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Opening Statements	
Questions posed by Darren Jones	Government Response
<p><b>DQ1:</b> How will personal data transferred from the EU to the UK during a transition period be treated after that period? (DCMS)</p> <p><b>DQ2:</b> Will the Minister for Digital and the Creative Industries update us on the negotiations with the EU about how safeguards will be put in place during a transition period and, in respect of data flows within such a period, under a new regime when it comes to an end? (DCMS)</p> <p><b>ESC Report 12<sup>th</sup> September –</b> Can the Secretary of State clarify the legal instrument the UK is seeking as the basis for future data exchange with the EU: an adequacy decision or a data-sharing Treaty? Have UK</p>	<p>It is important that data and information exchanged between the UK and the EU before the end of the implementation period or on the basis of the Withdrawal Agreement is appropriately protected. Title VII of the Withdrawal Agreement sets out how such data and information will be protected.</p> <p>Union law (as applicable at the end of the Implementation Period in accordance with Article 6 of the Withdrawal Agreement) will continue to apply to data transferred during the implementation period until adequacy decisions are granted to the UK, after which time it will be governed by UK domestic law. Given that the UK and EU start from a position of trust in each others' standards and regulatory alignment on data protection, we hope to conclude an adequacy process for the UK quickly for both adequacy decisions (GDPR and Law Enforcement Directive (LED) adequacy decisions).</p> <p>The EU data protection framework includes provisions allowing the Commission to decide that a third country's data protection framework is 'adequate', which allows data to flow freely between the EEA and those third countries. As set out in the Political Declaration, the EU will begin its assessment of the UK as soon as possible after the UK's withdrawal, endeavouring to adopt adequacy decisions by the end of the implementation period. In the same timeframe, the UK will take steps to ensure the free flow of personal data to the EU can continue.</p> <p>Our broader proposals are set out in the Government's 'Future relationship between the UK and EU' white paper (published July 2018). As set out in the Political Declaration, the UK and EU will put in place arrangements for appropriate cooperation between regulators. The form and vehicle for such arrangements is a matter for future negotiations.</p>

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<p>ambitions been “pared down”? (1.15, p13) (DCMS)</p>	
<p><b>DQ3:</b> What happens if a withdrawal agreement is not ratified before the UK’s exit on 29 March 2019? (DCMS)</p> <p><b>DQ4:</b> Will the Minister set out what assessment her Department has made of the feasibility and cost to business of having to comply with alternative safeguards in the case of a no deal Brexit? (DCMS)</p> <p><b>ESC Report 12<sup>th</sup> September –</b> Can the Secretary of State confirm that other mechanisms for third country transfer of data will be adequate for the needs of UK business and other stakeholders in the event of “no deal”. (1.17, p13) (DCMS)</p>	<p>As set out in the Government’s Technical Notice of 13 September 2018, in a no deal scenario there would be no immediate change to the UK’s data protection standards. The Data Protection Act 2018 will remain in place and the GDPR will be incorporated in our domestic law by the EU (Withdrawal) Act 2018 (EUWA). Secondary legislation was laid using powers under the EUWA to correct deficiencies in the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA) resulting from the UK leaving the EU. This instrument maintains the data protection standards the GDPR and the DPA 2018, a number of functions conferred on the EU Commission by the GDPR will be transfer to the Secretary of State. It also makes further transitional, transitory and saving provisions, so that the use of standard contractual clauses that have previously been issued by the EU Commission will continue to be an effective basis for international data transfers from the UK to third countries after exit day. The further guidance published by the Government on 13 December 2018 provided additional detail on how UK data protection law will operate in the event the UK leaves the EU without a deal on 29 March 2019.</p> <p>In recognition of the unprecedented degree of alignment between the UK and EU’s data protection regimes at the point of exit, the UK does not intend to impose additional requirements on transfers of data from the UK to the EU. The UK will transitionally recognise all EEA states, EU and EEA institutions, and Gibraltar as providing an adequate level of protection for personal data. The UK will also preserve the effect of existing EU adequacy decisions with 12 non-EEA states on a transitional basis. This means that personal data can continue to flow freely from the UK to these destinations following the UK’s exit from the EU. The UK would keep these arrangements under review. The Information Commissioner will continue to act as our sole supervisory authority for the safeguarding of the exchange and protection of personal data. The Information Commissioner has broad and extensive investigative and enforcement powers to enforce the protection of personal data.</p> <p>If the EU does not make adequacy decisions regarding the UK at the point of exit, there are a number of alternative legal bases for transfer of personal data to the UK. For the majority of organisations, the most relevant alternative legal basis would be Standard Contractual Clauses and Binding Corporate Rules. Standard Contractual</p>

