

# Data Protection Bill [HL]

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE  
*[Supplementary to the Revised Marshalled List]*

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**After Clause 8**

LORD STEVENSON OF BALMACARA  
LORD KENNEDY OF SOUTHWARK

Insert the following new Clause –

**“Review of section 8**

- (1) Within the period of 12 months beginning with the day on which this Act is passed, the Secretary of State must publish a report reviewing the operation of section 8 in order to determine the optimal arrangements for children to consent to the use of their personal data in relation to information society services.
- (2) The report must include, but is not limited to –
  - (a) an assessment of the efficacy of age verification processes for the purposes of gaining consent of children aged 13 years and over; and
  - (b) the extent to which Article 8 of the GDPR and section 8 of this Act interact with and support wider aspects of the safety of children using information society services.
- (3) The report must be laid before both Houses of Parliament.”

**Clause 9**

LORD WHITTY

Page 6, line 1, leave out “, varying or omitting conditions or”

**After Clause 11**

LORD STEVENSON OF BALMACARA  
LORD KENNEDY OF SOUTHWARK

Insert the following new Clause—

**“Right to be informed of the commercial exploitation of personal data**

- (1) Data controllers must notify data subjects of all intended or actual commercial exploitation of their personal data.
- (2) The notification under subsection (1) must be made—
  - (a) at the time when the data subject consents to their personal data being processed by the data controller,
  - (b) before commercial exploitation takes place, if this is more than six months after the notification in paragraph (a), and
  - (c) every six months thereafter if the commercial exploitation is ongoing.
- (3) Notifications under this section must include—
  - (a) the primary uses to which the personal data will be put, and
  - (b) the gross revenues the data controller expects to receive through the exploitation of that personal data.”

**Clause 12**

LORD STEVENSON OF BALMACARA

*Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 12 stand part of the Bill.*

**After Clause 13**

LORD STEVENSON OF BALMACARA  
LORD KENNEDY OF SOUTHWARK

*Re-tabled version of the amendment published on sheet HL Bill 66-I(Rev)(a)*

Insert the following new Clause—

**“Personal Data Ethics Advisory Board**

- (1) The Secretary of State must appoint an independent Personal Data Ethics Advisory Board as soon as reasonably practicable after the passing of this Act.
- (2) The Personal Data Ethics Advisory Board’s functions, in relation to the processing of personal data to which the GDPR and this Act applies, are to—
  - (a) monitor further technical advances in the use and management of personal data and their implications for the rights of data subjects;
  - (b) protect the individual and collective rights and interests of data subjects in relation to their personal data;
  - (c) ensure that trade-offs between the rights of data subjects and the use and management of personal data are made transparently, accountably and inclusively;
  - (d) seek out good practices and learn from successes and failures in the use and management of personal data; and
  - (e) enhance the skills of data subjects and controllers in the use and management of personal data.

**After Clause 13 - continued**

- (3) The Personal Data Ethics Advisory Board must report annually to the Secretary of State.
- (4) The report in subsection (3) may contain recommendations to the Secretary of State and the Commissioner relating to how they can improve the processing of personal data and the protection of data subjects' rights by improving methods of—
  - (a) monitoring and evaluating the use and management of personal data;
  - (b) sharing best practice and setting standards for data controllers; and
  - (c) clarifying and enforcing data protection rules.
- (5) The Secretary of State must lay the report in subsection (3) before both Houses of Parliament.”

**Schedule 2**

LORD STEVENSON OF BALMACARA  
LORD KENNEDY OF SOUTHWARK

Page 124, line 17, leave out paragraph (vi)

Page 124, line 19, leave out paragraph (viii)

LORD ARBUTHNOT OF EDROM  
BARONESS NEVILLE-ROLFE

Page 126, line 28, leave out “disclosure” and insert “processing”

Page 126, leave out lines 34 and 35

LORD STEVENSON OF BALMACARA  
LORD KENNEDY OF SOUTHWARK

Page 127, line 12, leave out paragraph 7

Page 132, line 5, leave out sub-paragraph (3)

Page 132, line 27, leave out paragraph (a)

Page 134, line 15, leave out paragraph 19

Page 135, line 27, leave out paragraph 20

Page 136, line 42, after “journalistic,” insert “photographic,”

Page 137, line 8, leave out from “any” to end of line 18 and insert “appropriate codes of practice and guidance.”

**Schedule 2 - continued**

LORD SKIDELSKY

*In substitution for Amendment 89*

Page 137, line 14, leave out paragraph (c) and insert—

“(c) any code which is adopted by an approved regulator as defined by section 42 of the Crime and Courts Act 2013.”

**Schedule 3**

LORD STEVENSON OF BALMACARA

LORD KENNEDY OF SOUTHWARK

Page 140, line 16, leave out “or another individual”

Page 141, line 1, leave out from “subject” to “and” and insert “lacks capacity as defined in the Mental Capacity Act 2005”

Page 141, line 6, leave out paragraph (a)

Page 142, line 41, leave out paragraph (a)

Page 144, line 10, leave out from “Children” to “, and” in line 13

Page 144, line 29, leave out from “1990” to end of line 31

**Clause 159**

LORD HUNT OF WIRRAL

Page 89, line 16, leave out “, distress and other adverse effects” and insert “and distress”

**After Clause 169**

LORD WHITTY

*As an amendment to Amendment 182*

After subsection (2) insert—

“( ) The Minister must consult the Commissioner, data subjects and organisations representing the interests of data subjects before making a draft order under the procedure set out in this section.”

*As an amendment to Amendment 182*

After subsection (3)(b)(i) insert—

“( ) data subjects,”

*As an amendment to Amendment 182*

After subsection (7)(c)(i) insert—

“( ) data subjects,”

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*1 November 2017*

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