

Committee on Civil Liberties, Justice and Home Affairs  
The Chairman

IPOL-COM-LIBE D (2023) 21234

D 306567 13.06.2023

Mr Didier Reynders  
Commissioner for Justice  
European Commission  
Rue de la Loi/Wetstraat 200  
1049 Brussels

Dear Commissioner Reynders,

On 23 May 2023, LIBE committee Members held an exchange of views with the UK Information Commissioner, Mr John Edwards, which was organised as follow-up to the LIBE committee's mission to the United Kingdom in November 2022.

During the exchange of views in the LIBE committee, Members raised their concerns with regard to draft Data Protection and Digital Information Bill, which is currently being considered by the UK Parliament, and its possible impact on the UK adequacy findings, both under the General Data Protection Regulation (GDPR) and the Law Enforcement Directive (LED).


At their meeting on 30 May 2023, and in light of the discussion with the UK Information Commissioner, LIBE Coordinators decided to request the Commission's appraisal of the draft law in question.

I would be very grateful, therefore, if you could provide me with the Commission's current assessment of whether the draft Data Protection and Digital Information Bill respects the principles, rights and obligations of the GDPR and the LED, in particular whether the draft Bill meets the requirement of "essential equivalence" as established by the Court of Justice in case C-311/18 Schrems II.

Let me point out that LIBE Members have expressed particular concerns about the independence of the new Information Commission to be established, including with regard to the appointment and dismissal procedures of its non-executive members, the new powers of the UK government, including with respect to setting of strategic priorities, and the approval of codes of practice. They also pointed out that e.g. already now the ICO guidelines on international data transfers depart from the CJEU case law and the approach of the European Data Protection Board. Finally, LIBE Members have stressed that in the UK the new Bill is presented as a departure from the EU overregulation, cutting down bureaucratic requirements imposed by the EU, while in Brussels, it is presented as a minor "modernization", which introduces changes that do not depart from the EU acquis. Both of the above statements cannot be true.

We are aware that the work on the draft Bill is still ongoing and that Commission has time until June 2025 to re-assess the UK adequacy under both the GDPR and the LED. At the same time, when answering questions from LIBE Members, Mr John Edwards stressed that he is in touch with the Commission and highlighted the importance of the ICO's connection with you and your team. Knowing that DG Justice is following the developments related to the Bill very closely and that you are in constant touch with your UK counterparts, we would appreciate your preliminary assessment of the situation and the draft Bill as it was introduced by the UK government.

Yours sincerely,

A handwritten signature in black ink, reading "Juan F. López Aguilar". The signature is written in a cursive style with a long horizontal line extending to the right.

Juan Fernando López Aguilar