



To: The Rt Hon Dominic Raab MP
Secretary of State for Exiting the European Union

The Rt Hon Jeremy Wright MP
Secretary of State for Digital, Culture, Media and Sport

Our
reference: EXCO-BREX-18-035

Subject: Transfer of personal data across the Channel post-Brexit

Brussels, 26 July 2018

Dear Mr Raab, Dear Mr Wright

Many businesses, including financial services providers, transfer personal data from the UK to the EU/EEA and vice-versa in order to conduct their business. Post-Brexit, the UK will become a third country in relation to the EU, and the transfer of personal data from the EU/EEA to the UK (and reciprocally from the UK to the EU/EEA) will no longer be allowed. Should personal data transfer across the Channel stop, not only will business be disrupted, but consumers will be severely impacted.

The General Data Protection Regulation (GDPR), which fully applies in the UK as of 25 May 2018, provides several solutions that allow for the transfer of personal data from the EU to the UK. The adoption of an adequacy decision under Article 45 of the GDPR represents the most appropriate solution, as these are comprehensive, ensure a high level of protection for individuals, and offer clear legal certainty.

The undersigned associations have addressed a letter to the European Commission calling on them to launch the adequacy assessment process as soon as possible, and to adopt an adequacy decision maintaining the free flow of personal data from the EU/EEA to the UK post-Brexit.

However, while an adequacy decision by the European Commission would allow personal data flows from the EU/EEA to the UK, it would not address personal data transfer from the UK to the EU/EEA.

The undersigned associations therefore **call on the UK authorities to implement a suitable legal solution that will allow continuity of personal data transfer from the UK to the EU/EEA post-Brexit.**

In line with Article 45(2) of the GDPR, the European Commission should take account of various elements when assessing the adequacy of the level of protection in the UK, including whether British legislation and binding international commitments are sufficient to ensure the necessary level of data protection.

Therefore, the undersigned associations **call on the UK to ensure that it meets all the conditions for the European Commission to issue an adequacy decision swiftly.**

Legal certainty for personal data transfer is absolutely necessary well ahead of the Brexit date in order to avoid disruption to business and adverse effects for consumers. Therefore, the above solutions are **needed as soon as possible.**

If such solutions cannot be finalised in time, interim measures must be put in place in order to allow for continuity in personal data flows across the Channel.



We remain at your disposal for any further clarification and hope that you could take these concerns into consideration.

Kind regards,

A handwritten signature in blue ink, appearing to read "Michaela Koller".

Michaela Koller
Director general
Insurance Europe

A handwritten signature in blue ink, appearing to read "Huw Evans".

Huw Evans
Director general
Association of British
Insurers

A handwritten signature in blue ink, appearing to read "Ignasi Guardans".

Ignasi Guardans
Director Europe
Trans-Atlantic Business
Council

A handwritten signature in blue ink, appearing to read "Véronique Willems".

Véronique Willems
Secretary general
UEAPME