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Amend the Data Protection Act 2018 to grant representative bodies and organisations power to exercise independent complaint and remedy rights on behalf of data subjects.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendment to the Data Protection Act 2018

- (1) The Data Protection Act 2018 is amended as follows.
- (2) After Section 187 (representation of data subjects with their authority), insert—
- “187A Independent complaint by representative bodies or organisations**
- (1) In relation to the processing of personal data to which the GDPR applies— 5
- (a) a body or other organisation which meets the conditions set out in Article 80 of the GDPR may, independently of a data subject’s authorisation, exercise the rights of a data subject under Article 77, 78 and 79 of the GDPR (rights to lodge complaints and to an effective judicial remedy) if it considers that the rights of a data subject under the GDPR have been infringed as a result of the processing. 10
- (2) In relation to the processing of personal data to which the GDPR does not apply— 15
- (a) a body or other organisation which meets the conditions in section 187 subsections (3) and (4) may, independently of a data subject’s authorisation, exercise some or all of the rights of a data subject set out in section 187(2) paragraphs (a), (b), (c) and (d) if it considers that the rights of a data subject have been infringed as a result of the processing. 20
- (3) In this section “data subject” includes but is not limited to data subjects who are or may be—
- (a) less aware of their rights;

- (b) less willing to identify themselves as complainants or unable to identify their rights due to vulnerabilities;
- (c) children;
- (d) elderly;
- (e) LGBT+ persons; 5
- (f) persons in strict religious communities;
- (g) women in public positions; and
- (h) women at risk of domestic abuse and violence.”

2 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland. 10
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Data Protection (Independent Complaint) Act 2020.

Data Protection (Independent Complaint) Bill

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Baroness Kidron

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