



Department for
International Trade



Department for
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Sir William Cash MP
Chair, European Scrutiny Committee (ESC)
House of Commons
London
SW1A 0AA

5 October 2018

Dear Bill,

**EM 51917/17 – Commission Communication on Exchanging and Protecting
Personal Data in a Globalised World
Unnumbered EM – EU Proposal for provisions on cross-border data flows and
protection of personal data and privacy**

Thank you for your committee's further consideration of the EU documents on the issue of data flows and protection.

We (George Hollingbery MP, Minister of State for Trade Policy and Margot James, Minister of State for the Department for Digital, Culture, Media and Sport) welcome the opportunity to address the outstanding questions detailed in the report during the debate. We will joint-lead the debate.

Our preferred date for the debate is 23 October, when we have diary space in our respective Ministerial schedules. This date will be ahead of any debate in both Houses on the ratification of Ecuador and three Economic Partnership Agreements and does not coincide with any other potential debates.

We also note the recommendation by your committee to have a joint debate on the Floor of the House. We propose that the debate should instead be held in Committee. We see this as a very technical matter, as displayed in the proposed motion, which warrants a detailed debate in Committee. The technical nature of the flow of data across borders and its protection was reflected in the number of questions that your committee listed in its report following the deposit of the unnumbered Explanatory Memorandum. We hope to ensure that your Committee is provided with sufficient answers to these questions from both departments, but this level of detail may not be possible given the short timescale of a debate on the Floor of the House.

Moreover, data flows and protection are sensitive topic areas in our relationship with the EU and future trade partners. It is our judgement that a debate in the Chamber makes it more likely that inferences could be made without reference to the full text of Ministers' replies and so possibly compromising our current and future relationships with the EU and future trade partners.

Our proposed wording for the debate motion, which we will discuss with the ESC clerks on their return from leave on 9 October, is:

That the Committee takes note of European Union Document No. 5191/17, a Communication from the Commission to the European Parliament and Council on Exchanging and Protecting Data in a Globalised World, and an unnumbered Explanatory Memorandum dated 16 August 2018 on horizontal data flows; welcomes the adequacy framework as an effective means of ensuring a free flow of data from the EU to third countries; and further notes that in the context of the UK leaving the EU it provides the right starting point.

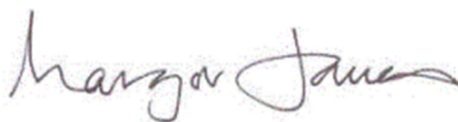
The EU proposal for horizontal cross-border data flow provisions has been tabled with Indonesia and is currently under live negotiation. While the negotiation is ongoing we are unlikely to have an influence on provisions. However, you will have the opportunity to recommend the entire agreement for scrutiny on completion as it applies to the UK.

I am copying this letter to Angus MacNeil (Chair of the International Trade Committee and Joanna Welham (Clerk of the International Trade Committee); Norman Lamb (Chair of the Science and Technology Committee) and Danielle Nash (Clerk of the Science and Technology Committee); Rachel Reeves (Chair of the Business, Energy and Industrial Strategy Committee) and Chris Shaw (Clerk of the Business, Energy and Industrial Strategy Committee); Hilary Benn (Chair of the Committee on Exiting the European Union and James Rhys (Clerk of the Committee on Exiting the European Union); Damian Collins (Chair of the Digital, Culture, Media and Sport Committee and Chloe Challender (Clerk of the Digital, Culture, Media and Sport Committee); Lord Boswell (Chair of the House of Lords European Union Committee) and Chris Johnson (Clerk of the Lords European Union Committee); Les Saunders (Department for Exiting the European Union); Edwina Osborne (Department for International Trade) and James Ainsworth (Department for Culture, Media and Sport).



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