Dear [MP],

I am writing to you to express my concerns about **the Data Protection and Digital Information Bill No 2 (DPDI 2)** that has recently been (re-)introduced to Parliament.

The main drive behind this Bill is to grow the economy by increasing commercial access to personal data. This will be at the expense of safeguards for individuals’ confidential information, including NHS medical records, posing a threat to patients’ trust in their healthcare professionals, with implications for receiving the right diagnosis and treatment.

The Bill raises many concerns. If passed, **it will have grave implications for human rights** – such as increasing the extent to which citizens’ personal data can be shared with the State and law enforcement authorities.

It will **abolish the independent Information Commissioner’s Office**, replacing it with an Information Commission largely under the control of the Government and with a new duty to promote “economic growth, innovation and competition”.

The Bill also introduces a large number of vaguely worded **Henry VIII clauses** allowing ministers to change primary legislation without proper scrutiny by Parliament. The House of Lords Delegated Powers and Regulatory Reform Committee have described the use of this type of delegated power as “[an abuse of power and an abuse of democracy](https://publications.parliament.uk/pa/ld5802/ldselect/lddelreg/106/106.pdf)”.

However, I want to highlight concerns about how the Bill will affect existing protections for NHS data. These concerns include:

**a) The removal of many existing protections for personal health data,** allowing, for example:

* *data controllers to have the discretion* to decide when personal data can be classified as ‘anonymous’ and so falls beyond data protection law.
* the definition of *‘scientific research’* to extendtoanything, including marketing research, that can be ‘reasonably’ described as scientific.
* an individual’s consent to the processing of their health data to be taken as *consent for data re-use*, even for studies unforeseen at the time of original consent.

**b) Reduced controls on data collection and processing** **personal health data**, including:

* abolition of the statutory role of an *independent Data Protection Officer*. Instead, organisations processing vast data sets and public bodies will designate a senior employee, unlikely to have expertise in data protection and at risk of a conflict of interest, to oversee compliance with data protection rules.
* new powers for the *Secretary of State to approve the transfer of personal data to third countries or international organisations* where, potentially, safeguards are lower than in the UK.

**c) Reduced rights for individuals**

* An organisation’s data controller will have *more leeway to use personal data by claiming a ‘legitimate interest’* and so will not have to carry out a test to weigh the interests of the organisation against those of the individual.
* *decisions taken by AI systems will only require human oversight where the decisions are seen to be ‘significant’.* How ‘significant‘ should be interpreted remains unclear.
* the grounds on *which organisations can refuse to respond to individual’s requests* to know what information the organisation holds on them (Subject Access Requests) will be expanded. These grounds will include if the request is considered to be ‘excessive’ (e.g. that a response will employ ‘too many’ resources).

**Further information**

I am attaching a briefing paper by Keep Our NHS Public’s Data Working Group (also available [here.](https://keepournhspublic.com/wp-content/uploads/2023/04/KONP.MPsBriefing.DataProtectionBill-2.pdf)  This provides an analysis of clauses of the Bill and its Explanatory Notes that particularly pose a threat to patients’ confidential information.

**Finally**

This dangerous Bill is not fit for purpose and has to be stopped. Existing legislation, such as the UK GDPR and Data Protection Act (2018), already provides the means, where appropriate, for controlled access to confidential data. What is needed is the robust endorsement of existing safeguards, not legislation that reduces protections. I urge you to raise questions about the Bill as it progresses through Parliament; to take every opportunity to highlight concerns about the Bill; and ultimately to vote against it.

Yours sincerely

[name and address]