



# Committee on Exiting the European Union

House of Commons, London, SW1A 0AA

Email: [exeucom@parliament.uk](mailto:exeucom@parliament.uk) Website: [www.parliament.uk/exeucom](http://www.parliament.uk/exeucom)

Rt Hon David Davis MP  
Secretary of State for Exiting the European Union  
9 Downing Street  
SW1A 2AG

28 November 2017

Dear David,

Thank you for your letter of 27 November 2017 addressed to me and to Lord Jay of Ewelme, and copied to the devolved administrations, together with the material you have released to us.

First of all, I am very concerned to read that you have “sought not to include commercially, market and negotiation sensitive information” in the documents you have released to us. I take it from this wording that you have removed this information from the documents that you held at the time the motion was approved by the House. This is both contrary to the instruction given to the Government in that motion and to the clear expectations that I set out to you in our discussions. The Committee will therefore need to consider whether this is potentially a breach of privilege.

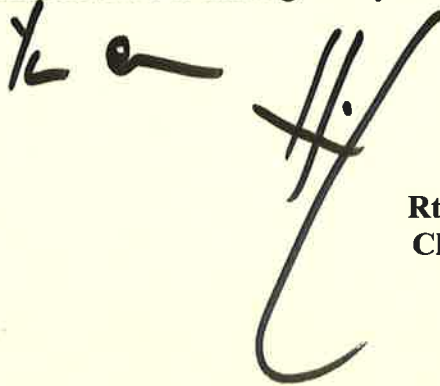
Secondly, I was sorry to read your claim that you had received no assurances from the Select Committee regarding how any information passed would be used. May I remind you that I set out in our conversation of the 13 November how I proposed to handle the documents; namely that once they were released to us, we would consider them as a Committee alongside any representations that you wanted to make about anything that was commercial in confidence or which might undermine the negotiations – both considerations which the Committee accepts. I also said that in the event that the Committee was inclined to take a different view to the Government about particular sections, we would then come back to you to discuss the matter further, bearing in mind that it would be for the Committee, and still will be, to take the final decision about publication.

In view of the above, I would ask you now to appear before the Select Committee so that we can discuss these matters – as you have indicated you are willing to do – and identify whether there are still elements in the material you have released to us which may be sensitive to the negotiations. This will be very important to us in taking our decision about publication of the edited documents that you have now released.

As you will understand, given the importance of this issue and the great public interest, I would appreciate it if you could make yourself available as a matter of urgency. I propose that your evidence session will be divided into two parts. The first, in public, will cover the process by which the Government responded to the resolution of the House and the decisions you reached about the content of the material released to us. The second, in private, will allow the Committee to ask you whether there is material in the documents that you have released that is, in your view, sensitive. This would be in keeping with the commitment that I made to you and will assist the Committee as it takes its final decision about publication.

I am placing your letter to me of 27 November, and this reply, on our website and will be circulating it to Lord Jay and to the devolved administrations.

I look forward to hearing from you.

A handwritten signature in black ink, appearing to be 'Hilary Benn', written in a cursive style.

**Rt Hon Hilary Benn MP**  
**Chair of the Committee**