

## medConfidential *short* Briefing on the [Data Protection and Digital Information Bill](#): Profiting off a culture of ‘Clubcard spam’

The Bill says:

1. Data can now be collected on people’s interests without permission (clause 79<sup>1</sup>)
2. Data can now be re-used for testing (market) “research” (c2&3)
3. There’s a “legitimate interest” in sending you junk mail, ads, and spam (c5(4)(9))

For example, someone will be able to acquire any dataset for “research” from those whose business model is collecting data, giving only a stated aim of A/B testing<sup>2</sup> to “research” which communications work best, and use that data to send ads that scam people. The only unlawful part will be any theft that results, and it will become entirely lawful to target those with cognitive impairments, the elderly, stroke victims, etc. We have already seen cases of that.<sup>3</sup> The only case there there is a public interest test is where you are acting in the interests of public health.<sup>4</sup> The risks to statistics even more harmful.

In effect, this Bill looks at many of the health data breaches over the last decade,<sup>5</sup> and legalises as many of them as the Government can. It truly is a Bill created by the Johnson administration, and the Truss administration was entirely right to pause it.<sup>6</sup>

But bad ideas never die when money is interested in keeping them alive – imagine everything in your clubcard or browsing history being made available to people whose primary goal is to send you junk mail designed to scam the most vulnerable. As the Impact Assessment says, this Bill results in “businesses gaining at the expense of consumers”.<sup>7</sup>

We also have a [longer clause by clause briefing](#) and some [questions and probing amendments](#), with a [separate briefing on Part 2 Identity Verification](#) (which itself is an entirely different shambles to the mess of the recent consultation on that topic)

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Postscript on process: we are concerned about the future introduction of significant amendments to the Bill at a point when it is too late to remove them, just as happened with what is now [sections 191-194](#) of the Data Protection Act 2018, which – though the Government argued their necessity – *remain entirely unused*. Given the reintroduction of this Bill, and the small amendments that were made, there should be no need for late-introduction of new clauses.

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<sup>1</sup> The Henry VIII clause removes any safeguards that Government may claim are there.

<sup>2</sup> Show several different versions of an advert, and you can measure the different response rates. It’s the basis of a medical trial, and is one of the activities that Cambridge Analytica supposedly did for Brexit.

<sup>3</sup> <https://pharmaceutical-journal.com/article/news/pharmacy2u-fined-130000-for-selling-patient-data>

<sup>4</sup> clause 2(4)(b) - subclause a is for anything other than public health, and doesn’t have that restriction. Note, “public health” is not “medical research” – they’re very different things.

<sup>5</sup> <https://medconfidential.org/for-patients/major-health-data-breaches-and-scandals/>

<sup>6</sup> The current Government withdrew this Bill on 8th March 2023 <https://bills.parliament.uk/bills/3322>

<sup>7</sup> <https://twitter.com/peterkwells/status/1634896811747086339>