert the following new Clause—

“Listed events qualifying criteria

- (1) The Broadcasting Act 1996 is amended as follows.
- (2) For section 98(2)(b) substitute—
 - “(b) that the service has been watched by at least 90% of citizens in the United Kingdom in the course of the preceding calendar year.”
- (3) After section 98(2) insert—
 - “(2A) The Secretary of State may by Order amend section (2)(b) by substituting a different percentage for any percentage for the time being specified there.

After Clause 79 - continued

- (2B) No order under subsection (2A) shall be made unless a draft of the Order has been laid before and approved by a resolution of each House of Parliament.””

LORD BORWICK

Insert the following new Clause—

“On-demand programme services: accessibility for people with disabilities

- (1) The Communications Act 2003 is amended as follows.
 (2) After section 368BB insert—

*“Accessibility***368BC Accessibility for people with disabilities**

- (1) The Secretary of State may by regulations impose requirements on providers of on-demand programme services for the purpose of ensuring that their services are accessible to people with disabilities affecting their sight or hearing or both.
- (2) The requirements that may be imposed include—
- (a) requirements for programmes included in the services to be accompanied by subtitling;
 - (b) requirements for such programmes to be accompanied by audio-description for the blind;
 - (c) requirements for such programmes to be presented in, or translated into, sign language.
- (3) Before making regulations under this section, the Secretary of State must consult—
- (a) the appropriate regulatory authority, and
 - (b) (where they are not the appropriate regulatory authority) OFCOM.

368BD Enforcement of regulations under section 368BC

- (1) Where the appropriate regulatory authority determines that a provider of an on-demand programme service is contravening or has contravened regulations under section 368BC, they may do one or both of the following—
- (a) give the provider an enforcement notification under this section;
 - (b) impose a penalty on the provider in accordance with section 368J.
- (2) The appropriate regulatory authority must not make a determination as mentioned in subsection (1) unless there are reasonable grounds for believing that a contravention of the regulations is occurring or has occurred and they have allowed the provider an opportunity to make representations about that apparent contravention.
- (3) An enforcement notification under this section is a notification which specifies the determination made as mentioned in subsection (1) and imposes a requirement on the provider to take all such steps for complying with the regulations and for remedying the consequences of the contravention of the regulations as may be specified in the notification.

After Clause 79 - continued

- (4) An enforcement notification must—
 - (a) include reasons for the appropriate regulatory authority’s decision to give the enforcement notification, and
 - (b) fix a reasonable period for taking the steps required by the notification.
 - (5) It is the duty of a provider to whom an enforcement notification is given to comply with it.
 - (6) That duty is enforceable in civil proceedings by the appropriate regulatory authority—
 - (a) for an injunction,
 - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or
 - (c) for any other appropriate remedy or relief.
 - (7) If a provider to whom an enforcement notification has been given does not comply with it within the period fixed by the appropriate regulatory authority in that enforcement notification the appropriate regulatory authority may impose a financial penalty on the provider in accordance with section 368J.”
- (3) In section 368C (duties of the appropriate regulatory authority), omit subsection (2).
- (4) After that section insert—
- “368CA Code on accessibility for people with disabilities**
- (1) It is the duty of the appropriate regulatory authority to draw up, and from time to time review and revise, a code giving guidance as to—
 - (a) the steps to be taken by providers of on-demand programme services so as to meet the requirements of regulations under section 368BC, and
 - (b) other steps to be taken by providers who are subject to requirements under the regulations to ensure that their services are made progressively more accessible to people with disabilities affecting their sight or hearing or both.
 - (2) The appropriate regulatory authority must publish the code drawn up under this section, and every revision of it, in such manner as, having regard to the need to make the code or revision accessible to—
 - (a) persons who are deaf or hard of hearing,
 - (b) persons who are blind or partially sighted, and
 - (c) persons with a dual sensory impairment,
 they consider appropriate.”
- (5) In section 368J(1)(financial penalties), after “368BB” insert “, 368BD”.
- (6) In section 368K(1)(suspension or restriction of service for contraventions)—
- (a) in paragraph (a), after “368D” insert “, or of regulations under section 368BC”,
 - (b) in paragraph (b)—
 - (i) after “368D” insert “or the regulations”, and
 - (ii) for “or 368I” substitute “, 368I or 368BC”.