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	<p>Clauses have been approved by the European Commission and enable the free flow of personal data when embedded in a contract. In certain circumstances, EU organisations may alternatively be able to rely on a GDPR derogation to transfer personal data. For intra-organisation transfers, Binding Corporate Rules may be used but due to the approval lead time and implementation cost they are generally only used by large multinational organisations</p> <p>On 28 November 2018 the Government published a technical reference paper on the long term economic analysis of EU exit. This included the impact of non-tariff barriers to trade including data protection regulation. The cost to businesses will vary depending on the size of the organisation and the nature of the personal data being processed and the type of contract in question. We expect the majority of businesses will use be able to use Standard Contractual Clauses in the event of a no deal Brexit. The Information Commissioner has published guidance for businesses on what they should do to maintain data flows as we leave the EU. The Commissioner has also provided online tools to assist businesses in identifying the relevant Standard Contractual Clauses that they should apply, if necessary. The Government has published guidance for businesses on preparation for EU exit, and DCMS is actively engaging with all sectors of the economy to help businesses prepare in respect of data protection</p>
<p><b>DQ5:</b> What is the minister’s view of the pending European Court of Justice case on the validity of standard contractual clauses, Data Protection Commissioner v. Facebook Ireland Ltd and others—the Schrems II case—in respect of the Government’s no deal advice? (DCMS)</p>	<p>The UK Government has submitted written observations in this case and is of the view that the Commission Decisions which set out approved Standard Contractual Clauses (SCC’s) under which personal data may be transferred to a third non-EEA country, are valid and do not violate the rights of data subjects under Directive 95/46/EC and the Charter of Fundamental Rights.</p> <p>SCC’s have been approved by the European Commission as a legal basis for the transfer of personal data. In a no-deal scenario where adequacy is not achieved at point of exit, businesses may need to use these approved clauses.</p> <p>We have provided guidance and communication to UK businesses to raise awareness, and they should consider assisting their suppliers and customers in EEA countries in identifying a legal basis for those transfers. The Information Commissioner has produced guidance and has also created a portal that allows businesses to</p>

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	<p>generate SCC's appropriate to them and their EU partners. Additional information is contained within the Government's Technical Notice published on 13 December 2018, in particular points 2.2 and 2.3.</p> <p>The application and use of data protection safeguards are regularly challenged in the courts. Alongside all other non-EU countries who receive personal data from the EU through this mechanism, we will monitor the Schrems II case with interest and respond to any developments regarding the validity of SCC's</p>
<p><b>DQ6:</b> Will the Minister set out whether any enhanced arrangement beyond adequacy is realistic given the state of the Brexit negotiations, and what the position is on the UK's proposal for a beyond adequacy agreement? (DCMS)</p>	<p>We believe the EU's adequacy framework provides the right starting point for our future relationship and we want to build on this to provide for regulatory cooperation between the UK's Information Commissioner and the EU Data Protection Authorities.</p> <p>As set out in the Political Declaration, the European Commission will begin its assessment of the UK as soon as possible after the UK's withdrawal with a view to adopting adequacy decisions by the end of 2020. The Political Declaration also states that UK and EU should put in place arrangements for appropriate cooperation between regulators. The form and vehicle for such arrangements is a matter for future negotiations.</p>
<p><b>DQ7:</b> Will the minister comment on the Government's response to the Exiting the European Union Committee's report on data, which suggests that enhanced adequacy involves some form of participation of the UK in EU data bodies and/or in a one-stop shop, which would involve an agreement to allow the relevant European Court jurisdiction and/or jurisprudence? (DCMS)</p>	<p>The Government has made clear that, in leaving the EU, the jurisdiction of the CJEU in the UK will end. With respect to the Withdrawal Agreement, the CJEU will have jurisdiction only so far as necessary to wind down elements of EU law, in limited and specific areas.</p> <p>As part of the negotiations on the future relationship, the UK will explore with the EU the terms on which the UK could remain part of relevant EU bodies. As the Government has always been clear, this would mean abiding by the rules of those bodies and respecting the remit of the CJEU. The UK Parliament would remain ultimately sovereign, and so could in principle decide not to accept these rules, but with consequences for our membership of the relevant body.</p>

