

Northern Ireland Affairs Committee

Oral evidence: [Cross-border co-operation on policing, security and criminal justice after Brexit](#),
HC 766

Wednesday 3 March 2021

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Members present: Simon Hoare (Chair); Scott Benton; Mr Gregory Campbell; Stephen Farry; Mary Kelly Foy; Mr Robert Goodwill; Claire Hanna; Fay Jones; Ian Paisley; Bob Stewart.

Questions 350 – 391

Witnesses

I: Mr Robin Walker MP, Minister of State, Northern Ireland Office; Mark Larmour, Political Director, Northern Ireland Office.



Examination of witnesses

Witnesses: Mr Robin Walker MP and Mark Larmour.

Chair: Good afternoon, colleagues; good afternoon, Minister. Thank you for joining us this afternoon for our session on cross-border co-operation on policing, security and criminal justice post Brexit.

Before I start the proceedings this afternoon, on behalf of all my colleagues on the Committee, I wanted to put on the record our huge and enduring thanks to Nick Beech, our principal Clerk, who moves—some say it is a promotion; I really do not see it this way—to become principal Clerk of the Transport Committee. Nick has dealt with all of us with unfailing charm and courtesy. He has provided sensible counsel. He has acted as a confidant to me and has really delivered for this Committee, not only in terms of the issues we have been dealing with, but in the way we have had to deal with them—namely virtually. I know the whole of the Committee would join me, Nick, in thanking you so very much indeed for all you have done and wishing you well in Transport.

Fay Jones: Hear, hear.

Q350 **Chair:** Minister, let me now turn to my opening question. You will be aware that, in the lead-up to 31 December last year, there were some significant concerns about how criminals might or could benefit from cumbersome extradition processes, gaps and delays in intelligence sharing etc. if no agreement were reached.

Obviously, the TCA was agreed and, from what we have heard since from law enforcement agencies, it addresses those areas of concern and does not impede negatively on the existing well-developed bilateral mechanisms for co-operation established between the UK and Irish law enforcement agencies over the last few decades. That development has been hugely welcome and is beneficial to all of those who want to uphold the rule of law, security and citizen safety.

Minister, is that a fair assessment? Is that a view shared by your office? Collectively, can we breathe a sigh of relief?

Mr Walker: Yes, that is a very good summary of the situation so far. Clearly it is early days, and we want to make sure that the new arrangements can bed in long term and work effectively, but the TCA did cover many of the areas about which I know your Committee was concerned and that we discussed earlier.

Our assessment so far is that it has had no impact on bilateral operational co-operation for law enforcement. Indeed, it has provided an opportunity, potentially, for further co-operation in due course as a result of part 3, title IV of the TCA. So far, so good, and it is welcome that that is also the evidence you have heard from partners.

Q351 **Chair:** Our take is that the respective police forces have worked together



incredibly well and want to continue to do so. I suppose I could paraphrase it by saying, "Where there is a will, there is a way." That seems to be being translated into the political dimension as well through bilateral conversations, the seriousness of the issue, and the absolute determination not to create gaps or opportunities for those who want to either indulge in criminal activity, or make the island of Ireland less secure.

Mr Walker: Yes. As we discussed last time when we were ahead of the agreement being reached, had we been in a situation where there were gaps, we might have sought rapidly to address those on a bilateral level. Fortunately, due to the arrangements that have been put in place, that has not been necessary to date. We will continue to discuss closely with our Irish counterparts what we can do to support this and potentially take it further, recognising the important role for the DoJ in that respect in terms of north-south co-operation. The will appears to be there, and the feedback we have had is that, to date, those arrangements are working well.

Q352 **Stephen Farry:** Good afternoon, Minister and Mr Larmour. I echo the Chair's comment that the TCA was actually a lot better in this aspect than perhaps we had feared, though of course not as good as what we left in terms of the outgoing relationships.

I want to ask you a couple of questions in relation to extradition, starting with the issue of double criminality and some comments in relation to that within the new surrender agreement. Does the Government welcome it? What is the direction of travel in that regard? Is there any intention to waive double criminality in any circumstance? Is there other work that needs to be done to inform the long-term policy in that respect?

Mr Walker: First of all, the principle of dual criminality is sufficiently important that it bears being established in every case in order to avoid individuals being extradited from the UK for things that are not offences under our laws. In terms of the question of whether we are intending to waive it, no, we are not. The idea that the UK's courts should establish that the offence in question is an offence in the UK is an important principle of judicial co-operation, and it is right that we respect that in the other direction as well.

It is important to point out that there are currently no instances we are aware of where this would cause a problem between Ireland and the UK. We will continue to monitor that carefully. The requirement for double criminality ensures that a person would not be extradited to an EU country for an offence that is not an offence in the UK. As things stand, the UK and EU criminal justice systems criminalise behaviour in very similar ways, so this would not have a bearing on most cases. From our perspective, we have not seen any reason that we should need to seek a waiver.

Q353 **Stephen Farry:** That is very good. Thank you, Minister. As a subsection



to that, I want to ask a question about political offences. In the past, we have historically seen some difficulties with certain crimes being badged as political offences and that becoming a barrier to extradition. While I appreciate that both the UK and Ireland are not in that space at all when it comes to terrorism-type offences, is there a danger that another EU member state potentially views something that is seen as a terrorist matter in relation to Northern Ireland as political, which then creates a barrier to smooth extradition?