After Clause 79 - continued

- (7) In section 368O(2)(a)(power to demand information), after “368D” insert “, or of regulations under section 368CA,”.

After Clause 80

LORD STEVENSON OF BALMACARA
 BARONESS JONES OF WHITCHURCH
 BARONESS BONHAM-CARTER OF YARNBURY
 LORD FOSTER OF BATH

Insert the following new Clause –

“Public sector broadcasting prominence

- (1) Section 310 of the Communications Act 2003 (code of practice for electronic programme guides) is amended as follows.
- (2) At the end of subsection (1), insert “that satisfy the qualification criteria to be set by OFCOM in the code”.
- (3) In subsection (2), for “OFCOM consider appropriate” substitute “required by OFCOM”.
- (4) In subsection (4)(a), after “programmes” insert “, including on-demand programme services,”.
- (5) In subsection (5)(a), after “service” insert “, including on-demand programme service,”.
- (6) In subsection (8)(a), after “services” insert “, including on-demand programme services,”.
- (7) In subsection (8)(b), after “services” insert “, including on-demand programme services,”.

After Clause 84

LORD ASHTON OF HYDE

Insert the following new Clause –

*“Internet filters***Internet filters**

- (1) A provider of an internet access service to an end-user may prevent or restrict access on the service to information, content, applications or services, for child protection or other purposes, if the action is in accordance with the terms on which the end-user uses the service.
- (2) This section does not affect whether a provider of an internet access service may prevent or restrict access to anything on the service in other circumstances.
- (3) In this section –

“end-user” means an end-user of a public electronic communications service, within the meaning given by section 151(1) of the Communications Act 2003;

After Clause 84 - continued

“internet access service” has the meaning given by Article 2(2) of Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25th November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union.”

Insert the following new Clause—

“Communication devices used for drug dealing

Prevention or restriction of use of communication devices for drug dealing

After section 80 of the Serious Crime Act 2015 insert—

“80A Prevention or restriction of use of communication devices for drug dealing

- (1) Regulations may make provision conferring power on a court to make a drug dealing telecommunications restriction order.
- (2) “Drug dealing telecommunications restriction order” means an order requiring a communications provider to take whatever action the order specifies for the purpose of preventing or restricting the use of communication devices in connection with drug dealing offences.
- (3) Without limiting the action that may be specified, it includes—
 - (a) action that relates to a specified device;
 - (b) action that relates to a specified phone number or something else that may be used with a device.
- (4) In this section “drug dealing offence” means an offence under section 4(3) of the Misuse of Drugs Act 1971 or section 5 of the Psychoactive Substances Act 2016; and a communication device is used in connection with a drug dealing offence if it is used by a person (“the user”) in the course of—
 - (a) the user committing a drug dealing offence,
 - (b) the user facilitating the commission by the user or another person of a drug dealing offence, or
 - (c) conduct of the user that is likely to facilitate the commission by the user or another person of a drug dealing offence (whether or not an offence is committed).
- (5) Regulations under this section must provide for drug dealing telecommunications restriction orders to be made only on the application of—
 - (a) the Director General or Deputy Director General of the National Crime Agency, or
 - (b) a police officer of the rank of superintendent or above.
- (6) Regulations under this section must—
 - (a) specify the matters about which the court must be satisfied if it is to make an order;
 - (b) make provision about the duration of orders (which may include provision for orders of indefinite duration);