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<p><b>DQ8:</b> Does the Minister for Trade Policy envisage future trade deals, including constituent or adjacent horizontal clauses on data sharing, to align with European standards in third-country trade deals? (DIT)</p>	<p>The UK’s data protection framework provides a modern and comprehensive regime fit for the digital age. The framework sets a new standard and aligns with the GDPR. The UK will maintain these high standards when pursuing trade agreements with third countries.</p> <p>The UK Government has long highlighted the importance of including substantive data provisions in trade agreements and worked with the Commission and other Member States to push for the introduction of ambitious data clauses in trade deals to reduce protectionist barriers. We will continue to engage with the Commission on these new horizontal clauses. As explained during the debate, the UK Government see the EU’s proposed provisions as a good starting point. We are aligned with the Commission about the importance of removing barriers to the free flow of data and giving due regard to the protection of personal data in FTA data clauses.</p> <p>We believe that free flow of data provisions in FTAs and robust data protection frameworks are not in conflict and should in fact be mutually reinforcing. Data protection is important for trade as it creates the frameworks for personal data to flow across borders. Trade deals can reinforce this by setting out commitments to remove trade barriers and respect domestic data protection regimes.</p> <p>When the UK leaves the EU, we will seek to develop our own ambitious clauses for free trade deals that tackle barriers such as data localisation and which entrench safeguards for personal data.</p> <p>Additional information is contained within the Government’s Technical Notice published on 13 December 2018, in particular points 2.6 and 2.7</p>
<p><b>DQ9:</b> Will the Minister confirm whether the clauses try simply to tackle data-sharing non-tariff barriers, or if they are envisaged to have an additional effect that could assist the UK in maintaining data-sharing safeguards with the European Union?</p>	<p>As explained during the debate, ambitious trade provisions on data are complementary to the legal bases for transferring personal data as trade provisions focus on improving market access and the ecosystem for digital trade and commerce in a third country. Such provisions do this by removing unjustified non-tariff barriers. Such barriers, which often present themselves as requirements to localise data, can significantly impact the costs associated with doing business in a country. The costs of such barriers often fall harder on SMEs and can be the difference between doing business in a third country, or not. As has been made clear by this Government, the ability to send data across borders freely and without trade-restrictive measures is vital to international digital trade and is a modern enabler of trade and growth across the economy.</p>

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<p>(DCMS-DIT)</p> <p><b>ESC Report 12<sup>th</sup> September –</b> Does the minister think there is any material benefit for the UK from these cross-border data flow provisions in trade deals, other than to try to eliminate unjustified non-tariff barriers dressed up as data protection requirements? In other words, do they have purpose other than to prevent protectionism based on data requirements? (1.20, p14) (DCMS-DIT)</p>	<p>In addition, trade provisions can serve an important role in reinforcing and embedding robust international data protection and privacy standards and frameworks</p>
<p><b>DQ10:</b> Will the minister update the Committee as to the status of any proposed EU-UK agreement at treaty level, and what if any lessons have been learned from, for example, the EU-Japan free trade agreement? (DIT)</p>	<p>The EU-Japan FTA does not include substantive provisions on data. Rather it commits the parties to review the need to include substantive provisions on data in three years. We think that this is due largely in part to the timing of the adequacy assessment process that Japan was going through.</p> <p>This Government’s ambition is to include substantive provisions on data clauses our future economic partnership and have made that clear through the Government White paper and the recent Political Declaration. However we are cognisant of the priority to have an adequacy decision in place to ensure data flows continue between EU-UK and so will factor this process into our negotiations.</p>

