

Data Protection and Digital Information Bill

AMENDMENT
TO BE MOVED
ON REPORT

Clause 16

BARONESS JONES OF WHITCHURCH

Leave out Clause 16 and insert the following new Clause –

“Representatives of controllers etc outside the UK

- (1) The UK GDPR is amended in accordance with subsections (2) to (5).
- (2) In Article 27 (Representatives of controllers or processors not established in the United Kingdom) –
 - (a) in the title, omit “or processors”,
 - (b) in paragraph 1 omit “or the processor”,
 - (c) in paragraph 4 omit “or processor” and “or the processor”, and
 - (d) in paragraph 5 omit “or processor” and “or the processor”
- (3) In Article 4(17) (definition of “representative”) omit “or processor” in each place it occurs.
- (4) In Article 31 (cooperation with the Commissioner) for “their” substitute “the controller’s”.
- (5) In Article 58(1)(a) (Commissioner’s powers) omit “or the processor’s representative”.
- (6) The 2018 Act is amended as follows –
 - (a) in section 142(9) omit “or processor” and “or processors” in each place it occurs,
 - (b) in section 143(9) omit “or processor” in each place it occurs, and
 - (c) in section 181 (interpretation of Part 6) omit “or processor” and “or processors” in each place it occurs.”

Member’s explanatory statement

This replacement of Clause 16 would provide for Article 27 of the UK GDPR to remain active, but for the requirement to appoint a UK representative only to apply in relation to data controllers.

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