Mr Walker: Your point is well made in terms of the context here. As you will recognise, where those problems did arise in the past, pre the Good Friday agreement, there was a very different context with regard to the debate about what was political and what could be seen as terrorism. Now, as you say, both Britain and Ireland are absolutely clear on the complete non-acceptability of anything terrorism-related, and that has broad support across the EU.

We do not think there is a threat of the political offences point being read across. This comes back, similarly, to the point about dual criminality. We have very similar standards when it comes to these issues, and we think there are benefits to having these principles established both from a UK to EU perspective and vice versa.

Q354 **Stephen Farry:** Minister, that is very useful in terms of some of the policy issues. Could we turn briefly to the mechanics around extradition? Minister, what steps are the Government taking to encourage law enforcement agencies in EU member states to upload arrest warrant notices to Interpol as well as through the SIS II mechanism? One of the reasons for asking this is that I am conscious that we are now outside SIS II, which would be the normal means of communicating these issues. There may well be some risk that, when the UK is seeking a suspect, there is not absolute clarity in terms of the member state of the EU in which that suspect is currently based.

Mr Walker: Thank you for the question. It is an important one. Before the end of the transition period, when we did not know what arrangements would be in place in this regard, we had extensive engagement with member states, which generally expressed their willingness to continue to share critical law enforcement data with the UK using Interpol channels. We have made sure that UK information previously shared via SIS II has been circulated via Interpol, where appropriate, and that includes sharing information on wanted persons.

Of course it is early days, but the indications so far are that in general the new arrangements for law enforcement and criminal justice co-operation are working well in practice, with EU member states transitioning to co-operation via Interpol channels in the absence of SIS II. As you say, the Committee knows that before the end of the transition period we did not co-operate with Ireland via SIS II, as Ireland was not yet connected to SIS II. We routinely used Interpol and bilateral channels



to exchange information, including on wanted persons. We think that will continue to work effectively.

Q355 Stephen Farry: That is great. I appreciate that this may be slightly unfair, given that we are only in effect two months into the new arrangements, but, in terms of the system being used and operated, have any weaknesses been identified so far? Are there plans for some sort of review of how things are operating down the line?

Mr Walker: From our perspective—I am happy for Mark to come in on this, if he has any further information—no, there have not been such examples affecting Northern Ireland. Of course, the question is probably better directed to the Home Office with regard to the broader implication of the issue. I am not aware of any issues that have been raised to date. The information I have is that this is continuing to work effectively, and we have not heard any political noises or statements that would suggest otherwise.

With regard to the broader relationships, I could not really give you an update on the position of every single EU member state. That might be something for other colleagues to pick up on.

Q356 Bob Stewart: I really want to talk to Mark Larmour, if I might. It is time for him to give us his insight. The Minister has already outlined in macro terms that the sharing of intelligence and information is working—kind of. I am particularly interested in how intelligence is shared. With SIS II and the European Union using one system, are they able to get access to our, in my view, generally superior intelligence? We have a very good system of intelligence. Are they able to get quick and easy access to stuff that we have? Are there procedures that they have to go through that are slightly cumbersome or is there a fast track? In reverse, can we get access to information held on SIS II?

It is a two-way thing. The Minister has already suggested that it seems to be working pretty well in the round. In terms of the detail, are there blockages to fast information or intelligence flow either way? That is my question, sir.

Mark Larmour: Thank you for your question. It is early days, as the Minister says. We are only two months into this new arrangement, but the agreement was very comprehensive, and for all of the practical information available to us there seem to be good arrangements in place. Information is being shared.

Particularly in respect of the island of Ireland, there were already a large number of cross-border mechanisms for the sharing of information around justice and security, and they are still there and still working well. Overall, if you are getting into the more detailed area, information sharing is taking place and it is timely. We are keeping that under review as time goes by, recognising that the context and the environment will change.



Q357 **Bob Stewart:** Having worked on intelligence before, I am particularly thinking about the speed here. Say someone in the Garda in Southern Ireland wants information. How quickly might they get it? How quickly can we get it if we go the other way round? In the past, it has been pretty fast: within half an hour or an hour. Is that the sort of time we are talking about now?

Mark Larmour: It would be fair to say that there has not been any significant change to how information is shared between Northern Ireland and Ireland. As you will well know, the law enforcement community has very good and strong working relationships. Information is shared in a quick and timely way, not least in respect of the threat from terrorism. There is a very good ongoing working relationship between the PSNI and An Garda Síochána.

That information is shared routinely. As was indicated at the top by the Chair, there is a common interest between the partners to make sure that this keeps on working in the interests of all. That is very much what I have seen at a practical level.

Mr Walker: With regards to SIS II, the EU took the position through negotiations that it was legally not possible for it to offer it to any country outside the Schengen area. The point about the arrangements we have in place is that they allow for exchange of information, and indeed that is the basis on which we have exchanged information with Ireland consistently, because it has not yet joined up to SIS II.

