

Data Protection Bill [HL]

AMENDMENTS

TO BE MOVED

ON REPORT

[Supplementary to the Marshalled List]

Amendment
No.

After Clause 26

LORD CLEMENT-JONES
LORD STOREY

87A★ Insert the following new Clause –

“Data protection officer: schools

Where a school maintained by a local authority is unable to designate a data protection officer, the relevant local authority must designate a data protection officer for that school or any group of schools maintained by that local authority.”

After Clause 114

LORD CLEMENT-JONES
LORD PADDICK

107A★ Insert the following new Clause –

“Registration by data controllers

- (1) The Commissioner must –
 - (a) maintain a register of data controllers who have given registrable particulars,
 - (b) make an entry in the register in pursuance of each notification of registrable particulars received from each data controller,
 - (c) update the register on each working day, and
 - (d) ensure that a record of the register on each occasion it is updated is permanently maintained.
- (2) All data controllers are required to register their registrable particulars with the Commissioner before processing personal data under this Act.
- (3) Registration by a data controller is to be treated for the purposes of subsection (2) as having been made in the register on the date that the registrable particulars and payment of such registration fee or fees as apply have been deemed to be received by the Commissioner as follows –

After Clause 114 - continued

- (a) by personal delivery to the office of the Commissioner, on the date of delivery,
 - (b) by first class post, document exchange or other service which provides for delivery on the next business day, on the date of posting, or leaving with, delivering to or collection by the relevant service provider,
 - (c) by fax, on the date of completion of the transmission, or
 - (d) by other electronic method, on the date of the sending of the e-mail or other electronic transmission.
- (4) No entry is to be retained in the register for more than the relevant time except on payment of such fee as may be prescribed by fees regulations.
- (5) In subsection (4) “the relevant time” means twelve months.
- (6) The Commissioner –
- (a) must provide facilities for making the information contained in the entries in the register available for inspection (in visible and legible form) by members of the public at all reasonable hours and free of charge, and
 - (b) may provide other facilities for making the information contained in those entries available to the public free of charge.
- (7) The Secretary of State may by regulations made by the affirmative resolution procedure (“registration regulations”) make provision imposing on every person in respect of whom an entry as a data controller is for the time being included in the register maintained by the Commissioner a duty to notify the Commissioner of any changes to the registrable particulars as soon as reasonably practicable and in any event within 21 days of such changes occurring.
- (8) Any person who as a data controller fails to comply with the duties imposed by this section is guilty of an offence.
- (9) A person guilty of an offence under subsection (8) is liable –
- (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (10) The Secretary of State may by regulations made by the affirmative resolution procedure make provision imposing fees on data controllers registering their registrable particulars with the Commissioner.
- (11) In this section “the registrable particulars”, in relation to a data controller, means –
- (a) his or her name and address,
 - (b) if he or she has nominated a representative for the purposes of this Act, the name and address of the representative, and
 - (c) the principal activity or activities undertaken by him or her as set out by the registration regulations.
- (12) For the purposes of this section, so far as it relates to the addresses of data controllers –
- (a) the address of a registered company is that of its registered office, and

After Clause 114 - continued

- (b) the address of a person (other than a registered company) carrying on a business is that of his or her principal place of business in the United Kingdom.”

Schedule 13

LORD MITCHELL
LORD CLEMENT-JONES

107B★ Page 186, line 23, at end insert –

- “(j) maintain a register of publicly controlled personal data of national significance;
 - (k) prepare a code of practice which contains practical guidance in relation to personal data of national significance.
- (2) For the purposes of sub-sub-paragraphs (j) and (k) of paragraph (1), personal data controlled by public bodies is data of national significance if, in the opinion of the Commissioner, –
- (a) the data furthers collective economic, social or environmental well-being,
 - (b) the data has the potential to further collective economic, social or environmental well-being in future, and
 - (c) financial benefit may be derived from processing the data or the development of associated software.”

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8 December 2017