After Clause 84 - continued

- (c) make provision about the giving (by a communications provider or any other person) of notice of the making of an order;
 - (d) make provision about variation (including extension) and discharge of orders;
 - (e) make provision about appeals.
- (7) Regulations under this section must provide –
- (a) for applications for drug dealing telecommunications restriction orders to be made and heard without notice of the application or hearing having been given to persons affected (or their legal representatives), subject to subsection (9)(a);
 - (b) for applications to be heard and determined in the absence of persons affected (and their legal representatives), subject to subsection (9)(b);
 - (c) for applications to be heard and determined in private.
- (8) Regulations under this section must provide for a court hearing an application or an appeal to have power to restrict disclosure of information submitted in connection with the application or appeal if satisfied that it is necessary to do so in the public interest.
- (9) Regulations under this section may –
- (a) make provision for a communications provider affected by an application to be given notice of the application or hearing;
 - (b) make provision for a communications provider affected by an application to be present or represented at the hearing and determination of the application;
 - (c) in connection with any provision under paragraph (b), make provision for a communications provider to have a right to make representations;
 - (d) make provision for a drug dealing telecommunications restriction order to specify that a requirement of the order is not to apply in particular circumstances;
 - (e) make provision authorising a court to include in an order a requirement for the person applying for the order to pay any or all of the costs of complying with it;
 - (f) make provision about time limits for complying with orders;
 - (g) make provision about enforcement of orders (which may include provision creating offences);
 - (h) make provision about costs (or, in Scotland, expenses) in respect of legal proceedings;
 - (i) make provision about compensation;
 - (j) make different provision for different purposes or areas;
 - (k) make incidental, consequential, supplementary or transitional provision, including provision applying any enactment (with or without modifications).
- (10) The power to make regulations under this section is exercisable by statutory instrument made by the Secretary of State.
- (11) A statutory instrument containing regulations under this section is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (12) In this section –

After Clause 84 - continued

“communication device” means an item specified in section 1(3) of the Prisons (Interference with Wireless Telegraphy) Act 2012 (mobile telephones etc);

“communications provider” means a person providing a telecommunications service;

“court” means –

- (a) in relation to England and Wales, the county court;
- (b) in relation to Scotland, the sheriff;
- (c) in relation to Northern Ireland, a county court;

“enactment” includes –

- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
- (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (c) Northern Ireland legislation;

“telecommunications service” has the meaning given by section 261 of the Investigatory Powers Act 2016.””

BARONESS BENJAMIN
BARONESS BONHAM-CARTER OF YARNBURY
BARONESS JONES OF WHITCHURCH

Insert the following new Clause –

“Original programmes for children and young people

After section 289 of the Communications Act 2003 (regional matters in the public teletext service) insert –

“289A Original programmes for children and young people

- (1) The regulatory regime for every licensed public service channel must include the conditions that OFCOM consider appropriate for securing –
 - (a) that the programmes included in the channel include high quality original programmes for children and young people;
 - (b) that the programmes for children and young people included in the service are of a suitable range;
 - (c) that the programmes for children and young people so included are broadcast for viewing at appropriate times.
- (2) The regulatory regime must also include conditions that OFCOM consider appropriate for securing that, in each year –
 - (a) the time allocated to the broadcasting of programmes for children included in the service, and
 - (b) the time allocated to the broadcasting of programmes for young people so included,

constitute no less than what appears to OFCOM to be an appropriate proportion of the time allocated to the broadcasting of all the programmes included in the channel.

- (3) Before determining for the purposes of this section the proportionate time to be allocated to the broadcasting of programmes for children and young people, OFCOM must consult the provider of the channel, or, as the case may be, the person who is proposing to provide it.

After Clause 84 - continued

- (4) The requirement to consult is satisfied, in the case of the imposition of a condition by way of a variation of a license, by compliance with section 3(4)(b) of the Broadcasting Act 1990 (licences under Part I).”

After Clause 87

LORD STEVENSON OF BALMACARA
LORD MOYNIHAN
LORD CLEMENT-JONES

Insert the following new Clause—

“Offence of using digital ticket purchasing software to purchase excessive number of tickets

- (1) A person commits an offence if he or she utilises digital ticket purchasing software to purchase tickets over and above the number permitted in the condition of sale.
- (2) A person commits an offence if he or she knowingly resells or offers to resell, or allows to be resold or offered for resale on a secondary ticketing facility, a ticket that the person knows, or could reasonably suspect, was obtained using digital ticket purchasing software and was acting in the course of a business.
- (3) For the purposes of subsection (2) a person shall be treated as acting in the course of a business if he or she does anything as a result of which he or she makes a profit or aims to make a profit.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a period not exceeding 51 weeks,
 - (b) a fine not exceeding level 5 on the standard scale, or
 - (c) both.
- (5) In this section—
- “digital ticket purchasing software” means any machine, device, computer programme or computer software that, on its own or with human assistance, bypasses security measures or access control systems on a retail ticket purchasing platform that assist in implementing a limit on the number of tickets that can be purchased, to purchase tickets;
- “retail ticket purchasing platform” shall mean a retail ticket purchasing website, application, phone system, or other technology platform used to sell tickets.”

