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Opt-in Decision on the Proposal of the European Parliament and the Council on European Production Orders and European Preservation Orders for cross-border access to electronic evidence in criminal matters.

I am writing to inform you of the Government's decision not to opt in to the Proposal of the European Parliament and the Council on European Production Orders and European Preservation Orders for cross-border access to electronic evidence in criminal matters.

Law enforcement access to data held by service providers is an important issue and we support the underlying objective of improving cross-border access to electronic evidence. However, from the start of discussions on this issue, we have not supported the need for new EU legislation. That is because it is not clear how new EU legislation will be a practical and effective way to address the global issue of providing lawful access to data held anywhere in the world, even outside of the EU's jurisdiction.

Opting into the EU proposal would also mean that the EU would maintain exclusive competence in this area, and would impact on the UK's ability to conclude a UK-US Data Access Agreement which, once implemented, will allow companies in each country to comply with lawful orders for the production of electronic communications from the other without any conflict of law.

I will place a copy of this letter in the House Library to inform Parliament of the Government's opt in decision.

I am copying this letter to the Chair of the European Scrutiny Committee; Lynn Gardner, Clerk to the Commons Committee; Chris Johnson, Clerk to your

Committee; Les Saunders, Department for Exiting the European Union; and Alejandra Bernal, Departmental Scrutiny Coordinator.

A handwritten signature in blue ink that reads "Nick Hurd". The signature is written in a cursive, slightly slanted style.

RT HON NICK HURD MP
Minister of State for Policing and the Fire Service
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