Q&A session	
Questions pose by Liam Byrne	Margot James MP Response and supplementary information
<p><b>DQ11:</b>In the event of a no deal Brexit, are the Ministers prepared to guarantee to the House that a data adequacy agreement will be secured and that free data flows will continue? (DCMS)</p>	<p>Hansard summary: <i>The UK Government has made it clear to the Commission that we are ready to commence discussions on a future adequacy decision, even though the Commission has not indicated that it is yet ready to start such discussions. If we are successful in securing the transition and implementation period, we will stand ready to begin those preliminary discussions on an adequacy assessment during that period. Indeed, we stand ready now, but the Commission has indicated that it is not yet ready.</i></p> <p><i>We agree that our primary goal is to secure an adequacy agreement. Through the recent publication of a technical notice, we have various provisions in place that should allow for the free transfer of data during the period in which we are discussing adequacy but have not yet secured it.</i></p> <p><b>Supplementary Information:</b> Since the debate, the Political Declaration has been published alongside the Withdrawal Agreement. The Political Declaration sets out that the EU will endeavour to adopt adequacy decisions by the end of 2020. The UK will take comparable steps in the same timeframe to facilitate data flows to the EU. The UK stands ready to commence an adequacy assessment. Given that the UK and the EU start from a position of regulatory alignment on data protection, we would hope to conclude an adequacy process for the UK quickly. However, the UK Government cannot guarantee that the European Commission will adopt decisions by exit day in a no deal scenario. In a communication published on 13th November, the European Commission said that the adoption of an Adequacy Decision is not part of their contingency planning for a no deal scenario in March 2019. As outlined in debate question DQ4, in this circumstance there are a number of alternative mechanisms that provide legal bases for transfer of personal data to the UK.</p>

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<p><b>DQ12:</b> Given that long stop date, what is the timetable for securing the necessary agreements from the European Parliament, the Article 29 working party and the European data protection supervisor? (DCMS)</p>	<p>Hansard summary: <i>The UK is ready to begin preliminary discussions on an adequacy assessment now. The European Commission is the vital party to such discussions and is the only institution that can make an adequacy decision. We have indicated that we are ready and willing to start adequacy discussions.</i></p> <p><i>We anticipate that those discussions will take place during the transition and implementation period. Through the technical notice, we have established the arrangements that we would put in place if there were to be a gap between our departure from the European Union and the timing of the future framework.</i></p> <p><b>Supplementary information:</b> The Political Declaration sets out that the EU will commence its adequacy assessment as soon as possible after the UK’s withdrawal, endeavouring to adopt adequacy decisions by the end of 2020. This timeframe includes the assessment and the approval process for adequacy decisions, including the non-binding opinion from the European Data Protection Board. Given that the UK and the EU start from a position of regulatory alignment on data protection, we would hope to conclude this process quickly.</p>
<p><b>DQ13:</b> By what date must an adequacy agreement be reached and in place to ensure that the free flow of data continues? (DCMS)</p>	<p>Hansard summary: <i>The Government will ensure the free flow of data, even if there is a gap between the time at which the United Kingdom obtains an adequacy decision and the time at which we leave the European Union. We are scheduled to leave the European Union at the end of March next year. We anticipate that there will be an implementation period that takes us a further 20 months. During that implementation period, we anticipate discussions with the Commission on an adequacy decision.</i></p> <p><i>We cannot guarantee exactly when that adequacy decision will be made. On our departure from the European Union we will be 100% aligned with European data protection law, particularly the provisions of the GDPR. We can be optimistic that an adequacy decision will not require the usual length of time that it takes the Commission to bestow such decisions on other third countries.</i></p> <p><b>Supplementary information:</b></p>

Annex A – Data Debate on 23<sup>rd</sup> October 2018 in the House of Commons.