That flow of information is continuing, and the key challenge going forward is to make sure that, as and when they do join SIS II, we continue to share information with them as effectively as possible. The goodwill is there to make sure that that information flows in both directions.

Q358 **Bob Stewart:** Presumably these decisions are made at operational level. They do not need to come up for ministerial approval. It is done at the police or security level. Someone asks the question; someone quickly checks it and comes back with it, without it having to be escalated. Is that right, Mark?

Mark Larmour: Absolutely, yes.

Chair: We are hearing all this good news. The only people for whom it is bad news are the criminals, who may very well have hoped for holes and loops to exploit, but who are finding everything working as we would hope. Let us turn to somebody who always works as we would hope, Robert Goodwill.

Q359 **Robert Goodwill:** Minister, I would like to ask you a little more about the common travel area, which celebrates its centenary next year. It is well tried and tested. In November, you told the Committee that cross-border co-operation between the UK and Ireland entailed close working through the auspices of the common travel area forum on



sharing information. Could I ask what types of information are shared there? Can we fish in each other's systems, or does a request have to be made?

Mr Walker: First of all, in terms of the question about fishing in each other's systems, partly for the reasons we just discussed in other areas and partly for some reasons we will probably come to later, the systems are well in place there for the exchange of information to continue. The common travel area forum is a bilateral meeting held regularly between senior UK and Irish Government officials to provide oversight of the CTA and its associated reciprocal rights and privileges. The forum is jointly chaired by a Home Office director-general and their Irish counterpart, and is only attended by officials. It operates in co-ordination with other intergovernmental arrangements.

Forum members work closely together on border security, identifying and preventing those who seek to abuse arrangements from entering the CTA. Our joint programme of work includes increased data sharing and operational co-operation. We intentionally do not go into further detail in the public domain about what is discussed, as this would risk our ability to have open and honest conversations in the context of the bilateral relationship. While I referred to the CTA forum, I am afraid I cannot necessarily give you an in-depth commentary on what takes place within it.

Q360 **Robert Goodwill:** Maybe you can give us a flavour. The issue of criminality and individuals we may wish to track is important. Bob Stewart was talking about that. We have the situation with the common travel area that people who arrive in the United Kingdom but leave through the Republic of Ireland miss our exit checks and vice versa. We have a massive loophole in each other's system around knowing who is in the country and who is overstaying their immigration status. In principle, is that one of the areas where we could make some more progress? We could share exit check data so we know who is still in the country, quite aside from any criminality issues.

Mr Walker: It is a very interesting question that goes slightly beyond my current departmental remit, I have to say. It is certainly one that I am happy to take away and discuss with colleagues at the Home Office in terms of what appetite there is to discuss that.

It also touches on the important issue that I know has been discussed on a north-south basis, which is data sharing in the Covid context. We are keen to work with both the Executive and the Irish Government to allow that so that the very similar approaches that we and the Irish Government have taken to international travel in the Covid context can be as watertight as possible in both directions.

Q361 **Robert Goodwill:** When I was Immigration Minister, we were frustrated by large numbers of very law-abiding Americans who would arrive at Heathrow and leave from Shannon. We never really knew if they were



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still in the country. In terms of the way this works, do we share data in a technological way, or do we basically send them an email and they reply back with information?

Mr Walker: We can share data and information, but it is important to point out that the CTA has never required the UK and Ireland to have entirely harmonised immigration arrangements. Border security co-operation is key to facilitating legitimate travel while preventing those who intend to abuse the arrangements from entering.

In addition to the work of the CTA forum, UK Government Departments have been working closely with their counterparts to ensure that UK and Irish citizens continue to be able to access the full range of rights available to them in this regard. I absolutely recognise what you are saying about the importance of preventing illegal travel or things that stretch the limits of our respective immigration systems, but it is also important to respect the sovereignty over these issues that both the UK and Ireland have.

Q362 **Chair:** In terms of that overlap with the Home Office, are you offering to gather that bit of information for us and provide it in writing?

Mr Walker: I would be happy to ask them if there is any further information on that front. I am not certain there is at this stage. Mark, I do not know if you have anything to add to that. I would be happy to raise the query and come back to you if there is something I can put in writing, but I am not sure I will be able to go into much detail at this stage.

Chair: Thank you. That is helpful.

Q363 **Robert Goodwill:** One of the issues that would be useful to discuss would be the issue of biometric travel documents. When we left the European Union, we no longer had to accept identity cards issued by countries like Greece and Italy, but I suspect the Republic of Ireland still does allow admission on the basis of those documents. That is maybe another loophole that we need to look into, because many of these documents do not have the security built into them that a British passport would have.

Mr Walker: I recall many happy discussions about these issues during my time at DExEU. It is not something I have engaged with particularly ever since I have been at the Northern Ireland Office, but I am happy to enquire of our colleagues in the Home Office whether there are any ongoing discussions on that basis.

Chair: It is nice to see that your sense of irony is alive and kicking.

Q364 **Scott Benton:** Good afternoon, Minister. Presumably the Government have considered how existing bilateral mechanisms for exchanging data between criminal law enforcement agencies in the UK and Ireland can be developed even further. Are you able to update the Committee on any



current discussions and progress in this regard?

