

Data Protection Bill [HL]

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Revised Second Marshalled List]

Clause 28

BARONESS HAMWEE
LORD PADDICK

Page 17, line 27, after “Schedule 7” insert “to the extent that the person has functions for any of the law enforcement purposes”

Page 17, line 33, at end insert “to reflect the extent of a person's functions for any of the law enforcement purposes”

Schedule 7

BARONESS HAMWEE
LORD PADDICK

Page 168, line 10, leave out paragraphs 1 to 3

Page 169, line 2, at end insert –

“ Police and crime commissioners”

Page 169, line 22, leave out paragraphs 35 to 37

Clause 31

BARONESS HAMWEE
LORD PADDICK

Page 18, line 42, leave out “certain”

Page 18, line 42, at end insert “or attributes”

Page 19, line 1, leave out “in particular” and insert “and”

Page 19, line 1, leave out “aspects concerning”

Clause 31 - continued

Page 19, line 2, leave out “individual’s” and insert “individual including his”

Clause 32

BARONESS HAMWEE
LORD PADDICK

Page 19, line 17, leave out “and fair” and insert “, fair and transparent”

Clause 33

BARONESS HAMWEE
LORD PADDICK

Page 19, line 37, leave out “and fair” and insert “, fair and transparent”

Page 20, line 10, leave out “strictly”

Page 20, line 14, leave out “adding, varying or”

Clause 34

BARONESS HAMWEE
LORD PADDICK

Page 20, line 30, leave out “legitimate” and insert “authorised by law”

Clause 36

BARONESS HAMWEE
LORD PADDICK

Page 21, line 16, leave out “where relevant and”

Page 21, line 24, leave out “transmitted or made available” and insert “disclosed”

Clause 39

BARONESS HAMWEE
LORD PADDICK

Page 22, line 10, after “is” insert “strictly”

Clause 40

BARONESS HAMWEE
LORD PADDICK

Page 22, line 38, leave out paragraph (c) and insert—
“(c) publish it.”

Clause 42

BARONESS HAMWEE
LORD PADDICK

Page 24, line 13, leave out “in specific cases”

Page 24, line 30, after “rights” insert “under the Human Rights Act 1998 and the Charter of Fundamental Rights of the European Union”

Page 24, line 32, leave out “an official or” and insert “a”

Clause 48

BARONESS HAMWEE
LORD PADDICK

Page 28, line 28, leave out paragraph (b)

Page 28, line 30, after “processing” insert “, including profiling”

Page 29, line 11, at end insert –

- “(7) To support the exercise by the Commissioner of his or her functions under Schedule 13, the Commissioner must appoint an independent person –
- (a) to oversee the operation of automated decision-making and applicable safeguards,
 - (b) to advise the Commissioner with regard to the application to automated decision-making of the data protection principles provided by this Part, and
 - (c) periodically to report to the Commissioner.
- (8) The reports under subsection 7(c) must be published.”

Clause 56

BARONESS HAMWEE
LORD PADDICK

Page 32, line 30, at end insert –

- “() Notwithstanding any determination under subsection (2), joint controllers are each liable for any failure to comply with the obligations of a controller under this Part.”

Clause 59

BARONESS HAMWEE
LORD PADDICK

Page 34, line 13, leave out “where applicable,”

Clause 63

BARONESS HAMWEE
LORD PADDICK

Page 36, line 20, at end insert –

“() The written advice must include advice on measures to mitigate the risks to the rights and freedoms of data subjects and the powers of the Commissioner in the event of non-compliance with this Part.”

Clause 66

BARONESS HAMWEE
LORD PADDICK

Page 38, line 40, at end insert –

“but the controller must report any restriction to the Commissioner.”

Clause 71

BARONESS HAMWEE
LORD PADDICK

Page 41, line 12, at end insert –

“(c) the rights of data subjects under this Part are protected.”

Page 41, line 33, leave out “or to the essential interests of a member State”

Clause 77

BARONESS HAMWEE
LORD PADDICK

Page 45, line 9, after “subsection (1)” insert “must be informed and”

Clause 84

BARONESS HAMWEE
LORD PADDICK

Page 49, line 15, after “conditions” insert “, other than a condition which is also a condition in Schedule 9,”

Page 49, line 18, leave out “, varying or omitting”

Schedule 9

BARONESS HAMWEE
LORD PADDICK

Page 171, line 39, leave out paragraph 6

Page 172, line 3, leave out from “processing” to “the” in line 4 and insert “may prejudice”

Schedule 10

BARONESS HAMWEE
LORD PADDICK

Page 172, line 31, after “processing” insert –
() “is in connection with an offence or alleged offence, and”

Page 173, line 10, leave out paragraph 7

Clause 91

BARONESS HAMWEE
LORD PADDICK

Page 51, line 32, leave out “data subject already has” and insert “controller has previously provided to the data subject”

Clause 92

BARONESS HAMWEE
LORD PADDICK

Page 53, line 24, leave out paragraph (b)

Clause 95

BARONESS HAMWEE
LORD PADDICK

Page 55, line 17, at end insert –
“() inform the Commissioner.”

Clause 96

BARONESS HAMWEE
LORD PADDICK

Page 55, line 41, after “relates” insert “if its location is known to the data subject”

Clause 101

BARONESS HAMWEE
LORD PADDICK

Page 57, line 27, at end insert “and dealt with in accordance with this Act.”

Clause 106

BARONESS HAMWEE
LORD PADDICK

Page 59, line 19, leave out “seriously” and insert “significantly”

Clause 108

BARONESS HAMWEE
LORD PADDICK

Page 59, line 37, leave out “required” and insert “necessary”

Page 59, line 38, at end insert “and a certificate is given in accordance with section 109.”

Clause 109

BARONESS HAMWEE
LORD PADDICK

Page 60, line 30, after “certificate,” insert “or that the certificate did not comply with the provisions of this Act or infringes the rights and freedoms of the data subject,”

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7 November 2017
