



Ministry
of Justice

The Right Honourable

Chris Grayling MP

Lord Chancellor and

Secretary of State for Justice

102 Petty France

London

SW1H 9AJ

T 020 3334 3555

F 020 3334 3669

E general.queries@justice.gsi.gov.uk

www.justice.gov.uk

Viviane Reding
European Commission Vice President in charge of
Justice, Fundamental Rights and Citizenship
BE-1049
Brussels
Belgium

4 June 2013

**EU DATA PROTECTION PROPOSALS – LETTER FROM THE UK INFORMATION
COMMISSIONER**

Ahead of our meeting at the JHA Council this week, I wanted to forward you the public letter the UK Information Commissioner has sent to me. In his letter, the Commissioner reiterates his concerns about the ability of his office to make the Commission's data protection proposals work in practice. The Information Commissioner has previously called the proposals "a regime that nobody will pay for", a view endorsed by a committee of the UK Parliament.

I have been impressed by the progress that has been made under the Irish Presidency, especially in looking at how the proposals could incorporate a risk-based approach. However, there is a lot of detail on which Member States and the Parliament are still far from agreement. On a dossier of such importance we must get that detail right. I have already been clear that if the negotiations are rushed we risk a highly prescriptive instrument. Far from improving the prospects for economies across the EU, this could damage business growth and employment prospects, and could leave the EU uncompetitive in the global digital economy for years to come. That goes against what should be our underlying priorities at the moment and will not serve the citizens of EU countries well, despite the intentions of what the Commission has proposed.

I note that BusinessEurope has also written to the Presidency to outline its concerns with the proposed Regulation. Like me, they are worried the proposal does not strike the right balance between privacy and innovation. BusinessEurope considers that the new rules would require significant resources and imply huge costs for businesses which are not proportionate to the benefits to the consumer. I completely endorse this view and believe that their letter is yet more evidence that further consideration of this dossier is needed before any agreement can be reached.

I look forward to discussing the proposals on Thursday.

CHRIS GRAYLING