



Department for
International Trade



Department for
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Dear Dianne,

Response to the International Agreement Committee Report on the UK-Singapore Digital Economy Agreement

Thank you to your Committee and officials for the report entitled 'Scrutiny of international agreements: Digital Economy Agreement with Singapore, and Sixth Protocol to the Convention on a Very High Neutron Flux Reactor'. I am writing to offer a response to points raised in the report.

Data Protection

The report calls on the Government to provide an assessment on how personal data transferred from the UK to Singapore under the DEA will be protected, how the protection of personal data will be monitored after the Agreement has entered into force, and to set out its assessment of whether the DEA could have an impact on the EU's decision regarding UK data adequacy.

HM Government is committed to high standards of protection for personal data, including when it is transferred across borders.

The Digital Economy Agreement safeguards the UK's high standards and locks in a requirement for personal data to be protected in both countries. It ensures that both the UK and Singapore maintain domestic data protection regimes and draw on international principles and guidelines in their design.

Transfers of personal data to Singapore must satisfy the UK's data protection laws (enshrined within the Data Protection Act 2018 and the UK General Data Protection Regulations), providing confidence for consumers to shop online and benefit from international services.

UK data protection rules will therefore continue to apply as they did before, including the existing mechanisms for onward transfers between the UK and Singapore such as International Data Transfer Agreements (IDTAs). Furthermore, the agreement requires both countries to publish information on these protections, including how citizens can take steps to enforce their personal data protection rights.

The UK will continue to ensure individuals' data protection rights are protected and upheld when their data is transferred overseas. The Information Commissioner's Office (ICO) engages with data protection and information regulators across the world, including with the Personal Data Protection Commission of the Republic of Singapore, to cooperate in the enforcement of data protection laws, including cross-border investigations and responding to complaints.

The European Union (EU) has formally adopted adequacy decisions for the UK, which rightly recognise the UK's high data protection standards. There is no reason why the DEA should impact the EU's decision on UK data adequacy, as the DEA does not alter the UK's data protection framework or the circumstances under which personal data can be transferred outside of the UK. The UK, through its rules on data transfers (UK GDPR Chapter V), continues to ensure that individuals' data protection rights are protected when their personal data is transferred outside of the UK.

Digital Economy Dialogue

The Committee's report calls on the Government to set out what plans it has to convene a Digital Economy Dialogue, and whether it intends to invite stakeholders, including consumer groups and digital rights groups, to contribute to the Dialogue.

The Stakeholder Engagement provision of the DEA (Article 8.61-V) requires the UK and Singapore to seek opportunities to convene a dialogue focussed on the promotion of the benefits of the digital economy.

Plans for this dialogue, including the approach to attendance by non-Government stakeholders, are still to be developed. Those plans must be agreed with Singapore. However, I note the Committee's suggestions and the Government will give them positive consideration as we take forward discussions with Singapore.

Process for Future Amendment of the DEA

The report calls on the Government to explain whether the Trade Committee (or any other governance committee established under the UKSFTA) may amend the provisions inserted by the DEA into the Free Trade Agreement with Singapore.

Chapter 16 (Institutional, General and Final Provisions) of the UK-Singapore Free Trade Agreement (FTA) applies to the entirety of the FTA.

Under subparagraph 4(c) of Article 16.1 (Trade Committee), the Trade Committee may consider amendments to the FTA or amend provisions of the FTA in cases where the relevant provisions of the FTA specifically provide for it. As an amendment to the FTA, the DEA will form an integral part of the FTA and therefore will be subject to the provisions of subparagraph 4(c). However, the articles included within the DEA do not specifically provide for amendment of the text by the Trade Committee. Therefore, the Trade Committee cannot amend those articles.

Instead, the process set out in Article 8 of the FTA would need to be used for any subsequent amendment to the provisions of the DEA. Under this process, the UK and Singapore may agree in writing to amend the agreement, with amendments entering into force on the first day of the second month after both parties have exchanged written notifications.

Within the report, you also reference your recommendation that the Government should publish clear guidelines on how it decides whether treaty amendments should be subject to ratification (and therefore laid for parliamentary scrutiny under the Constitutional Reform and Governance Act 2010 (CRaG)). The Government has previously indicated its intention that the majority of important treaty amendments should be subject to ratification and therefore will be submitted to Parliament for scrutiny in accordance with CRaG. However, the Committee will appreciate that the terms of a treaty, including those on the method of consent to be bound (e.g. ratification), are subject to negotiation on a case-by-case basis with treaty partners. It is therefore not possible for the United Kingdom to take a unilateral position on this issue by way of domestic guidelines.

Memoranda of Understanding (MoUs)

The report calls upon the Government to provide assurances that future substantive commitments will be made through the FTA rather than through the MoUs on digital identities cooperation, digital trade facilitation, and cybersecurity cooperation.

With regards to the Memoranda of Understanding referred to in your report, these represent voluntary commitments between the Governments of Singapore and the United Kingdom, and are not binding domestically nor as a matter of international law. Future updates to these MoUs – should any be made – will not contain legally binding elements.

Regarding the Committee's request that Parliament is notified of any significant changes to MoUs, I would highlight that since the Committee's report was published, the Government's view on the notification of non-binding arrangements was set out in the letter of 11/05/2022 to Baroness Hayter from the Minister of State for Asia and the Middle East.

It is established Government practice that non-binding arrangements are not routinely published, although the Government has acknowledged that it may be appropriate to highlight non-legally binding arrangements of potential public importance to Parliament. This is considered by Ministers on a case-by-case basis. I would also note that before publishing a non-binding arrangement – including a future version of an existing arrangement – the Government would need to obtain confirmation from the other participant that they agree to its publication.

Sixth Protocol to the Convention on the Construction and Operation of a Very High Neutron Flux Reactor

In reference to the Sixth Protocol to the Convention on the Construction and Operation of a Very High Neutron Flux Reactor, the report called on the Government to review its quality assurance processes to ensure that all explanatory memoranda include the specified wording on consultation with the devolved administrations, in line with existing Government guidance.

The Government agrees that high quality, consistent explanatory memoranda are essential. The Government regularly reviews and updates the explanatory memorandum template based on the reports of your Committee. The template is contained in the FCDO Treaties and MOU Guidance which is available on gov.uk. As noted in the letter of 11/05/2022 to Baroness Hayter from the Minister of State for Asia and the Middle East, Minister Milling has written to colleagues across Whitehall to encourage Whitehall Departments to pay close attention to the guidance and to use the explanatory memorandum template contained therein.

Yours ever,

A handwritten signature in black ink, appearing to read 'Grimstone', written in a cursive style.

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