

Data Protection Bill [HL]

AMENDMENTS TO BE MOVED ON REPORT

Schedule 1

LORD BROWN OF EATON-UNDER-HEYWOOD

Page 115, line 25, at end insert –

- “ This condition is met if the processing is –
- (a) in the exercise of a function of either House of Parliament, and
 - (b) necessary for reasons of substantial public interest.”

Page 115, line 31, leave out paragraph (b)

THE EARL OF KINNOULL

Page 118, line 35, leave out paragraphs 14 and 15 and insert –

“Insurance

- 14 This condition is met if the processing –
- (a) is necessary for the purposes of advising on an insurance policy,
 - (b) is necessary for arranging, underwriting or administering an insurance policy, or
 - (c) is necessary for administering a claim on an insurance policy, or exercising rights therefrom,
- except where such processing is unwarranted in any particular case by reason of prejudice to the fundamental rights and freedoms of the data subject which require the protection of personal data.”

Page 119, line 36, at end insert –

“Guidance on consent and processing personal data in relation to insurance

- (1) The Commissioner must produce and publish practical guidance on the application of the condition of paragraph 14, and on the consent of the data subject in relation to personal data processing in the insurance sector.
- (2) Before publishing such guidance, the Commissioner must consult –
 - (a) data subjects, or persons who appear to the Commissioner to represent the interests of data subjects, and

Schedule 1 - continued

- (b) industry associations who represent data controllers or processors.”

LORD BROWN OF EATON-UNDER-HEYWOOD

Page 122, line 29, at end insert –

- “() A member of the House of Lords is to be treated as an elected representative for the purposes of this paragraph and paragraph 20.”

Page 123, line 32, after “Commons,” insert “a member of the House of Lords,”

LORD STEVENSON OF BALMACARA
LORD KENNEDY OF SOUTHWARK

Page 126, line 21, at end insert –

“Safeguarding of children and vulnerable adults

32A(1) This condition is met if the processing –

- (a) is necessary for the exercise of a safeguarding activity,
- (b) is carried out without the consent of the data subject so as not to prejudice the exercise of that activity, and
- (c) is carried out in compliance with any guidance issued under statute by a Minister of the Crown or a Scottish Minister or Welsh Minister as the case may be.

(2) In this paragraph, “safeguarding activity” means an activity designed to –

- (a) protect children and vulnerable or protected adults from maltreatment,
- (b) prevent the impairment of children's, or vulnerable or protected adults', health or development,
- (c) ensure that children grow up in circumstances consistent with the provision of safe and effective care, or
- (d) enable children and vulnerable or protected adults to have the best outcomes.

(3) This paragraph applies to a safeguarding activity carried out whether as part of a statutory function or otherwise by any holder of a public office, institution, authority, church or religious congregation, company, organisation, body, or association, whether or not having corporate status.

(4) This paragraph does not apply to the activities of individuals acting in a private capacity.

(5) In this paragraph –

“child” means a person who has not attained the age of 18;

“vulnerable adult” has the same meaning as in paragraph 7 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006;

“protected adult” has the same meaning as in the Protection of Vulnerable Groups (Scotland) Act 2007.”

Schedule 2

LORD BROWN OF EATON-UNDER-HEYWOOD

Page 136, line 2, after “provisions” insert “and Article 34 of the GDPR”

Clause 138

LORD BROWN OF EATON-UNDER-HEYWOOD

Page 75, line 10, at end insert –

“() The Commissioner may not give an information notice with respect to the processing of personal data for the purposes of proceedings in either House of Parliament.”

Clause 141

LORD BROWN OF EATON-UNDER-HEYWOOD

Page 77, line 40, at end insert –

“() The Commissioner may not give an assessment notice with respect to the processing of personal data for the purposes of proceedings in either House of Parliament.”

Clause 145

LORD BROWN OF EATON-UNDER-HEYWOOD

Page 81, line 19, at end insert –

“() The Commissioner may not give an enforcement notice with respect to the processing of personal data for the purposes of proceedings in either House of Parliament.”

Clause 149

LORD BROWN OF EATON-UNDER-HEYWOOD

Page 83, line 17, at end insert –

“() The Commissioner may not give a penalty notice with respect to the processing of personal data for the purposes of proceedings in either House of Parliament.”

Clause 162

LORD STEVENSON OF BALMACARA
LORD KENNEDY OF SOUTHWARK

Page 91, line 3, leave out “de-identified” and insert “anonymised”

Clause 193

LORD BROWN OF EATON-UNDER-HEYWOOD

Page 111, line 41, leave out subsection (5)

Clause 193 - *continued*

Page 112, line 3, leave out “Subject to subsection (5),”

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ON REPORT

5 December 2017
