

**APPENDIX I**

**DATA PROTECTION BILL, 2011**

**List of amendments made in the Senate on Tuesday May 24, 2011.**

<b>First Column Clause</b>	<b>Second Column Extent of Amendment</b>
2	<p>A. In the definition of “data” delete the word “physical”;</p> <p>B. In the definition of the word “Head of a Public Body” -</p> <ul style="list-style-type: none"><li>(i) insert after the words “Minister,” the words “the President of the Senate, the Speaker of the House of Representatives,”; and</li><li>(ii) delete the words “a corporation” and substitute the words “an enterprise”;</li></ul> <p>C. In paragraph (h) of the definition of the words “personal information”-</p> <ul style="list-style-type: none"><li>(i) delete the words “acid or” and substitute the words “acid,”;</li><li>(ii) insert after the word “type” the words “or the biometric characteristics”.</li></ul>
8(2)	<p>A. In the Marginal Note: Delete the words “7:07” and substitute the words “90:03”</p> <p>B. Delete the words “at the bar”</p>
9(2)	<p>A. In paragraph (b), delete the words “offer comment” and substitute the word “advise”; and</p> <p>B. In paragraph (g), delete the words “58 or 76” and substitute the words “58, 78, or 79A”;</p> <p>C. In paragraph (j) delete the words “subject always to any special or general directions as the President may from time to time specify” and substitute the words “in accordance with this Act”.</p>
10	<p>In paragraph (f) delete the words “either upon his own initiative or upon the request of the President”.</p>
11(1)	<p>Delete the words “possess the same qualifications and experience required for” and substitute the words “meet the same requirements for qualifications or experience as specified for”.</p>

- 12(1) In the Marginal Note:
- (i) delete the word “;” after the word “resignation” and insert the word “or”;
  - (ii) delete the words “and suspension”.
- 20 Insert after subclause (5) the following new subclause:
- “(6) Where the Head of a Public Body referred to in subsection (3) refuses to –
- (a) allow the Information Commissioner or any person acting for or under him to enter and inspect premises under subsection (1)(a);
  - (b) produce a document or record under subsection (1)(b),  
the Information Commissioner may apply to a Judge for an Order to direct the Head of the Public Body to-
  - (c) allow the Information Commissioner or any person acting for or under him to enter and inspect the premises and seize any document found therein for the purposes of an audit or enquiry;  
or
  - (d) produce the document or record.”.
- 21
- A. In the chapeau, insert after the word “by” the words “ an Order of the Court”;
  - B. In subclause (1)(a) delete the words “ an Order of the Court,”;
  - C. In subclause (1)(b) –
    - (i) delete the words “a warrant,”
    - (ii) insert after the word “conduct” the words “and seize any document or record found therein”;
    - (iii) delete the words “for the purpose of an” and substitute the words “ relevant to the”;
  - D. In subclause (2)-
    - (i) Delete the words “ (1)(a)” and substitute the words “(1)(b)”;
    - (ii) delete the words “a Magistrate for a warrant” and substitute the words “the Court for an Order”.
- 27 In subclause (1), insert after the word “Parliament” the words “within three months after the end of the calendar year”.
- 28 Insert after the word “publish” the words “in the *Gazette* and at least two newspapers in daily circulation in Trinidad and Tobago”.

- 40 (2)(a)** Insert after the word “professional” the words “or an employee or agent of a health care body at the direction of a health care professional”.
- 40 (3)** A. In paragraph (e) delete the word “and” after the word “;”;  
 B. In paragraph (f) delete the word “.” and substitute the words “; and” after the word “Act”.
- New 40(3)(g)** Insert after paragraph (f) the following new paragraph:
- Act No. 8 of 2009** “(g) Emergency Ambulance Services and Emergency Medical Personnel Act, 2009.”.
- 42** In paragraph (d) insert after the word “fairness” the words “ and prior notice of such disclosure is given to the person to whom the information relates”.
- 46(1)** Insert after the word “;” the word “and”.
- 49** A. Renumber clause 49 as 49(1);  
 B. Insert after subclause 49(1) as renumbered the following:  
 “(2) An Order under subsection (1) shall be published in the *Gazette* and two newspapers in daily circulation in Trinidad and Tobago.”.
- 51** In subclause (2) delete all the words after the word “means” and substitute the words “the title, business address, business telephone and facsimile number and business e-mail of an official or employee of the public body.”.
- 52** A. In subclause (1) delete the words “a citizen of or resident”.  
 B. Delete subclause (4).
- 59** Delete the words “Commissioner written” and substitute the words “Commissioner a written”.
- 64** In subclause (3) delete the words “Deputy Commissioner” and substitute the words “Deputy Commissioners”.
- Part IV** In the heading “PART IV” delete the word “PERSONSAL” and substitute the word “PERSONAL”.

- 76(2)(a)** A. Insert after the word “professional ” the words “or an employee or agent of a health care body at the direction of a health care professional”.
- (3)** B. (i) In paragraph (e) delete the word “ and” after the word “;”;  
(ii) In paragraph (f) delete the word “.” after the word “Act” and insert the word “ and”; and  
(iii) Insert after paragraph (3)(f) the following new paragraph:  
“(g) Emergency Ambulance Services and  
Emergency Medical Personnel Act, 2009.”.
- 82** In subclause (3) delete the words “Deputy Commissioner” and substitute the words “Deputy Commissioners”.
- 94** A. Delete the words “, acquiesced in”;  
B. Delete the words “, whether or not the corporation has been prosecuted and convicted.”.
- 101(d)** Delete the word “58” and substitute the word “57”.
- Schedule** In the title of PART A, delete the word “an” and substitute the word “of”.  
In the title of PART B, delete the word “an” and substitute the word “of”.

Senate Secretariat  
Tuesday May 24, 2011