Mr Walker: The first thing to say is that those bilateral mechanisms, as we touched on earlier, are working well. We have not seen the disruption and the interruption to those that some predicted in the event of EU exit. We take a pragmatic and proactive approach to ensuring that effective law enforcement and criminal justice co-operation between Northern Ireland and Ireland can continue. Ireland will remain an important partner for the UK in this respect.

The security arrangements in the TCA have been working well in supporting this so far. We intend to use the bilateral opportunity as set out in the TCA itself to go further still and work to enhance the excellent agreements we have in place, but we have not yet seen any problems that require early intervention in that respect. It is more about looking at what the long-term opportunities are to go even further.

Q365 **Scott Benton:** One specific area in which we could reach an agreement with the Irish Government would be to look at exchanging criminal records data more quickly than the current 20-day limit, which is specified within the TCA. Can you confirm that this is something that we are currently discussing with the Irish Government?

Mr Walker: The agreement allows us to continue our fast and effective exchange of criminal records information with all EU member states. My understanding is that the 20-day limit is an upper limit rather than necessarily a delineation of what has been achieved to date. The average across all member states is about six days' time, and my understanding is that, with the Republic of Ireland, that information has been able to be exchanged much faster. We have not seen a change in that to date, and that is welcome.

The fact that the agreement provides for access to shared technical infrastructure that allows the UK to continue to exchange data through a secure electronic transfer mechanism means that we can continue to use the same forms and processes that we used before the end of the transition period, and that should carry on delivering better outcomes than that 20-day upper limit in all our exchanges.

What I would say is that, if we came across a problem in this respect, yes, absolutely, we might be able to look at whether we needed to pursue a bilateral discussion on that, but we have not come across any problems to date.

Q366 **Scott Benton:** The fact that information is seemingly being shared so quickly is definitely reassuring. Six days is far better than most people would probably expect.

In terms of the bilateral discussions going on with the Republic of Ireland, are you able to confirm whether the Executive is being kept up to date with and involved in those discussions?



Mr Walker: At this stage, those discussions have not had to get engaged in saying, “Here is a problem that we want to fix bilaterally”, as we thought they might have to at an earlier stage before the agreements were put in place. I do not want to imply that there are lots of conversations going on about this. Because the TCA is working quite effectively, there are not.

We recognise that the Department of Justice in Northern Ireland and operational partners like the PSNI have a real interest in these issues, and we would make sure that they were informed of any bilateral discussions that take place. There are also the channels for north-south co-operation, through which they have their own discussions with the Government of Ireland.

Q367 **Mr Campbell:** Minister, welcome. Further to this issue about the time to get information between our own authorities and the authorities in the Republic, a number of us have taken an interest in, for example, fuel laundering, which is a big problem. Anecdotally we keep on hearing stories, particularly around the border, about plants. It occasionally happens that they are uncovered and people are brought before the courts, but it is very seldom. I have tabled a number of questions, and it seems that each year there are very small numbers of people—two or three—who appear before courts.

Given the ease with which some of these gangs can move between north and south, even with the six days, how much quicker can we make this? If plants like that are uncovered or being monitored, and people are moving from one jurisdiction to another, how quickly can that be smoothed out so these people can be apprehended in hours rather than in weeks?

Mr Walker: That is a very fair question. It is important to emphasise the ongoing joint co-operation that takes place at an operational level between the PSNI and An Garda Síochána. There is a good working relationship there, and that allows for joint work on things like the joint agency task force but also for information to be shared.

It is important to point out that the six-day figure was the figure for EU member states across the board. My understanding—Mark may be able to expand on this—is that the exchange of criminal records information works on a faster basis with Ireland. In terms of operational information, there should not be barriers to that kind of information being shared. Mark, I do not know if you want to come in with any more detail on that.

Mark Larmour: Thank you, Minister. It is important to differentiate between criminal records and operational policing information. The Organised Crime Task Force that exists in Northern Ireland has very strong links cross-border with agencies to tackle organised crime. Fuel laundering has been a target for that in recent months. I do not have the details to hand, but I know there were some recent successes around fuel laundering plants, which is good to see.



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The 20-day limit and the six-day figure that the Minister referred to do not reflect how operational data works. As you know, crime gangs are very agile. It is really important that police on both sides of the border, along with agencies such as HMRC, are able to move quickly to get ahead of them. They do have some success in that.

Q368 Mr Campbell: The operational side is one thing, and we understand how that works. Looking ahead for the next 12 or 18 months and beyond, I am wondering whether the view of the general public is going to persist, as it has persisted now for a number of years, that there are criminal gangs and there is fuel laundering happening on a pretty protracted and continuous basis. You are quite right, Mr Larmour, that there was good success recently, but those successes are on the fingers of one hand each year. I have tabled a series of questions over the last five or six years. It is very seldom that there are more than five or six people prosecuted in a year. In fact, it is an exception if there are more than two or three.

People are looking to see what the statistics are going to look like in a couple of years' time. If we set aside the operational problems that the Police Service of Northern Ireland and the Garda have to undertake, and the system that will be in place as a result of the delay, whatever it might be, is this going to be smoothed out to the extent that we will see much more significant apprehensions than we have in the past?

