

# Data Protection Bill [HL]

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AMENDMENTS  
TO BE MOVED  
ON REPORT

*[Supplementary to the Second Marshalled List]*

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**Clause 162**

LORD ASHTON OF HYDE

Page 91, line 5, at end insert “and section (*Re-identification: effectiveness testing conditions*)”

Page 91, line 31, at end insert “, or

( ) the effectiveness testing conditions were met (see section (*Re-identification: effectiveness testing conditions*)).”

**After Clause 162**

LORD ASHTON OF HYDE

Insert the following new Clause—

**“Re-identification: effectiveness testing conditions**

- (1) For the purposes of section 162, in relation to a person who re-identifies information that is de-identified personal data, “the effectiveness testing conditions” means the conditions in subsections (2) and (3).
- (2) The first condition is that the person acted—
  - (a) with a view to testing the effectiveness of the de-identification of personal data,
  - (b) without intending to cause, or threaten to cause, damage or distress to a person, and
  - (c) in the reasonable belief that, in the particular circumstances, re-identifying the information was justified as being in the public interest.
- (3) The second condition is that the person notified the Commissioner or the controller responsible for de-identifying the personal data about the re-identification—
  - (a) without undue delay, and
  - (b) where feasible, not later than 72 hours after becoming aware of it.

**After Clause 162 - continued**

- (4) Where there is more than one controller responsible for de-identifying personal data, the requirement in subsection (3) is satisfied if one or more of them is notified.”

**Clause 192**

LORD ASHTON OF HYDE

Page 111, line 3, after “of” insert “the GDPR and”

Page 111, line 4, at end insert “(to the extent that is not already the case).

- ( ) Where government departments are not able to enter into contracts with each other, a provision of the GDPR or this Act that would require relations between them to be governed by a contract (or other binding legal act) in writing is to be treated as satisfied if the relations are the subject of a memorandum of understanding between them.”

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*4 January 2018*

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