



Department for
Digital, Culture,
Media & Sport

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Sir William Cash MP
Chair of the European Scrutiny Committee
House of Commons
14 Tothill Street
London, SW1H 9NB

TO2018/09139/DC
19 June 2018

Dear William

Proposal for a COUNCIL DECISION authorising Member States to sign and ratify, in the interest of the European Union, the Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108)

Please find attached the requested Explanatory Memorandum on the proposals for Council Decisions on the signing and ratification of the protocol amending Convention 108. The modernisation of the Convention was brought about due to the desire to update the text and to achieve consistency with the new EU Data Protection Package (The General Data Protection Regulation and Law Enforcement Directive). In addition, it was also felt necessary, on the one hand to better address challenges resulting from the use of new information and communication technologies, and on the other hand to strengthen the implementation of the Convention itself.

Progress on negotiating the text on the Amending Protocol has been slow due to the approach adopted by some Parties. As a result it has taken until May 2018 for the text to finally be agreed by all Parties and adopted by the Committee of Ministers at the Council of Europe. The Protocol will be open for signature on 25 June 2018 in Strasbourg during the 3rd part-session of the Council of Europe Parliamentary Assembly, but only enter into force once all Parties have undergone the ratification process.

Due to the late publication of the Council Decisions the timeline leading up to the signing of the Amending Protocol is quite short. The UK and other Member States had pushed for an earlier Council Decision to allow more time for national consideration. In order to achieve the objective of Member States signing on opening, the EU will need to agree the proposed Council Decisions at a forthcoming EU Council meeting, possibly at the Economic and Financial Affairs (ECONFIN) Council meeting on 22 June. The UK supports the Amending Protocol and intends to become a signatory.

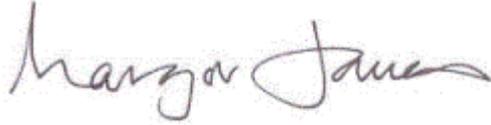
I regret this expedited timetable will result in the lack of time for proper consideration for parliamentary scrutiny. I apologise sincerely for this, but I would ask that you recognise the circumstances beyond our control which have led the Government to this position. We are happy to answer the to discuss the test of this proposal in greater detail, should the Committee have any questions.



Department for Digital, Culture, Media & Sport

I am copying this letter to Lord Boswell of Aynho (Chair of the European Lords Committee), (Clerk of the Commons Scrutiny Committee), Les Saunders (Cabinet Office) and Agim Zekaj (DCMS).

Yours ever

A handwritten signature in black ink that reads "Margot James". The signature is written in a cursive, flowing style.

MARGOT JAMES MP
Minister for Digital and the Creative Industries