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Lord Boswell of Aynho  
Chairman of the European Union Committee  
House of Lords  
LONDON  
SW1A 0PW

Dear Tim

**8491/16 and 8245/16 Council decision on signature and conclusion of an Agreement between the USA and the EU on the protection of personal information relating to prevention, investigation, detection and prosecution of criminal offences.**

Thank you for your letter dated 7th December regarding EU-US Umbrella Agreement, I am sorry that the Committee has not lifted scrutiny on this decision for the reasons set out in your letter and apologise for this override. Previous correspondence on these matters has set out the reasons why the timing on this was so unpropitious in allowing me to alert the Committee to these difficulties.

Turning to the specific questions you raise:

- First, it is clear that, in order for the GDPR to have full application in the UK from May 25 2018, as is the Government's stated intention, that some parts of the 1998 Act will need to be repealed to create the necessary legislative space for GDPR provisions with direct application, and avoid any conflict between instruments. The Government is considering the best way to approach this.
- Second, you ask whether I agreed with the Council view in relation to the EDPS' concerns about the Umbrella Agreement. As I have previously stated, I regard the Umbrella Agreement as lawful as it does not reduce the rights of any individual, but rather extends rights, and furthermore that the Agreement provides individuals in the EU that are not EU citizens, with avenues for administrative redress. The UK was and is content with this Council position.

Finally, I am able to update you that the Council's Decision on Conclusion of the EU-US Umbrella Agreement has now been adopted. The UK voted in favour of the Conclusion on the Umbrella Agreement. The EU has finalised its procedures, however we are



waiting for final confirmation from the US authorities. The EU has been given assurances from the US Attorney-General that these procedures will be completed before the new US Administration takes office on January 20th. We will update you when we have heard from them.

I hope that we have now put to rest any outstanding queries you may have. We have always aimed to answer question to our maximum capabilities, and we will endeavour to provide updates regarding the Umbrella Agreement when we have more information.

I am copying this letter to Sir William Cash, Chair of the Commons European Scrutiny Committee; Eve Samson, Clerk to the Commons Committee; Arnold Ridout, Legal Adviser to the Committee; Les Saunders (DExEU); Sue Owen (Permanent Secretary, DCMS) and Pooja Lakhani, Departmental Scrutiny Co-ordinator.

Yours ever

A handwritten signature in blue ink that reads "Matt Hancock". The signature is written in a cursive, flowing style.

**Rt Hon Matthew Hancock MP**  
**Minister of State for Digital and Culture**