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	Free flow of data between the EU and UK will continue throughout the implementation period. For it to continue beyond that point, the UK will need to have secured adequacy decisions from the EU by the end of the implementation period. The Political Declaration sets out that the Commission will endeavour to adopt adequacy decisions by December 2020
<b>DQ14:</b> Do we need an adequacy agreement in place to cover the implementation period, or not? (DCMS)	We do not require adequacy decisions for continued personal data flows during the implementation period. As outlined in DQ1, data will continue to flow freely between the UK-EU as per the terms of the implementation period, during which the UK will continue to apply EU data protection law.
Debate session	
No questions posed	

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ESC Report Questions	
Question (para & page ref from report)	Government Response
<p>Confirm that any outstanding areas of discussion are only at a technical level and there are no bigger points of principle at issue, for example, the continued jurisdiction of the Court of Justice in respect of that provision. (1.14, p12) (DCMS)</p> <p>Would a data protection chapter be one of those exceptional areas with its own governance arrangements, with perhaps a role for the CJEU and its case-law? (1.18, p14) (DCMS)</p>	<p>Since the debate, the Withdrawal Agreement has been published. There are no separate governance arrangements for Title VII of the Withdrawal Agreement. Union law (as applicable at the end of the Implementation Period in accordance with Article 6 of the Withdrawal Agreement) will continue to apply to data transferred during this period until adequacy decisions are granted to the UK, after which it will be governed by UK domestic law. Given the UK and EU start from a position of trust in each other standards and regulatory alignment on data protection, we hope to conclude an adequacy process for the UK quickly for both decisions.</p> <p>As set out in the Political Declaration, the future relationship will involve various types of cooperation and the underpinning structures will need to support the scale and variety of that relationship. In certain circumstances, it may make sense for agreements to remain outside of the framework. The structure of the final agreement will depend on the substance included within it</p>
<p>Can the Secretary of State clarify the state of play with the Withdrawal Agreement? (1.16, p13) (DCMS)</p>	<p>Since the debate, the Withdrawal Agreement has been published. This includes Title VII, which sets out how data and information exchanged between the UK and the EU before the end of the implementation period or on the basis of the Withdrawal Agreement will be protected.</p> <p>In regards to our future relationship, the Political Declaration sets out that the EU will commence an adequacy assessment as soon as possible after the UK's withdrawal, and the UK will take comparable steps to facilitate the</p>

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	<p>flow of personal data to the EU. In this context, the Parties will also seek to make arrangements for appropriate cooperation between regulators.</p>
<p>If timing is tight, will it be the Government's aspiration to have a standard adequacy decision in place before exit/transition, rather than the enhanced arrangement it had in mind, particularly in its Future Partnership Paper and technical note? (1.16, p13) (DCMS)</p>	<p>As noted above, we believe the EU's adequacy framework provides the right starting point for our future relationship and, given the position of trust in each others' standards and regulatory alignment on data protection, we hope to conclude the adequacy process quickly. The Political Declaration sets out that the EU will conclude an adequacy assessment as soon as possible after the UK's withdrawal from the EU. It also states that the UK and the EU should also make arrangements for appropriate cooperation between regulators.</p>
<p>Would the Government see this as an interim step towards an enhanced arrangement, specifically an EU-UK data-sharing Treaty? (1.16, p13) (DCMS)</p> <p>Explain whether the UK will continue to be consulted on ongoing trade negotiations with third countries given its imminent exit from the EU? (1.19, p14) (DIT)</p> <p>How meaningful will this consultation be during transition,</p>	<p>The UK Government has worked with the Commission and other Member States to push for the introduction of ambitious data clauses in trade deals to reduce protectionist barriers, and we are continuing to engage with the Commission on these new horizontal clauses. In the lead up to Exit, the UK – as a Member State – will continue to actively engage alongside other EU Member States and the Commission on negotiations with third countries, including of the negotiation of new provisions for cross-border data flows. Until the point of exit we remain a Member State, and as such have made contributions to those conversations.</p> <p>During the implementation period, the UK will no longer be a Member State of the European Union, but market access will continue on current terms and common rules will remain in place. This Government will always be as active and engaged a participant among European stakeholder discussions as possible and we will continue to engage with other EU Member States and EU institutions. The UK will continue to support an ambitious EU trade agenda, and we expect to continue receiving information from the Commission throughout the implementation period.</p> <p>The Government supports a strong scrutiny process and will continue to facilitate this. This Government has made clear its commitment to work with this Parliament to explore ways to facilitate scrutiny of EU-only</p>

