



Department for
Digital, Culture
Media & Sport

Rt Hon John Whittingdale OBE MP
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The Earl of Kinnoull
Chair of the European Union Committee
House of Lords
London
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INT2021/07796/DC
16 April 2021

Dear Charles,

Proposal for a Regulation concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications)

Thank you for your letter dated 18 March 2021 on the above EU proposal.

We are aware that the European Commission's proposed ePrivacy Regulation has progressed. The Council of the EU's compromise text reaffirms an extraterritorial element to the proposed ePrivacy regime. For this reason, the UK has been closely monitoring its progress.

The UK Government is also aware that the EU is yet to reach a provisional agreement on the text between the EU Parliament, Commission and Council of Ministers. We understand that the trilogue negotiations have not yet begun, but are expected to proceed soon. Whilst the timings of this agreement are unknown, the UK Government will be looking into the potential impact of the current draft text on the UK's electronic communications industry and other affected parties and on our ability to protect national security and to prevent, detect, investigate and prosecute criminal activity.

The global nature of the digital economy means that it is important that we monitor international standards, including developments within the EU.

The UK now controls our own data protection laws, in line with our interests. We will continue to operate a high-quality regime that underpins the trustworthy use of data and we will review our own framework in this area with the same aims.

The draft positive adequacy decisions for the UK published by the Commission earlier this year will shortly be presented to Member States for formal approval in the Council. The European Data Protection Board has now issued a non-binding opinion on the decisions, which we are analysing. No other third country seeking adequacy from the EU has undergone an assessment from a position of such closely shared standards and such deep economic and law enforcement cooperation.

The EU's adequacy test does not require other countries' rules to be exactly the same - they require the standard of data protection to be 'essentially equivalent'. EU Member States themselves can implement EU data legislation differently or apply derogations, and many do. Data rules do not have to be exactly the same to allow transfer between countries. Furthermore, in the course of the Commission's thorough assessment of the UK's legislation and regulatory framework for personal data, the UK's Privacy and Electronic Communications Regulations did not represent an area of concern.

The UK has a world-class data protection regime and is committed to ensuring the UK remains a global leader in data protection. We will continue to monitor relevant international legislation and consider any changes to our domestic laws that are needed.

I am copying this letter to the Chair of the Commons European Scrutiny Committee, Les Saunders and Donald Harris in the Cabinet Office and Laurie Scott in DCMS.

I hope this is helpful to the Committee.

With best wishes,

A handwritten signature in black ink that reads "John Whittingdale". The signature is written in a cursive style with a prominent flourish at the end of the name.

Rt Hon John Whittingdale OBE MP
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