Mark Larmour: It will probably be kept under review. It is a devolved matter. It is a matter for the Department of Justice and the agencies there, working with HMRC and others. It is a joint effort across the board, but I can assure you that these matters will be kept under review and that will be taken account of in terms of how best it works operationally.

Mr Walker: I recognise that this is a matter of real concern in Northern Ireland, particularly for the border communities that are affected by this criminality. The context in which I was giving evidence before was that there was real concern that there might be further problems or further delays in the operational work that takes place. That has not materialised to date. It is very welcome that the mechanisms seem to be in place to support that and continue that. The agreement we have reached facilitates that, in terms of both the arrangements with the UK and the EU, and the ability to go further on a bilateral level, if necessary.

That is the useful update in that respect. I absolutely recognise that there is more work to do on this front, and we will be keen to work with our devolved partners and operational partners to make sure that we can support them in any way we can.

Mr Campbell: I hope your confidence is shared in the wider community, Minister. Thanks anyway.

Q369 Chair: Minister, can I echo and underscore the points that Mr Campbell has been making there? Could I ask you as well to maybe say a word or two on the timing bit—six days, six hours or whatever—with regards to people trafficking and drugs, both north-south and east-west? That is not



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just east-west into Northern Ireland, but drugs leaving GB to enter the Irish market.

Mr Walker: Again, this comes down not to mechanisms such as ECRIS; this is about operational co-operation and being able to exchange information between forces. My understanding is that that continues to work very effectively and in a timely manner. We have not had any concerns raised with us that it is being interrupted or held up by any changes as a result of us leaving the EU.

From my perspective, that has not changed in any way at all. It needs to be a focus, just as border crime and the issues of fuel and other excise avoidance at the border need to be a focus for our operational partners.

Q370 **Chair:** This is not a session on the protocol, you will be pleased to know. I am not asking a question on the protocol per se, but, with those needs for checks, declarations, etc., GB to NI, there is a real likelihood, is there not, that those who are shipping, principally, drugs from GB to Northern Ireland are now going to find their operational ability significantly disrupted as a result of the inspections and the like?

They will probably not seek to cease their trade; they will merely find other routes. That may be using smaller private boats and/or smaller private aircraft, or entering the Republic merely to come up into the north. Can you say a word or two about how you would hope that the operations of the police will alter to reflect those circumstances?

Mr Walker: Without getting into speculation or suggestions of what people might do, it is important to recognise that there have always been pressures and a degree of criminality that will seek to adapt to the circumstances.

Q371 **Chair:** Yes, I am not suggesting this is a creation. This is a diversion that requires fluid policing.

Mr Walker: Yes, exactly. I was going to say that. It requires the operational forces to be able to respond to that and put the necessary measures in place. Part of the intelligence sharing that we have on a cross-border basis is about having those conversations, so that any diversions or routes can be targeted.

Of course, someone who is committing a crime and smuggling illegal substances is unlikely to be deterred by having to fill out a form and say what they are shipping. They might well say they are shipping something else. We need to be realistic about the impact of some of these issues. Having any burdensome bureaucracy on parcels would not actually help to deal with the criminal issues. It is important to make sure that goods can flow, as they have done, but also that we target the policing to where problems arise. I am certainly confident that we have the capabilities to do that and that we can support our operational partners in being able to do that.



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Chair: My point was precisely that. People are not going to declare. This is not the creation of illegal trade. They are going to seek alternative routes where they do not have to, therein requiring flexibility and fluidity of the policing response.

Q372 **Ian Paisley:** The Minister's answer interested me, because I understood that the flow of this crime, if we take the laundering and smuggling of diesel and fuel, tends to come from the Republic of Ireland or Northern Ireland into GB and not the other way. The drugs thing seems to be more of an international route. Has the Minister picked up anything suggesting that this is changing? Is it just far too soon to say?

Mr Walker: It is too soon, to be honest. As you say, particularly where it is about excise issues, the direction tends to reflect where the imbalances are in that respect. The issue of illegal drugs is certainly an international issue and addressing it on a UK level requires co-operation with international partners.

Q373 **Ian Paisley:** There was a very successful seizure about 10 days ago coming into Northern Ireland. It was a magnificent seizure and quite a large one. Again, it was on an international route, not a route through GB to Northern Ireland. Am I right?

Mr Walker: You are right on that front. As you know, a huge amount of work goes on internationally in this space to target what is a very international problem. Of course, the same is true when it comes to the issue of people smuggling. The Committee picked up on some of the concerns relating to that and the CTA, but this is a global international problem, one which we have to work with all our partners on.

Q374 **Claire Hanna:** Thank you to both of our witnesses. It is good to see you. I just wanted to ask about data adequacy. What steps are the Government going to take to ensure the UK's data protection regime remains in line with the EU's, to keep its data adequacy status?

Mr Walker: This is an area where we start off from the basis of complete alignment. Like all adequacy decisions, the UK's adequacy decisions will be based on periodic review. It is of course for the Commission to monitor and review adequacy decisions as it sees fit, but the UK stands ready to engage with any future review processes. We are committed to maintaining high data protection standards now and in the future.

Protecting the privacy of individuals will continue to be a national priority, and we see no reason, therefore, why we would not continue to be found adequate by the EU. We recognise that this is something that will need ongoing work to ensure we can demonstrate that.

