AMENDMENTS
TO BE MOVED
ON REPORT
[Supplementary to the Second Marshalled List]

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