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**

After Clause 87 - continued

- (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 on summary conviction to a fine not exceeding level 5 on the standard scale.”

BARONESS FINLAY OF LLANDAFF

Insert the following new Clause—

“Active consent of online buyers required for retention and use of contact information

- (1) A seller of goods or services via the internet must not retain, share or use any contact information provided by buyers for any purpose except directly facilitating the sale of the good or service, unless the buyer has actively consented to the retention, sharing or use of the information.
- (2) For the condition in subsection (1) to be satisfied, the seller must have specified any purposes to which the buyer is consenting.
- (3) The condition in subsection (1) may be satisfied by the buyer ticking a box on the seller’s web page, but it may not be satisfied by the buyer failing to untick such a box which has been pre-filled.
- (4) A seller who contravenes the requirement in subsection (1) is guilty of an offence.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding 10% of the seller’s annual gross operating profit.”

Clause 89

LORD LESTER OF HERNE HILL
 LORD PANNICK
 LORD INGLEWOOD
 LORD STEVENSON OF BALMACARA

Page 89, line 37, at end insert –

“() sections (*The BBC Charter: timing*), (*The BBC Charter: approval*), (*The independence and funding of the BBC*) and (*The governance of the BBC*);”

LORD CLEMENT-JONES
 VISCOUNT COLVILLE OF CULROSS
 LORD FOSTER OF BATH

Page 90, line 10, at end insert –

“() section 29”

LORD ASHTON OF HYDE

Page 90, line 12, at end insert –

“() section (*Prevention or restriction of use of communication devices for drug dealing*);”

BARONESS BENJAMIN

Page 90, line 13, at end insert –

“() Part 3 and section 80 come into force at the end of the period of one year beginning with the day on which this Act is passed.”

LORD ASHTON OF HYDE

Page 90, line 15, after “40” insert “and Chapter 5 so far as that Chapter relates to the disclosure of information by the Welsh Revenue Authority”

Page 90, line 17, at end insert –

“() Chapter 5 of Part 5, so far as relating to the disclosure of information by the Welsh Revenue Authority, comes into force on whatever day the Welsh Ministers appoint by regulations made by statutory instrument.”

Schedule 1

BARONESS BYFORD

Page 93, leave out lines 17 to 19

LORD FOSTER OF BATH

Page 95, line 34, at end insert –

“(e) must be notified to Land Registry, Registers of Scotland or Land and Property Services, whichever is appropriate.”

Schedule 1 - continued

LORD ASHTON OF HYDE

Page 97, leave out lines 11 to 40 and insert –

- “(1) Any agreement under Part 2 of this code is void to the extent that –
 - (a) it prevents or limits assignment of the agreement to another operator, or
 - (b) it makes assignment of the agreement to another operator subject to conditions (including a condition requiring the payment of money).
- (2) Sub-paragraph (1) does not apply to a term that requires the assignor to enter into a guarantee agreement (see sub-paragraph (5B)).
- (3) In this paragraph references to “the assignor” or “the assignee” are to the operator by whom or to whom an agreement under Part 2 of this code is assigned or proposed to be assigned.
- (4) From the time when the assignment of an agreement under Part 2 of this code takes effect, the assignee is bound by the terms of the agreement.
- (5) The assignor is not liable for any breach of a term of the agreement that occurs after the assignment if (and only if), before the breach took place, the assignor or the assignee gave a notice in writing to the other party to the agreement which –
 - (a) identified the assignee, and
 - (b) provided an address for service (for the purposes of paragraph 91(2)(b)) for the assignee.
- (5A) Sub-paragraph (5) is subject to the terms of any guarantee agreement.
- (5B) A “guarantee agreement” is an agreement, in connection with the assignment of an agreement under Part 2 of this code, under which the assignor guarantees to any extent the performance by the assignee of the obligations that become binding on the assignee under sub-paragraph (4)(the “relevant obligations”).
- (5C) An agreement is not a guarantee agreement to the extent that it purports –
 - (a) to impose on the assignor a requirement to guarantee in any way the performance of the relevant obligations by a person other than the assignee, or
 - (b) to impose on the assignor any liability, restriction or other requirement of any kind in relation to a time after the relevant obligations cease to be binding on the assignee.
- (5D) Subject to sub-paragraph (5C), a guarantee agreement may –
 - (a) impose on the assignor any liability as sole or principal debtor in respect of the relevant obligations;
 - (b) impose on the assignor liabilities as guarantor in respect of the assignee’s performance of the relevant obligations which are no more onerous than those to which the assignor would be subject in the event of the assignor being liable as sole or principal debtor in respect of any relevant obligation;
 - (c) make provision incidental or supplementary to any provision within paragraph (a) or (b).”

