



Department for  
Digital, Culture,  
Media & Sport

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Sir William Cash MP  
Chair  
European Scrutiny Committee  
House of Commons  
London SW1A 0AA

TO2018/04945/DC  
28 March 2018

Dear Sir William

### **Free flow of non-personal data in the European Union: 12244/17, ESC ref 39028**

I am writing to provide an update on the proposed regulation for the Free Flow of Non-personal Data in the European Union in response to your letter of 21 February.

Your letter posed a number of questions on the Council's negotiating mandate and these are addressed in the table at Annex A to this letter. I am not able to provide an update at this time on the development of the code of conduct on porting as it is in very early stages of engaging key stakeholders. My officials are engaging the Commission on the development of the code, and I will provide further information once we have their response. An update on the additional clarifications your committee has sought may be found at Annex A.

The file has been allocated to the Internal Market Committee (IMCO) and the rapporteur, Anna Maria Corazza Bildt, has recently issued her report on the Commission's original proposal (attached at Annex B). The report was discussed by IMCO on 23 March, and we expect that the final report of the European Parliament to be adopted on 4 June.

My officials have analysed Ms Bildt's report, and provided briefing amendments to key MEPs to help ensure the European Parliament text is aligned with our policy objectives.

The Bulgarian Presidency has not yet provided draft agendas for Telecommunications Council so it is not yet clear when the Trilogue process will begin. We will provide a further update on the timetable for this file as soon as it is available. The commencement of the process is at the discretion of the Presidency, however we do not expect it to happen before mid-June.

I note that you have expressed concern that the Committee has not had an opportunity to exercise its scrutiny function on this file. I can assure you that I will provide an update to allow the Committee to undertake further consideration of the draft regulation prior to the commencement of the Trilogue process. In the meantime, we will ensure the Scrutiny Reserve is maintained and respected on this file as proceedings unfold.

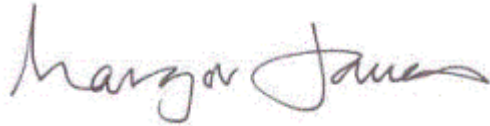


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I hope your committee finds this helpful in its deliberations and my officials are happy to provide further clarifications to the Clerk of the Committee where needed.

I am copying this letter to Lord Boswell, Chairman of the European Union Committee, Les Saunders, DExEU, and Agim Zekaj, DCMS scrutiny coordinator.

Yours ever

A handwritten signature in black ink that reads "Margot James". The signature is written in a cursive style with a large, prominent 'M' and 'J'.

**MARGOT JAMES MP**  
Minister for Digital and the Creative Industries