



Department for  
International Trade



Department for  
Business, Energy  
& Industrial Strategy

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The Lord Stevenson of Balmacara  
House of Lords  
London  
SW1A 0PW

5<sup>th</sup> October 2020

Dear Chris and Wilf,

Thank you for your contributions to the debate at the second sitting of Committee meeting on the Trade Bill on Thursday 1<sup>st</sup> October. I was pleased to see such a broad and expert group of Peers contribute to what is an important debate.

Viscount Younger of Leckie resolved to follow up with you both directly regarding when businesses will receive guidelines in order to work out their new data management policy and with information on online child harm, so as the Bill Minister I am getting in touch.

During the transition period, EU data protection law applies to the UK directly and any advice issued by the ICO is required to be consistent with the approach adopted by the European Data Protection Board (EDPB). The EDPB published initial guidance on international data transfers following the Schrems II judgment on 24<sup>th</sup> July ([https://edpb.europa.eu/our-work-tools/our-documents/ovrigt/frequently-asked-questions-judgment-court-justice-european-union\\_en](https://edpb.europa.eu/our-work-tools/our-documents/ovrigt/frequently-asked-questions-judgment-court-justice-european-union_en)). On 4<sup>th</sup> September, the EDPB announced the creation of a dedicated taskforce on the supplementary measures that data exporters and importers can be required to implement to comply with the Schrems II judgment. We expect further practical guidance for controllers to be forthcoming from that taskforce shortly. The European Commission has also committed to publishing new standard contractual clauses that take into account the findings of the judgment.


The UK Government is working with the ICO to address the impacts of the Schrems II judgment for UK controllers. During the transition period, this includes the ICO supplementing the guidance provided by the EDPB and the European Commission with targeted advice to help UK controllers understand the impacts of the ruling on their own transfers and apply any new mechanisms published by the EU. The ICO has published updated material on its website (<https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2020/07/updated-ico-statement-on-the-judgment-of-the-european-court-of-justice-in-the-schrems-ii-case>), and will continue to publish further guidance as appropriate.

In relation to online child harm, the UK's intention is for FTAs to promote appropriate protections for consumers online and ensure the UK government maintains its ability to protect users from emerging online harms.

We will publish a Full Government Response to the Online Harms White Paper consultation later this year. We will follow the Response with legislation which will be ready early next year. Any FTA will of course have to comply with this legislation.

I hope this information will be sufficient but please do not hesitate to get in contact if you would like further information. I am placing a copy of this letter in the Library of the House.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Grimstone". The signature is written in a cursive style with a large initial 'G' and a long tail.

**Lord Grimstone of Boscobel, Kt**  
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