

# Data Protection and Digital Information Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

*[Supplementary to the Marshalled List]*

**Clause 20**

BARONESS JONES OF WHITCHURCH

Clause 20, page 41, line 16, leave out “and (7)” and insert “to (8)”

BARONESS JONES OF WHITCHURCH  
LORD KNIGHT OF WEYMOUTH

Clause 20, page 41, line 34, at end insert –

“(8) After section 64 insert –

**“64A Algorithmic impact assessment at work**

- (1) This section applies if a data controller intends to undertake high risk processing –
  - (a) in, or in relation to, a workplace, and
  - (b) where the outcome of that processing is likely to produce impacts on –
    - (i) equality,
    - (ii) access to employment,
    - (iii) pay,
    - (iv) contractual status,
    - (v) terms and conditions of employment,
    - (vi) mental and physical health,
    - (vii) lawful association, or
    - (viii) training and development.
- (2) In addition to the requirements under section 64, the data controller must, prior to carrying out the processing, undertake an algorithmic risk and impact assessment which –
  - (a) identifies individuals and groups within the workplace who share a relevant right, freedom or interest, and who are likely to be affected by the outcomes of the processing,

- (b) establishes a process for carrying out the evaluation of risks and impacts on the areas listed in subsection (1)(b), and any comparable legal, material or similarly significant effects (see subsection (4)),
  - (c) documents the definitions, metrics and methods selected for the assessment, and
  - (d) makes provision for the consultation and review by the individuals and groups identified under paragraph (a), or any authorised representatives of those individuals.
- (3) Following completion of an assessment under subsection (2), the data controller must –
- (a) make reasonable and proportionate mitigations, or implement other safeguards or adjustments, as appropriate, in response to the assessment,
  - (b) disclose a summary report of –
    - (i) the algorithmic risk and impact assessment, and
    - (ii) provision made for ongoing assessment and review on request of the individuals and groups identified under subsection (2)(a) or any authorised representatives of those individuals, and
  - (c) make provision for workers and their representatives to seek additional documentation and information relevant to the assessment, where the controller has possession of that information or can reasonably request, inspect, or take possession of it.
- (4) The Information Commissioner may issue guidance in relation to the definitions, metrics, methods or other conduct of the assessment of positive and adverse impacts of high risk processing at work, or in response to any significant effects arising from that processing.”

#### **After Clause 73**

LORD KAMALL

After Clause 73, insert the following new Clause –

#### **“Right to non-digital ID**

- (1) This section applies when an organisation –
  - (a) requires an individual to use a verification service, and
  - (b) uses a digital verification service for that purpose.
- (2) The organisation must –
  - (a) make a non-digital alternative method of verification available to any individual required to use a verification service, and
  - (b) provide information about digital and non-digital methods of verification to those individuals before verification is required.”

**Member's explanatory statement**

*This new clause, which is intended for insertion into Part 2 of the Bill (Digital verification services), creates the right for data subjects to use non-digital identity verification services as an alternative to digital verification services, thereby preventing digital verification from becoming mandatory in certain settings.*

**After Clause 112**

BARONESS JONES OF WHITCHURCH

After Clause 112, insert the following new Clause –

**“Prohibition on unsolicited calls regarding personal injury claims**

- (1) The PEC Regulations are amended as follows.
- (2) In regulation 21 (calls for direct marketing purposes), in paragraph (6), leave out “or 21B” and insert “21B or 22A”.
- (3) In regulation 22 (use of electronic mail for direct marketing purposes), after paragraph (4) insert –
  - “(5) Paragraph (1) does not apply to a case falling within regulation 22A.”
- (4) After regulation 22 insert –

**“22A Unsolicited calls and use of electronic mail by claims management companies for personal injury claims**

- (1) A person must not –
  - (a) use, nor instigate the use of, a public electronic communications service for the purpose of making unsolicited telephone calls for direct marketing, and
  - (b) transmit, nor instigate the transmission of, unsolicited communications for the purpose of direct marketing by means of electronic mail or otherwise,  
if the conditions in subsection (2) are met.
- (2) The conditions are that –
  - (a) the person making or instigating the call or transmitting or instigating the use of electronic mail –
    - (i) is acting on behalf of a claims management service, or
    - (ii) does so with a view to providing information to a claims management service, and
  - (c) the purpose of the call or the electronic mail is to engage a consumer in commencing a claim for a personal injury.
- (3) In this regulation –

“claims management service” has the meaning given by section 419A of the Financial Services and Markets Act 2000;

“unsolicited” means an approach which has not been specifically requested, even if a person has consented to receive marketing information;

“claim for a personal injury” means proceedings in which there is a claim for damages in respect of personal injuries to the claimant or any other person or in respect of a person’s death, and

“personal injuries” includes any disease and any impairment of a person’s physical or mental condition.””

***Member's explanatory statement***

*This new Clause seeks to implement an outright ban on cold calling and spam texts from claims management companies for personal injury claims. Claims management companies would only be allowed to contact people about personal injury claims if they have specifically requested to be contacted about a potential claim.*



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*20 March 2024*

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