Schedule 1 - continued

LORD GRANTCHESTER
LORD STEVENSON OF BALMACARA

Page 100, line 14, after “person” insert “where no subsisting contractual agreement exists”

Page 102, line 12, after “be)” insert “taking into account all the terms of that agreement save as provided below and assessed at the date the market value is assessed”

Page 102, line 24, leave out “relevant person” and insert “operator”

LORD ASHTON OF HYDE

Page 113, line 15, leave out “or 59(8)”

Page 127, line 32, leave out from beginning to end of line 17 on page 128

BARONESS BYFORD

Page 135, line 19, leave out “three” and insert “eight”

Page 135, line 19, leave out “two” and insert “four”

LORD GRANTCHESTER
LORD STEVENSON OF BALMACARA

Page 148, line 35, at end insert –

“() The standard terms must include the code of practice by reference as set out in sub-paragraph (1).”

Page 148, line 42, after “operators” insert “, representative landowners, third party infrastructure providers”

After Schedule 3

LORD LESTER OF HERNE HILL
LORD PANNICK
LORD INGLEWOOD
LORD STEVENSON OF BALMACARA

Insert the following new Schedule –

“SCHEDULE

NEW SCHEDULE 8A TO COMMUNICATIONS ACT 2003

This is the Schedule to be inserted after Schedule 8 to the Communications Act 2003 –

“SCHEDULE 8A

BBC: GOVERNANCE AND APPOINTMENTS

Appointment of the board members

After Schedule 3 - continued

- 1 (1) The chair is to be appointed, for a term not exceeding three years, by Her Majesty in Council on the advice of the Privy Council and on a recommendation from the Prime Minister.
- (2) Before making the recommendation the Prime Minister must conduct a fair, open and merit-based competition.
- (3) One of the board members must be a representative of the Government, appointed by the Secretary of State for a term not exceeding three years.
- (4) The board member mentioned in sub-paragraph (3) may not be the chair or chief executive.
- (5) Before making an appointment under sub-paragraph (3), the Secretary of State must consult the chair.
- (6) The other board members are to be appointed, for a term not exceeding three years, by Her Majesty in Council on the advice of the Privy Council, and on a recommendation from the Prime Minister following the process set out in sub-paragraphs (7) to (12).
- (7) The chair must make recommendations on appointments to the Prime Minister following a fair, open and merit-based competition.
- (8) The chair must provide the Prime Minister with a choice of appointable candidates whose skills, experience and qualities meet the needs (as determined by the Secretary of State and the chair) of the role.
- (9) The competition process for the other board members must be approved by the Secretary of State.
- (10) Recommendations on appointments made by the chair must specify the recommended term of the appointment.
- (11) The procedure for re-appointment of board members is the same as for appointment.
- (12) A person may be re-appointed as a board member once only.

Appointment of Chief Executive

- 2 (1) There is to be an employee of the BBC known as the chief executive.
- (2) Before making an appointment of a person as the chief executive, the Director General of the BBC must establish a nominations committee consisting of at least three board members, one of whom must be made chair of the committee.
- (3) The purpose of the nominations committee is to make recommendations to the BBC about the appointment of the chief executive.
- (4) Before making recommendations under this Schedule, the nominations committee must conduct a fair, open and merit-based competition.””

In the Title

LORD ASHTON OF HYDE

Line 8, after “functions;” insert “to make provision about internet filters;”

Line 8, after “functions;” insert “to make provision about preventing or restricting the use of communication devices in connection with drug dealing offences;”