



The Society of Authors
24 Bedford Row
London WC1R 4EH

Rt Hon Michelle Donelan MP,
Secretary of State
Department of Science, Innovation, and Technology
7 March 2023

Dear Secretary of State,

As the Department for Science, Innovation, and Technology prepares to bring the Data Protection and Digital Information (DPDI) bill back to Parliament, we, the undersigned civil society organisations and experts, urge you to scrap this bill and begin again. The most recent version of the Bill contained many concerning and ill-considered proposals which endanger UK residents and UK data protection.

In recent months, a wave of legislation (related to protest, freedom of speech, and more) has attempted to consolidate power in the hands of the government and corporations at the expense of the rights of every day people. Following that trend, the proposed changes in this bill will reduce proper oversight of data processing, jeopardize sensitive information about UK residents, and create new opportunities for discrimination against vulnerable groups.

Proposals within the bill erode data subject's rights and corporate accountability mechanisms and expand the Secretary of State's powers in numerous ways, creating a greatly weakened data protection structure where:

(1) Data subjects have less protections and remedies. Changes to Data Protection Impact Assessments remove the requirement for organisations to consult with data subjects who are affected by high risk data processing. Additionally, the bill lowers the threshold for organisations to refuse a Subject Access Request and removes individuals' right to not to be subjected to solely automated decision making.

(2) The government can issue instructions and interfere with the regulatory function of the Information Commissioner's (ICO) office. This change reduces the independence of the regulator, which is particularly problematic as the ICO plays a key role in oversight of the government's use of data.

(3) The government can create new legitimate grounds for processing data, and a new list of exemptions from the purpose limitation principle. Clauses 5 and 6 of the bill would allow the Secretary of State to legitimise data uses and reuses via Statutory Instrument (SI) without meaningful parliamentary scrutiny, and without due regard of proportionality or the impact on individuals' rights and freedoms. ORG's work with organisations representing over-policed groups has brought to light how justifications for the collection and retention of data lurk outside ordinary criminal justice protocols and target minoritised groups on highly subjective grounds.

(4) The Secretary of State can approve international transfers with little regard to the existence of enforceable rights and effective remedies. This change allows the government to approve international data transfers to countries where data protection is limited and national security bodies operate with little data protection oversight.

The protections afforded to women, workers, patients, migrants, racialised groups, and the LGBTQ community by the UK GPDR and 2018 Data Protection Act are essential to making the UK a safe, welcoming, and equitable place to live. UK residents need *more* protection against pervasive surveillance and unfair dismissals at work, against data misuses by law enforcement and public authorities, against the exploitation of their medical conditions and vulnerabilities for commercial purposes. Where the public have consistently shown support for more robust regulation of data-driven technologies,¹ the Data Protection and Digital Information Bill fails to provide an answer to the challenges ahead and would lower personal data protection instead.

We, the undersigned organisations, urge you to reconsider the undemocratic proposals put forth by this bill. The Government must bring data protection reform legislation back to the design stage and ensure that data protection experts, civil society and ordinary citizens are thoroughly consulted, to avoid another Bill based on unsubstantiated evidence and a lopsided consultation process.²

¹ <https://www.adalovelaceinstitute.org/evidence-review/public-attitudes-data-regulation/>

² <https://www.openrightsgroup.org/publications/open-letter-to-the-dcms-10-june-2022/>

The undersigned:

Open Rights Group

Privacy International

Liberty

Zehrah Hasan, Advocacy Director, Joint Council for the Welfare of Immigrants

Bail for Immigration Detainees

Migrants Organise

Herts for Refugees

Bristol Copwatch

Fair Trials

StopWatch

IRISi

Big Brother Watch

Index on Censorship

The Citizens

Keep Our NHS Public

MedAct

Just Algorithms Action Group

Racial Justice Network - Stop the Scan Campaign

Middle Eastern Women and Society Organisation

Rights and Security International

Defend Digital Me

App Drivers & Couriers Union

Worker Info Exchange

United Tech and Allied Workers

Public Law Project

Prevent Watch