



Department for
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All Peers

My Lords,

Data Protection and Digital Information Bill: Committee Stage Amendments

I am writing to inform you that the Data Protection and Digital Information Bill is now proceeding to Committee Stage, starting on 20th March 2024 in the House of Lords. I want to thank you all for your continued interest and engagement with the Bill.

The Government has tabled amendments today with the intent of further improving the Bill. These amendments are largely technical in nature and are set out in more detail in Annex A of this letter.

I would like to bring your attention to one Government amendment in particular, to clause 129 on Data Preservation Notices. We are amending the Bill to ensure this clause covers all child deaths and ensure there are no gaps in the law.

I also want to direct your attention to the attached information sheet on the Bill, which I am depositing a copy of in the House Library, along with this letter and the attached Keeling Schedules for the UK General Data Protection Regulation, Data Protection Act 2018 and the Privacy and Electronic Communications (EC Directive) Regulations 2003 showing changes made to them by the Bill as introduced to this House. These Keeling Schedules have been prepared by the Government with the aim of providing your Lordships with greater clarity on how the Bill would affect existing data protection legislation.

The information sheet covers the following areas:

- Maintaining high standards of data protection.
- Reducing and minimising compliance burdens for businesses, particularly Small and Medium Enterprises.
- The EU's adequacy decisions for the UK.
- Reforming the Information Commissioner's Office (ICO) while maintaining its independence and holding it accountable to Parliament.
- Improving operational efficiency in our law enforcement and intelligence services, by reducing compliance burdens and permitting joint controllerships with the intelligence services.
- Streamlining the regulatory landscape for biometrics and surveillance cameras.
- Tackling fraud and error in the benefits system by introducing new powers to access third party data.



I thank you in advance for your interest in this legislation and I look forward to working with your Lordships as the Bill continues into Committee stage.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Camrose', written in a cursive style.

Viscount Camrose
**Parliamentary Under Secretary of State at the
Department for Science, Innovation & Technology**

ANNEX A

Data Protection and Digital Information Bill: Summary of Government Amendments

Data Preservation Notices

The Government introduced an amendment to the Bill at Commons Report Stage which gave coroners the power to request OFCOM to issue a Data Preservation Notice to social media companies in situations where a child was suspected to have taken their own life. The Government has always supported bereaved parents in ensuring there is access to information that may be relevant to the circumstances surrounding their childrens' deaths. We are pleased to pass this amendment which will allow the coroner to exercise this power in relation to all child deaths.

Statutory Override

Clause 49 of the Bill contains a new statutory presumption which ensures that key parts of the data protection legislation are not overridden by future legislation that enables processing of personal data, unless expressly decided by Parliament. The purpose of this new presumption is to ensure that the status of the data protection legislation is maintained in our legislative framework, notwithstanding the changes to statutory interpretation made by the EU withdrawal legislation. This will ensure continued high standards of data protection and should reduce any potential risks to adequacy that might arise if future legislation inadvertently repealed key data protection rights for individuals.

We have introduced an amendment to this clause which deals with the effects of the Retained European Union Law Act (REUL Act) both on the presumption in Clause 49 and on an existing provision in the Data Protection Act 2018, section 186. These disapply certain provisions of the REUL Act when considering the relationship between the new presumption and section 186 and other provisions on the statute book relating to data processing activities and disclosure restrictions, thereby ensuring that the relationship remains what it was prior to the enactment of the REUL Act. This avoids the UK GDPR and EU derived elements of the data protection legislation being disapplied in the event of any conflict with a data processing provision in other legislation.

International Transfers for Law Enforcement Purposes

Schedule 6 of the Bill sets out the rules governing the transfer of data overseas by competent authorities for law enforcement purposes.

We have introduced an amendment to provide a bespoke transfer mechanism that law enforcement can rely on when transferring data overseas to commercial or private processors (such as a cloud server). This is a clarificatory amendment intended to give law enforcement more certainty when transferring data overseas.

National Underground Asset Register

The National Underground Asset Register is a new digital platform to share and access data from over 700 private and public sector organisations who own buried pipes and cables.

We have introduced a clarificatory amendment which ensures that the Bill does not override the role of the Keeper of Crown IP, as some of this data is owned by the Crown. This will make register's data more easily accessible to all those who require it.

Minor and Technical Amendments

These amendments are intended to ensure that the Bill can operate and be enforced properly. These comprise minor and technical changes which confirm:

- That the Information Commission has the power to do things connected to its functions;
- How sensitive personal data is described;



- The scope of the restriction of the regulation-making power to impose a levy for businesses requesting Smart Data, to reflect the scope of the power itself;
- The validity of consultation carried out prior to commencement of the power to make regulations for Smart Data;
- How time periods are calculated in data protection legislation.