



The Rt Hon Elizabeth Truss MP
Secretary of State for International Trade and President of the Board of Trade
Department for International Trade
King Charles Street
Whitehall
London SW1A 2AH

8 January 2021

Our Ref: DC/PA

Dear Liz,

We wholly support the Government's desire to get an FTA with the United States, but this must not be at the expense of the UK's data protection regime, nor should the deal undermine the UK's ability to make unfettered progress with the upcoming Online Safety Bill. We write to secure your assurance that no trade deal between the US and UK – be it the mini-deal or the final FTA - will include Section 230 provision nor 'safe harbour' protections for big tech firms.

In a recent interview with the BBC, Robert Lighthizer explicitly referenced digital trade as a component of the agreement. In response, a coalition of US senators reiterated that US Congress does *not* support the extension of safe harbour protections in trade deals in general, and specifically not in the upcoming UK/US agreement. Extending such blanket immunity via safe harbour provisions would, the senators agreed, undermine domestic attempts by the US to combat the more negative impacts of digital technology. A statement by the senators said *"Not surprisingly, neither the U.S Congress nor the UK Parliament are seeking to export this type of immunity. Instead, they are undertaking vigorous debates regarding the proper oversight, transparency, and effective management of digital communications technologies"*.

Moreover, the UK has made specific and admirable advances in data protection for children, in the form of the ICO's Children's Code and in December offered a glimpse of a better world for vulnerable users through its Online Safety Bill. This Government has put forward significant assurances to parliamentarians, parents and children that children's data will be protected to keep them safe online.



Section 230 would have a chilling effect on data protection and online harms regulation. Including Section 230 in the trade deal will result in a flood of litigation from US tech against any child protection regulation from ICO and OFCOM, ultimately watering down and delaying any of the Government's plans to improve children's safety online.

We urge you to make an explicit commitment to rejecting any inclusion of Section 230 or language to that effect. Of note, as regards UK children, a cross-party amendment to the Trade Bill passed this week in the Lords, requiring our trade negotiators to protect existing data and online protections for children from any trade deal and giving the Secretary of State the power to do the same for any future legislation. As the Parliamentary reaction to the recent Online Safety announcement showed, there is overwhelming support for the Government's plans to legislate in this area. We urge the Government to make good on its commitment to children by accepting this amendment to the Bill and putting this question beyond doubt.

We welcome close trade ties with the US and look forward to successful negotiations – negotiations which do not undermine the safety and sovereignty of protections for UK citizens online.

Yours ever,

Damian Collins MP

The Baroness Kidron OBE

The Rt Hon Jeremy Wright QC MP

The Lord Puttnam CBE

The Rt Hon Karen Bradley MP

The Lord Clement-Jones CBE