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<p>given that the UK is to lose its vote in the Council? (1.19, p14) (DIT)</p>	<p>agreements whilst we remain an EU Member State. When the UK leaves the EU, we are committed to working with Parliament to explore ways to scrutinise UK trade agreements.</p> <p>The EU proposal for horizontal cross-border data flow provisions has been tabled with Indonesia and is currently under live negotiation. The Commission negotiates on behalf of Member States and so while Commission negotiations are ongoing we think it is appropriate to give the EU the space it needs to negotiate the best outcome possible for our trading partners. We will, of course, continue to be as active and engaged a participant among European stakeholder discussions as possible.</p>
<p>Where does the Government's own legal analysis of the provisions on cross-border data flow provisions differ from the Commission's view? (1.21, p14). (DCMS-DIT)</p> <p>If the legal basis for data exchange as a consequence of trade with the EU is one of the alternative legal bases to an adequacy decision (where a decision is not already in place), how can the third country adopt whatever data protection standard it wants in relation to those trade data flows as provided in Article 2? Surely, the standard must be required by the EU mechanism in question, given the extraterritorial</p>	<p>Provisions on data in existing FTAs refer to all data flows, not just personal data flows. The EU's horizontal clauses do not provide a legal basis for personal data flows; they simply state an aim to remove barriers to data flows, insofar as compatible with EU data protection law, and respecting domestic data protection regimes.</p> <p>Article 2 paragraph 2 of the Commission's proposed provisions provides a carve-out to the commitment not to maintain or erect data protectionist measures. Under the carve-out third countries may, from a trade perspective, adopt or maintain protectionist measures for personal data where those measures are justified on the grounds of their preferred standards for privacy and data protection. While the horizontal provisions place greater emphasis on data protection, we believe that free flow of data provisions in FTAs and robust data protection frameworks are not in conflict and should in fact be mutually reinforcing.</p> <p>For third country signatories to an EU free trade agreement, the standard of data protection applicable for EU residents personal data would not be affected, it will continue to be EU data protection legislation, the GDPR.</p>

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<p>reach of the GDPR? (1.22, p14 + p15) (DCMS-DIT)</p>	
<p>Looking to future trade deals that the UK wishes to strike with non-EU countries, how will the data of UK citizens exchanged during that trade be protected to the same high standards currently enjoyed under EU law? (1.22, p15) (DCMS-DIT)</p>	<p>The UK will be at the forefront of high data protection standards and protecting individual citizens’ privacy, whilst also ensuring that data - the engine of our modern day services economy - continues to flow. This Government is keen to explore the opportunities data presents, and supports facilitating and enabling data flows in trade, while ensuring that our high standards of personal data protection and privacy are not put at risk. The UK has played an active role in facing similar global challenges, for instance with Intellectual Property rights, and has helped develop global solutions which offer stability to businesses and citizens.</p> <p>UK citizens’ data will continue to be protected in future through:</p> <ul style="list-style-type: none"> <li>● The Data Protection Act 2018, which created a new data protection framework fit for the digital age. It built on existing standards for protecting personal data, in accordance with the GDPR and it transposes the Law Enforcement Directive, giving people more control over use of their data, and providing new rights to move or delete personal data. Strong data protection laws and appropriate safeguards enable businesses and law enforcement bodies to operate across international borders.</li> <li>● The Information Commissioner’s Office (Information Commissioner) will continue to be a robust, independent regulator, that is highly respected internationally;</li> <li>● And we will work with partners and take a leading role in raising data protection standards globally.</li> </ul> <p>The trade deals we sign will seek to remove barriers to data flows, which are vital for global trade. At the same time, any trade deal we sign will give due regard to and complement the UK’s domestic framework and the UK’s commitment to high personal data protection standards, underpinned by the UK’s domestic framework. It is a clear Government policy that trade provisions on cross-border data transfers should not legislate on domestic data protection frameworks.</p> <p>The Information Commissioner has broad and extensive investigative and enforcement powers to enforce the protection of personal data. The UK courts are also empowered to make extraterritorial orders, where appropriate. In some cases, it may be appropriate to get assurances, commitments, and representations from third country</p>

