



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
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17th May 2023

Damian Collins MP
damian.collins.mp@parliament.uk

Dear Damian,

Thank you for your careful attention and scrutiny of the bill so far, and I look forward to continuing to work together to deliver this vital bill.

On Tuesday, there was discussion of the consultation requirements that will apply to new regulations made under the UK GDPR as a result of measures in the DPDI Bill (the bill), in particular during our debate on Clause 5 of the bill. As a part of this discussion, I promised to write and provide more information about these requirements, which are set out in Clause 44 of the bill. I have copied this letter to the other Committee members.

Clause 44 adds a general provision on “regulations” to the UK GDPR which is equivalent to that in section 182 of the Data Protection Act 2018. This provision requires the Secretary of State to consult with the Information Commissioner and other relevant parties before making regulations under the powers to be included in the UK GDPR by this bill.

While this provision does not impose requirements on the Information Commissioner to publish the outcome of his discussions with the Secretary of State, if he was concerned about a particular proposal, it would be open to him to share his views with Parliament or to publish his opinions.

The consultation requirement would apply to regulations made under Clauses 5 and 6 of the bill to update the list of ‘recognised legitimate interests’ and exemptions to the purpose limitation principle respectively.

Furthermore, all regulations made under the bill (bar some limited exceptions) will be subject to further parliamentary scrutiny in the usual way. The appropriate scrutiny procedure for each is defined in the bill and set out in detail in our delegated powers memorandum, alongside the government’s justification for the chosen procedure. I have attached a copy of the memorandum to this letter for your convenience.

In particular, regulations made under Clauses 5 and 6 would be subject to parliamentary scrutiny via the affirmative resolution procedure, which mandates there be a debate on the regulations and a vote to approve them before they enter into force.

Overall, I am satisfied that these well established mechanisms ensure an appropriate level of parliamentary scrutiny and oversight when introducing new regulations under the UK GDPR.

I 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 fluid and cursive, with "John" on the top line and "Whittingdale" on the bottom line, separated by a short horizontal line.

Rt Hon John Whittingdale OBE MP
Minister for Data and Digital Infrastructure