



## EUROPEAN COMMISSION

Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom under Article 50 of the TEU

Deputy Chief Negotiator

Ref. Ares(2019)2682586 - 17/04/2019

Brussels,  
TF50(2019) 2888119

*By registered mail with AR*

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**Subject: Your application for access to documents – Ref GestDem  
No 2019/ 1903**

Dear Mr Evans,

We refer to your application of 27/03/2019, registered on 28/03/2019 under the above mentioned reference number, by which you made a request pursuant to Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>1</sup>.

You requested:

*“Any communications with any relevant UK bodies detailing the implications that exiting the European Union would have on data protection.*

*Any communication with technology companies regarding data security after the UK leaves the EU.”*

In relation to data protection, on 21 September 2017 the European Commission sent to the UK government **the EU Position paper on the use of data and protection of information obtained or processed before the withdrawal date.**<sup>2</sup>

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<sup>1</sup> Official Journal L145 of 31.05.2001, p.43.

<sup>2</sup> [https://ec.europa.eu/commission/publications/position-paper-use-data-and-protection-information-obtained-or-processed-withdrawal-date\\_en](https://ec.europa.eu/commission/publications/position-paper-use-data-and-protection-information-obtained-or-processed-withdrawal-date_en)

On 5 December 2018, both sides published **the final Withdrawal Agreement**<sup>3</sup>. Title VII provides the legal basis for processing of data obtained before the end of the transition period.

The **Political declaration setting out the framework for the future relationship between the EU and the UK**<sup>4</sup>, published on 22 November 2018, reflects common understanding for the future cooperation, *inter alia*, in the area of data exchange and data protection.

In the framework of preparations for a ‘no deal’ scenario, the European Commission on 9 January 2018 published a **preparedness notice about legal repercussions in the area of data protection** in case of the UK’s withdrawal from the EU without an agreement.<sup>5</sup>

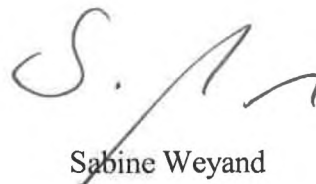
In addition, the European Commission on 10 April 2019 issued **practical guidelines**<sup>6</sup> to ensure coordinated EU approach in a ‘no deal’ scenario, including in the area of data protection.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission  
Secretariat-General  
Transparency, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Bruxelles  
or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,



Sabine Weyand

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<sup>3</sup> [https://ec.europa.eu/commission/publications/agreement-withdrawal-united-kingdom-great-britain-and-northern-ireland-european-union-and-european-atomic-energy-community\\_en](https://ec.europa.eu/commission/publications/agreement-withdrawal-united-kingdom-great-britain-and-northern-ireland-european-union-and-european-atomic-energy-community_en)

<sup>4</sup> [https://ec.europa.eu/commission/publications/political-declaration-setting-out-framework-future-relationship-between-european-union-and-united-kingdom\\_en](https://ec.europa.eu/commission/publications/political-declaration-setting-out-framework-future-relationship-between-european-union-and-united-kingdom_en)

<sup>5</sup> [https://ec.europa.eu/info/sites/info/files/file\\_import/data\\_protection\\_en.pdf](https://ec.europa.eu/info/sites/info/files/file_import/data_protection_en.pdf)

<sup>6</sup> [https://ec.europa.eu/info/brexit/brexit-preparedness/other-preparedness-activities\\_en#communications-of-the-european-commission](https://ec.europa.eu/info/brexit/brexit-preparedness/other-preparedness-activities_en#communications-of-the-european-commission)