



Department for International Trade

The Rt Hon Greg Hands MP
Minister of State for Trade Policy
Department for International Trade
Old Admiralty Building
Admiralty Place
Whitehall
London
SW1A 2DY

Chi Onwurah MP
House of Commons
London
SW1A 0AA

T +44 (0) 20 7215 5000
E Hands.Correspondence@trade.gov.uk
W www.gov.uk

By email: gareth.fearn@parliament.uk

19 July 2021

Dear Chi,

I am writing in response to your question from the Wednesday 14 July Briefing Session for MPs on Trade and Technology about whether anonymised UK health sector data can be accessed by businesses in Japan under the terms of the UK-Japan Comprehensive Economic Partnership Agreement (UK-Japan FTA).

Our trade provisions facilitate the publication of anonymised government data sets, while enabling states themselves to independently determine which data sets are appropriate for publication. Where a party decides to make data sets publicly available, the provisions require the party to endeavour to release data in an open and machine-readable format. These provisions are particularly beneficial to SMEs as they can gain access to accurate and reliable data sets without having to collect the information themselves, which can be costly.

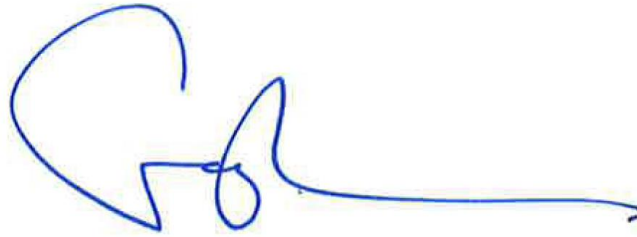
The digital trade provisions in the UK-Japan FTA do not mandate the publication of any data sets, including health and care data. In line with our policy, the provisions allow parties to decide which data sets are appropriate for publication. Access to health data, and the purposes that data can be used for, is controlled by data protection law. Health and care organisations retain control over what anonymous data they publish, and any relevant restrictions on the publication of data sets continue to apply.

Any use of anonymous NHS data not already in the public domain must have an explicit aim to improve the health, welfare, or care of patients in the NHS, or how the NHS operates. Where possible, the terms of any arrangements should include quantifiable and explicit benefits for patients which will be realised as part of the arrangement. All NHS organisations (and other health data controllers) must meet high standards around transparency and accountability when providing external partners (e.g., researchers and industry) access to data through data partnerships that benefit patients and the NHS. These are clearly set out in the five principles governing data-sharing arrangements entered into by NHS

organisations, published in July 2019. These principles are also in line with the Data Ethics Framework.

The UK position is to seek provisions in free trade agreements that remove barriers to the free flow of data and encourage the use of open government data, while not lowering the standard of protection afforded to the personal data of UK individuals. However, trade agreements themselves are not the tool that allows personal data to be legally transferred and future agreements will not weaken the domestic legislative safeguards that the UK has in place around personal data, or around the publication of anonymised health sector data.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'G Hands', with a long horizontal line extending to the right.

THE RT HON GREG HANDS MP
Minister of State for Trade Policy
Department for International Trade