



Department for
Science, Innovation
& Technology

Rt Hon John Whittingdale OBE MP
Minister for Data and Digital Infrastructure
Department for Science, Innovation & Technology
100 Parliament Street
London SW1A 2BQ

www.gov.uk/dsit

Ian Paisley
ian.paisley.mp@parliament.uk

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Philip Hollobone
philip.hollobone.mp@parliament.uk

Dear Ian and Philip,

I would like to thank all members for their questions and contributions to the debate on Clause 9 of the Data Protection and Digital Information (No.2) Bill during the Committee Sessions on Tuesday 16 May.

These exchanges were very helpful in clarifying the provisions of the Bill and I would like to take this opportunity to provide further detail on one area.

We feel that it is important to ensure the personal data of research participants is protected. This is why, as I said to the Committee, the exemption inserted by Clause 9 from providing certain information applies to researchers re-using datasets for a different purpose only when providing that information would involve a disproportionate effort. For example, researchers could be conducting a lengthy study on conditions such as a degenerative neurological condition, where it is not always possible to recontact individuals.

When responding to Stephanie Peacock's question on safeguarding, I stated that the exemption applies where the data originally collected is historic and where to re-contact to obtain consent would require a disproportionate effort. I wish to clarify that, as I said when I introduced the clause, the exemption in Clause 9 only applies to the provision of certain information. It does not provide an exemption from reobtaining consent if this is required elsewhere by the legislation.

Clause 6 of the Bill, as I stated during its discussion, sets out the rules on re-using personal data, including personal data that was originally collected on the basis of consent. The Government wants to ensure consent is respected to uphold transparency and maintain high data protection standards. Together, Clause 6 and Schedule 2 set out the limited public interest situations when the purpose may be changed without fresh consent. If there is no applicable provision, then the data controller cannot change the purpose without fresh consent, regardless of the effort required to obtain that consent.

Researchers must also comply with other parts of the data protection legislation, such as the requirement to identify a lawful ground under Article 6 of the UK GDPR and the safeguards applicable to researchers under Clause 22 of the Bill.

I hope this clarification is helpful and provides the Committee with reassurance about the protections we envisage for the use of individuals' personal data in research.



If members of the Committee would like to discuss this matter in more detail, I would be happy to do so.

I have copied this letter to other Committee members and will place a copy of this letter in the Libraries of both Houses.

With best wishes,

A handwritten signature in black ink that reads "John Whittingdale". The signature is written in a cursive style with a prominent flourish at the end of the name.

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