

# SEANAD ÉIREANN

## AN BILLE UM CHOSAINN SONRAÍ, 2018 —AN COISTE

### DATA PROTECTION BILL 2018 —COMMITTEE STAGE

#### *Leasuithe Breise Additional Amendments*

*\*Government amendments are denoted by an asterisk*

#### SECTION 12

**4a.** In page 14, between lines 30 and 31, to insert the following:

“(4) The Commission shall have the power to order the suspension or limitation of any specific data processing actions or processes within a public authority when it considers that necessary or expedient during the course of an investigation.”.

—*Senator Alice-Mary Higgins.*

#### SECTION 29

**9a.** In page 22, after line 34, to insert the following:

“(3) It shall not be lawful for a data controller to process the data of a child for commercial or marketing purposes, when the child is under the age of 16.

(4) It shall not be lawful for a data controller to process data in relation to the parents, guardians or family members of a child, without the consent of the person to whom the data pertains, save for age verification purposes, when the child is under the age of 16.”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

#### SECTION 32

**9b.** In page 23, to delete lines 28 to 33 and substitute the following:

“must be necessary and proportionate, shall include limitations on the access to the personal data undergoing processing within a workplace in order to prevent unauthorised consultation, alteration, disclosure or erasure of personal data, and may include—

(a) explicit consent of the data subject for the processing of his or her personal data for one or more purposes,”.

—*Senator Alice-Mary Higgins.*

[SECTION 32]

**11a.** In page 24, to delete lines 18 to 22 and substitute the following:

- “(a) the Minister, provided that—
- (i) the Minister has consulted with such other Minister of the Government as he or she considers appropriate and has also consulted with and sought the advice of the Commission, and
  - (ii) the Minister has, if he or she intends to set out regulations which are not compliant with the advice of the Commission, produced a written rationale for his or her decision and received Cabinet approval for the proposed regulations,
- (b) any other Minister, provided that—
- (i) that Minister has consulted with such other Minister of the Government as he or she considers appropriate and has also consulted with and sought the advice of the Commission, and
  - (ii) that Minister has, if he or she intends to set out regulations which are not compliant with the advice of the Commission, produced a written rationale for his or her decision and received Cabinet approval for the proposed regulations.”.

—*Senator Alice-Mary Higgins.*

**14a.** In page 24, after line 39, to insert the following:

- “(b) the necessity and proportionality of the processing,”.

—*Senator Alice-Mary Higgins.*

**15a.** In page 25, line 30, after “necessary” to insert “and proportionate”.

—*Senator Alice-Mary Higgins.*