



Department for Culture Media & Sport

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Lord Boswell of Aynho
Chairman of the European Scrutiny Committee
House of Lords
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CMS 300477/asg
16 March 2017

Dear Tim

5191/17: Communication from the Commission to the European Parliament and the Council on Exchanging and Protecting Data in a Global World

Thank you for your letter dated 2 March regarding my EM submitted in response to the Commission's Communication on exchanging and protecting data in a globalised world. In your letter you seek further detail on how data exchanges currently take place between the UK and third countries not currently covered by an EU adequacy decision. You also query whether the UK Government will need to negotiate separate data sharing agreements with third countries prior to leaving the EU.

I would like to reiterate the point made in my EM, that until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation.

Consequently, under current data protection laws in the UK, transfers of data by UK data controllers to countries outside the EEA must comply with the Data Protection Act 1998 and in particular with the eighth data protection principle. The eighth principle provides that personal data shall not be transferred to a country or territory outside the EEA unless that country ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data. The Information Commissioner has published legal guidance on the eighth principle to assist data controllers in this respect.

In terms of data sharing agreements with third countries, as part of plans for the UK's exit from the EU the Government is considering a range of options for how we might structure, maintain and develop our data sharing relationships with the EU, and with other non EU countries. Our objective is to ensure continued data flows between the EU and countries outside the EEA, not just to support trade in services, but also to support wider aims, for example our desire for ongoing law enforcement cooperation post exit.



I am grateful to the Committee for considering my EM on the Commission's Communication and I hope I have addressed your question and look forward to hearing that you are content to clear it.

I am copying this letter to Sir William Cash MP (Chair of the European Scrutiny Committee), Eve Samson (Clerk of the Commons Scrutiny Committee) Les Saunders at the Department for Exiting the European Union; and Pooja Lakhani of DCMS.

Yours ever

A handwritten signature in blue ink that reads "Matt Hancock". The signature is written in a cursive, flowing style.

Rt Hon Matthew Hancock MP
Minister of State for Digital and Culture