Q375 **Claire Hanna:** What would be the implications for cross-border policing if the UK lost that data adequacy status?

Mr Walker: Initially, it would be extra paperwork for operational partners, which is in nobody's interests. In the context of the previous



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evidence that I gave and the situation where we might not have had an agreement on these things, it was clear that there would have been workarounds on some of the issues in order to exchange data. They would have taken time, effort and cost. That would be unwelcome from a British and an Irish dimension.

From that perspective, making sure that we can have effective mechanisms for exchanging data and that there is that recognition of each other's data adequacy is important to sustain.

Q376 Claire Hanna: What should we make, then, of the DCMS Secretary of State's article at the weekend, where he said that the EU does not hold the monopoly on data protection. He said the Information Commissioner's Office will not only see data through a privacy lens. He talked about achieving social and economic goals. Should we read that as a desire to overhaul the Data Protection Act and take it in a different direction?

Mr Walker: I am not here to speak on behalf of the Secretary of State for DCMS, but it is right, as the UK looks at its laws going forward, to ensure that we have rules and laws that are fit for purpose for the UK and that recognise the wider context. That should not stand in the way at all of being able to demonstrate data adequacy to the EU and maintain really important and mutually beneficial exchanges of data and information.

From what we have seen in the practical outworkings of the TCA so far, data is flowing effectively. That is the really important thing from a security perspective.

Claire Hanna: I know you will keep an eye on it, because if it diverged wildly it could have substantial implications.

Q377 Chair: Oliver Dowden is a wily bird when it comes to these issues, is he not? As far as you are concerned, he is seized of and understands fully the particular importance with regards to what we have under consideration this afternoon for that data adequacy status.

Mr Walker: Yes, absolutely. I know he has expressed an interest in coming to Northern Ireland and hearing about some of the work being done on cybersecurity in Northern Ireland. He is very aware of the importance of these issues, as are our partners in the Home Office.

Q378 Mary Kelly Foy: Good afternoon, Minister. I want to turn to the European Convention on Human Rights, in particular article 3 covering law enforcement and co-operation. You have told us previously that Government are absolutely committed to the ECHR and recognise the importance of its implementation to the Good Friday agreement. Do the Government recognise that any diminution in its implementation could jeopardise security co-operation with the EU?

Mr Walker: I would start by saying that the recognition and protection of human rights are fundamental values of the UK. The UK remains



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committed to human rights, and we have been clear on that time and time again, including in Parliament. This deal ensures that the UK can give effect to its longstanding human rights obligations autonomously, and that reflects the fact of our EU exit.

We have negotiated a comprehensive package of operational capabilities that will ensure we can work with counterparts across Europe to tackle crime and terrorism, to protect the public and to bring criminals to justice. Within that, it is right to reflect that we share the values of human rights and the rule of law. It does not make an explicit legally binding commitment to the ECHR, but we felt that some of the EU's original proposals, which were seeking a mechanism that could lead to unhelpful monitoring of our domestic human rights regime, would have gone too far. That is no longer the case. We have something here that we think reflects the fact the UK is absolutely committed to human rights and will continue to be.

Q379 Chair: Could I just pick up on that? Let us take it as read that the UK is an international leader on the issue of human rights. We have a very proud track record of that over very many decades indeed. Nobody is going to quibble with that, but the ECHR clearly has totemic status, for want of a better phrase. We could protest all we like about this: "We have done better," or "We have done same, but we have left it or semi-detached from it," and so on. That might not wash with those partners that we need it to wash with in order to ensure security co-operation. Were it to come to that judgment of Solomon situation, on what side of the scales do Her Majesty's Government fall?

Mr Walker: We are in a highly hypothetical line of questioning here.

Chair: You know me; I love hypotheticals.

Mr Walker: Indeed, but Ministers do not tend to. It is important to recognise that the agreement provides that either party can terminate co-operation with the other for any reason, if it so wishes, and that would include if either party were to denounce the ECHR. It is very clear that we are committed to human rights; we are committed to the implementation of those. The agreement itself also provides that co-operation could be suspended if either party had concern about human rights or the rule of law in the other party. That is something that is balanced and reflects the autonomy of the UK and the EU.

Q380 Ian Paisley: I want to make sure that we are on the same starting point. The ECHR is currently in force and there is no change in its status as a result of anything that has been done. Is that right?

Mr Walker: That is correct.

Q381 Ian Paisley: That is the status. That is the ground we are on. Have the Government considered carrying out any impact assessments on rights that could have been lost as a result of the protocol, and the impact it has on any of the things that have emerged as a result of the agreement



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that is now in place?

Mr Walker: The engagement that we and, indeed, the Commission have been having with civil society reflects the fact that there are concerns about the impact of the protocol and that we want to take action on addressing those. As you all know from the preamble to the protocol itself and the approach that was taken, it was designed to protect rights. It was designed to protect a unique situation in Northern Ireland.

If there are concerns there, we want to make sure that they are acted on. That is reflected in the Secretary of State's written ministerial statement today. I am not here to go into detail on that, but it is important in that respect in showing that action is being taken. It is important that the whole of the protocol, including the part about not having an impact on the day-to-day lives of people in Northern Ireland, needs to be respected. Where there are concerns about that, as there clearly have been, we need to take action.

