



Department for
Science, Innovation
& Technology

Rt Hon John Whittingdale OBE MP
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Damian Collins MP
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Dear Damian,

I once again thank you for your important consideration of the bill so far. The Government sees the real opportunity for growth and innovation provided by the powers within Part 3 of the Data Protection and Digital Information Bill.

On Thursday, you asked whether data collected by mobile devices would be in scope of Smart Data schemes, and what rights a customer has to delete their data in a scheme. I promised to write and provide more information in response to your queries. I have copied this letter to other Committee members.

Regarding your question on data collected by mobile devices – Clause 61(2) defines ‘customer data’ as information relating to a customer of a trader. Regulations under this Part will be designed and laid by the Secretary of State (or the Treasury), and it is for them to determine the scope of a scheme – including the scope of ‘customer data’ and which traders should be compelled to share such information, upon the customer’s request. Regardless of how the data is collected, any data that relates to the customer of a data holder, could be within scope of a scheme.

The framework for schemes created using the powers enabled by Part 3 of the Bill are designed to complement the UK’s data protection law, enhancing the portability of the consumer or business while maintaining our high standards and protections for privacy and safety.

Where a data subject exercises the right of erasure under Article 17 of UK GDPR, for example to Facebook, the controller must notify others unless impossible or disproportionate (in accordance with Article 19 of UK GDPR). The right to erasure involves the deletion of all personal data concerning them without undue delay and is regulated by the Information Commissioners Office (ICO).

Open Banking has seen the evolution of ‘consent dashboards’ – a single portal where users can manage their data sharing permissions with relevant authorised third parties and data holders. This innovation could extend to future Smart Data schemes.

I will place a copy of this letter in the Libraries of both Houses.

With best wishes,



John Whittingdale

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