

European Scrutiny Committee

House of Commons London SW1A 0AA

Tel (020) 7219 3292 Email escom@parliament.uk Website www.parliament.uk/escom

From: Sir William Cash MP

30 September 2020

Rt Hon. John Whittingdale MP
Minister of State for Media and Data
Department for Digital, Culture, Media and Sport
4th Floor
100 Parliament Street
London SW1A 2BQ

Commission Communication “Data protection as a pillar of citizens’ empowerment and the EU’s approach to the digital transition - two years of application of the General Data Protection Regulation”: (41363), [COM \(20\) 264](#)

Thank you for your [letter](#) of 18 September, the contents of which the Committee notes.

First, we wish to flag a specific point of inconsistency in the Government’s position concerning progress in the data adequacy process. In your letter you said that “the process was moving forward” and that you “fully expect to have adequacy decisions adopted by the end of the transition period”. However, during the [Second Reading](#) of the Internal Markets Bill on 14 September the Chancellor for the Duchy of Lancaster said that there had been no progress in the process for obtaining data adequacy decisions.¹

This is not an isolated instance of inconsistency in information being provided to Parliament on EU matters. It begs the question of whether the Government

¹ Hansard, 14 September, [Col 129](#) “The EU is bound by a system of what are called autonomous processes to ensure that we have equivalence on data and financial services, and that we are listed as a third country for the export of food and other products of animal origin. There has been no progress on any of those.”

has considered how it will provide consistent and transparent information to Parliament in future on EU matters, including after transition?

Turning to the particular EU document in hand, we are content to regard our scrutiny as completed. However, this is on the basis that you continue to update us on the following connected issues of ongoing concern to the UK's position after transition. Namely, further developments on:

- international data transfers in the wake of July's Court of Justice (CJEU) ruling in the [Schrems II](#) case;
- the pending CJEU ruling in the [Privacy International](#) litigation, since we continue to consider it relevant to data adequacy decisions under the [General Data Protection Regulation](#) and [Law Enforcement Data Directive](#) — not least because national security is stated to be a relevant consideration for the Commission when assessing adequacy under Articles 45 and 36 of the respective legislation; and
- the data adequacy process for the UK and the negotiations of the proposed e-Privacy [Regulation](#).

Please note that I am copying this letter to the Chairs of the following other Committees of the House: Digital, Culture, Media and Sport Committee, the Science and Technology Committee, the Joint Committee on Human Rights, the Home Affairs Committee and the Committee on the Future Relationship with the EU.

I am also copying the letter to the Earl of Kinnoull and Christopher Johnson in the Lords; to Les Saunders at the Cabinet Office; and to Gosia Staniaszek in DCMS.

CHAIR