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	<p>governments, agencies, and bodies relating to the processing of personal data and the rights of redress enjoyed by foreign nationals/citizens in those jurisdictions.</p>
<p>What provisions on cross-border data flows does the UK envisage for those agreements? (DCMS-DIT)</p>	<p>We are looking forward to striking trade deals with provisions that lower barriers to all cross-border data flows including personal and non-personal data, in particular unjustified data localisation requirements that can act as protectionist measures and lock companies out of overseas markets.</p> <p>Our data provisions will also support high personal data protection standards and will seek to ensure that the free flow clauses are underpinned by those standards.</p>
<p>What protections will the Government be seeking and will these as a minimum envisage that the other trading partner will be Party to or will accede to the Council of Europe’s Convention on the protection of personal data (ETS No 108) as this open to non-Member States?(1.22, p15) (DCMS)</p>	<p>The UK is a strong supporter of Convention 108 and the modernised Convention (C108+). We were amongst the first countries to sign the modernised convention when it opened for signature on 10 October 2018. We were an active participant in the drafting of the Amending Protocol which includes stronger requirements and new rights aimed at reinforcing the protection of individuals.</p> <p>The Government and the Information Commissioner will play their part in making a success of the modernised Convention and encouraging other countries to join so that more people around the world can benefit from its high standards of data protection.</p> <p>The UK already has very high standards through the Data Protection Act 2018. This demonstrates the UK’s commitment to high data protection standards. We see this as a selling point for the UK, showing global partners that we are a trusted place to send, store and process data.</p> <p>Supporting the modernised Convention sends a strong message to our trading partners of the UK’s commitment to ensuring the highest possible data protection standards. It strengthens international cooperation and mutual assistance between supervisory authorities - for example with a requirement to coordinate investigations, conduct joint actions and to share information.</p> <p>Being a Party to Convention 108 and its modernised Convention will be looked on favourably by the European Commission in any consideration as to our future arrangement for EU-UK personal data flows</p>

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	<p>The data protection standards of non-EU third countries, such as accession to Convention 108, will be a factor for the UK when considering its future trade arrangements. Likewise, the UK being a party to the Convention is likely to be a factor considered by third countries seeking data sharing arrangements with UK.</p>
<p>How will personal data protections be enforced in FTAs? (1.22, p15) (DCMS-DIT)</p> <p>Will bespoke dispute resolution mechanisms be developed, enabling individual citizens to be able to challenge how their data is being processed in a non-EU country and vice versa?(1.22, p15) (DCMS)</p>	<p>As with all FTAs, data clauses in our trade agreements will give due regard to domestic data protection frameworks. After EU exit, UK data protection law will replicate the extraterritorial scope of the GDPR meaning that UK residents’ personal data will be covered by the protections of UK law wherever it is transferred. To enforce this, organisations who receive significant volumes of UK personal data will need to appoint a representative in the UK.</p> <p>In some cases, it may be appropriate to get assurances, commitments, and representations from third country governments, agencies, and bodies relating to the processing of personal data and the rights of redress enjoyed by foreign nationals/citizens.</p> <p>At the international level, regulatory cooperation, including on enforcement, can be achieved via a range of existing instruments, including the cooperation provisions of Modernised Convention 108, the International Conference of Data Protection and Privacy Commissioners Arrangement, Cross-border Privacy Enforcement Arrangement and various bilateral MOUs.</p> <p>The Information Commissioner will continue to act as our sole supervisory authority for the safeguarding of the exchange and protection of personal data. It has broad and extensive investigative and enforcement powers to enforce the protection of personal data. The Information Commissioner will continue to play a leading role in joined up and efficient international enforcement cooperation that can lead to effective enforcement of UK data subjects’ rights. The Information Commissioner’s Office is investing in bilateral relationships, including enforcement cooperation, with the most strategically important economies and data protection/privacy authorities globally.</p>