Dear Brendan

Data Protection Bill

The Government recognises the importance of protecting legal professional privilege and this is why in the Bill we have sought to replicate the existing exemptions for legal professional privilege found in the Data Protection Act 1998, which have worked well for many years.

However, having carefully considered your amendments, we think there is a good argument for broadening two of the exemptions in respect of legal professional privilege in order to capture information which is covered by the wider ethical duty of confidentiality between a legal adviser and their client.

Today we have tabled amendments to the Bill which we think achieves the aim of your amendments to paragraph 19 of Schedule 2 and paragraph 9 of Schedule 11.

In order to continue to protect people’s personal data we must have a regulator who has the necessary tools to investigate those organisations that we trust with that personal data. This includes those in the legal services. We therefore cannot accept your other amendments, which would undermine the Commissioner’s investigatory oversight of legal professionals.

I am copying this letter to Ian Blackford and Stuart McDonald. I am placing a copy in the House Library.

Yours ever

MARGOT JAMES MP
Minister for Digital and the Creative Industries