Q382 **Ian Paisley:** Yes, that is very nice, but have the Government commissioned or carried out any impact assessment on the effect this has had on the ECHR?

Mr Walker: Clearly, the agreements themselves were set out in a way that showed they were compliant with our obligations in that respect, but the important thing now is that our assessments of the implications of the protocol need to be on the practical effects of that and ensuring that they continue to work as designed.

Q383 **Ian Paisley:** I am reading into that that either the Government have not carried out an impact assessment or, if they have, you are maybe not aware of it.

Mr Walker: I am not sure that is the basis on which impact assessments on this issue are being carried out. The point is that we are trying to ensure that we listen to people in Northern Ireland, both in business and in civil society, take on their concerns and get those addressed. This is not designed to be a process that is driven by the ECHR itself. I am happy to take that away and to look at that on the basis of the questions you have asked.

Ian Paisley: It would be very helpful if an impact assessment were carried out on the practical impacts and how they align, especially if I look at article 14, which prohibits discrimination. As defined, that includes discrimination around the property and value rights that people might have. People in Northern Ireland might currently feel that there has been a detrimental impact on their lives, their property and their right to do business. If there is a discrimination issue, maybe there should be an impact assessment. I welcome the fact that you are maybe going to take that away.

Chair: Ian, it is an important point. Let us pick that up in the ongoing protocol inquiry and make sure that we cover that piece of work off.



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Ian Paisley: Yes, Chair. I did not mean to go entirely down that line. I hope the issue would still apply to an impact assessment on the points that Mary quite rightly raised about whether it would jeopardise security co-operation if there had been an impact.

Chair: No, as I say, it is a perfectly legitimate point.

Q384 **Claire Hanna:** My point was largely covered there. I intended to ask whether you or the NIO have expressed concerns with the Ministry of Justice, or the group that is reviewing the Human Rights Act, about the impact on the agreement and on cross-border security if there is, again, a substantial overhaul or divergence?

Mr Walker: We will always have dialogue with colleagues in other Government Departments. Our position on that and the way it is reflected within the agreements is well established with them. We will have ongoing conversations with them about it.

Q385 **Fay Jones:** Good afternoon, Minister. This Committee has heard evidence in the past that the UK's future access to Eurojust and Europol is left somewhat open ended. What steps have the Government been taking to agree the extent to which UK law enforcement agencies can have access and investment in Eurojust and Europol once the transition period has ended?

Mr Walker: This is an area where the agreement seems to be working well to date. The agreement provides for a relationship with Europol that reflects the scale of our contribution to the work of the agency in the past. It enables continued effective co-operation with the agency to protect shared capabilities through the presence of UK liaison officers in Europol headquarters, access to Europol's secure messaging system, the ability to attend and organise operational and other meetings at Europol, the ability to contribute to Europol's analysis projects in order to benefit from the agency's co-ordination and analytical functions, and the fast and effective exchange of data. These are all the key things that we would want to have got out of the agreement. While respecting the fact that we are not a member in the way we were before, they are there.

With regards to Eurojust, it provides for a relationship, again, that reflects the scale of our contribution during the period of our membership. It enables continued effective co-operation with the agency to protect shared capabilities by providing that the UK can second a liaison prosecutor and up to five assistants to make up the UK presence at Eurojust headquarters, which is three times the third-country precedent and reflects the UK's substantial contribution and workload.

These are good and robust agreements, which perhaps go beyond some of the concerns that people had previously about us being outside of those two organisations.

Q386 **Fay Jones:** We are on track to reach a formal and clear agreement about our access once the transition is over.



Mr Walker: Yes, that is reflected in the TCA and the agreements that have been put in place. These are good arrangements, and they go beyond the previous third-country precedent, reflecting the fact that we are no longer a member but have made a very substantial commitment to these organisations over a long time. That is welcome and helps to support the kind of operational co-operation that is so important in the Northern Ireland context.

Q387 **Chair:** There appears to be a good bilateral spirit at the moment between the UK and the Republic. What thought have the Government given to how cross-border security co-operation could be enhanced on the back of that spirit of bilateralism? What discussions have you and the Government had with the Executive and, indeed, the Irish Government to utilise further and develop the Joint Agency Task Force, now the transition period has concluded?

Mr Walker: If I start on the broad bilateral relationship, now that the TCA has been secured, we think we should focus on our deep and broad shared bilateral interests.

The UK is keen to build on the Prime Minister and the Taoiseach's agreement last August for a joint review of the bilateral relationship, including identifying areas for foreign policy collaboration. We welcome some of the calls that have taken place in recent weeks with the Foreign Secretary and Irish Minister Coveney that covered some important shared foreign policy interests. There are also ongoing meetings between the Home, Transport, Health and Finance Ministers, who have been talking to each other. There is a good level of exchange and interchange between us in this respect, and so there should be as very important partners.

Moving to the Joint Agency Task Force, as I touched on last time, a number of aspects of their work did not rely on EU auspices in any case and those continue. The TCA provides the mechanisms in those areas that did to continue that work. We recognise that there are numerous vehicles enabling co-operation between the PSNI and An Garda Síochána that are outside of EU structures in any case. It is important to lean into those.

