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The Rt. Honourable Theresa May, MP  
Prime Minister  
10 Downing Street  
London  
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30<sup>th</sup> October 2018

Dear Prime Minister,

**Norway in the EEA is a data protection law model which would work well for the UK**

I am following up my letter to you of 20<sup>th</sup> July this year in which I argued the case, from the data protection law perspective, for the UK to stay inside the European Economic Area (EEA). That letter was based on the evidence from Iceland. I am now writing to supplement my case with evidence from Norway based on my visit last month to Oslo to interview Norway's Data Protection Commissioner. You can see the resulting article starting on p.1 of the attached October edition of *Privacy Laws & Business International Report*.

The headline, *Norway takes active role on the European stage*, shows what can be achieved from a position in the EEA. The article provides several examples of how Norway's Data Protection Commissioner retains independence while actively participating in the EU mainstream:

1. Norway's new Personal Data Act mostly follows the EU General Data Protection Regulation (GDPR) but has some exceptions within its right to national room for manoeuvre permitted by the GDPR.
2. Supplementary national regulations will be introduced when the government considers it necessary.
3. Norway's Supreme Court applies its jurisdiction where necessary.
4. The Data Protection Commissioner (DPC) and his office is independent and respected.
5. The DPC actively engages with its counterparts in the EU and the other EEA countries on its regulation of multinational companies and other parties. The EEA Member States Norway, Iceland and Liechtenstein have permanent seats on the data protection authorities' coordination body, the European Data Protection Board (EDPB). Norway plays an active role in several sectoral sub-groups, and has a good relationship with the other EEA countries and the 28 EU Members.
6. Norway and the other EEA countries have a role in the One Stop Shop regulatory mechanism, likely to be increasingly important to resolve disputes when companies operate in different Member States.

In summary, Norway is clearly making a substantial contribution from its position in the EEA by engaging in the work of Data Protection Authorities across Europe, providing an environment for maximum stability and minimum disruption regarding individuals' rights balanced against companies' legal duties.

### **Implications of the Norway model for the UK**

The free flow of personal data between the UK and EEA countries is essential for the efficient functioning of every area of society: business, voluntary organisations and public sector bodies. Although if the UK left the EEA, there would be legal mechanisms for the transfer of personal data from the EEA to other countries, they would be costly and time-consuming. Therefore, the UK leaving the EU and becoming a member of the EEA would keep the UK in a legally established and recognised association for mutual benefit.

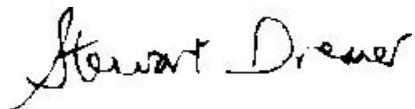
By staying in the EEA rather than leaving it, the UK's Data Protection Act 2018 would not be subject to a critical review by the European Commission when seeking an adequacy assessment, as it would have no need of one. Furthermore, the UK would not be subject to disruptive negotiations on a legally binding international UK-EU treaty. Rather than create a complex new arrangement, the EEA already exists and works harmoniously alongside the EU.

By the UK staying in the EEA, the international role of Elizabeth Denham, the UK Information Commissioner, would continue without interruption which would be beneficial for the UK's business and civil society. This position would not limit the ICO's wider international mission, confirmed by the election last week of Ms. Denham as the Chair of the International Conference of Data Protection and Privacy Commissioners.

Retaining EEA membership would suit the UK's interests well from a data protection perspective. With widespread recognition of the importance of data protection law as an essential element of international trade and protection of individuals' rights, I respectfully suggest that now is the time to take the decision to remain inside the EEA.

I would be pleased to provide further information or discuss any points if you wish.

Yours sincerely,



**Stewart Dresner**  
**Founder and Publisher, Privacy Laws & Business Reports**