With regard to the Executive, we recognise that this is a priority for the Department of Justice, and we should continue to work to support it in that respect. Mark, I do not know if there is anything you would add to that in terms of working on different strands in this respect.

Mark Larmour: I would again emphasise the level of co-operation and the fact that these structures are well bedded in. That just reinforces the strong bilateral relationship between law enforcement agencies on the island of Ireland. A lot of that has come from the Joint Agency Task Force, which was established as part of the "Fresh Start" agreement to tackle organised crime, criminality and activity linked to paramilitarism. That is still very effective.



There is a wide range of measures that are well bedded in, as the Minister has referred to, to ensure co-operation. Those have not been affected in any way by recent developments.

Q388 Ian Paisley: I want to look at the Northern Ireland centre of excellence for crime. That is not an oxymoron. It is not found in Connolly House in West Belfast any more, I understand. Have the Government discussed with the Northern Ireland Executive the establishment of a bespoke Northern Ireland excellence location to deal with crime and the co-operation between the various organisations that deal with crime in Northern Ireland? Are they even looking at the Gartcosh model from Scotland? Are they looking at extending the jurisdiction of that model so you will have a multiagency and multijurisdictional approach, to share the very best in how we deal with these crime issues as they arise?

Mr Walker: Perhaps I can hand over to Mark, because I suspect he is probably more sighted on the detail of this one than I would be. Your point about sharing best practice is really important, and it is important that we should work on that with the Northern Ireland Department of Justice and partners across the UK. I am very happy to look at any effective models that you think work in that respect. I have to say that I am not particularly au fait with the Scottish example you have given, so I am happy to bring in Mark. Maybe he can add something on that front.

Mark Larmour: The Gartcosh model in Scotland is regarded as a model of excellence. It has worked very well for Police Scotland and for the criminal justice agencies in Scotland. Chief Constable Simon Byrne, in his evidence to this Committee, mentioned the concept of a similar model being approached here. From what I understand from PSNI, certainly in its initial discussions with partners, that has received a very favourable response. There are some practicalities around delivering that, not least the capital investment required and a lot of other practical aspects.

I have not had any conversations with devolved colleagues on where this matter sits or on the detail around such a project, but we would be very interested in seeing what we could learn from the Scottish model and, given that there is so much ongoing co-operation between criminal justice partners in Northern Ireland anyway, whether that could be built on. We are very interested in securing further discussions on that.

Q389 Ian Paisley: It is interesting that the Gartcosh model has been cited, because the whole principle behind it is collaboration. Therefore, I would see it not as separate silos, with a Gartcosh in each jurisdiction, but as collaboration across the jurisdictional front. I know Scotland invested nearly £100 million into that development. I am wondering if there is an opportunity for us to share those skills out. The Government could push the Executive and probably the Policing Board to look at that.

When I sat on the Policing Board, there was a vision under Patten to implement a Northern Ireland school of excellence in terms of a training academy. That was never achieved. Time largely ran out on it, and I am



wondering if this is the opportunity to pick up on that and learn from that.

Mark Larmour: I know the Chief Constable is very keen to deliver a similar sort of model. He has taken great interest in the Gartcosh model himself, so I am sure you could raise that not just with the policing Board but with the Department of Justice, given that this is primarily a devolved matter.

Q390 **Stephen Farry:** I want to ask about the Specialised Committee on Law Enforcement and Judicial Cooperation, which has been established under the TCA. How is that going to operate? In particular, is there any potential for direct representation from the Northern Ireland Executive, for example the Minister of Justice or the Executive Office, in that operation, given the very particular issues relating to Northern Ireland?

Mr Walker: The UK-EU trade and co-operation agreement establishes a set of committees to oversee its operation, and this includes committees for providing technical discussions across all areas of the agreement, including law enforcement and criminal justice co-operation. All committee representatives will have the appropriate expertise in relation to the issues under discussion.

Given the uncertainty generated by the extended period of provisional application for the EU to complete its internal processes, we do not consider that the bodies established under the TCA should begin their work formally during the period of provisional application except where there are essential decisions that cannot be deferred. We will work closely with the devolved Administrations to determine an appropriate role for them in TCA governance structures, but those decisions have not been finally taken yet.

Q391 **Stephen Farry:** Just to follow up, is this something where the Northern Ireland Office, given its very particular role in advocating for Northern Ireland interests in Cabinet, is likely to recommend and argue inside Government processes for such representation?

Mr Walker: I would not necessarily want to pre-empt any decisions on this. We would want to look at what issues are due to be discussed under it and consider that on the appropriate basis. I cannot say to you now that that would be our position on it, because we are at an early stage in these discussions.

Stephen Farry: That is fair enough for now.

Chair: That bring us to the end of our session. Can I thank you and Mark for your time this afternoon in joining us? At the end of this session, it reinforces how we began. If I could summarise, the concerns that many had have not come to pass, in part because of the TCA but also because of the mood music. Government appear to be alive to the issues that still need to be addressed or finessed. That should give all of us with an interest in this area a huge degree of comfort. Carry on the good work;



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that is all we can say. Thank you both, again, for your time.