

US and UK Sign Bilateral E-Evidence Agreement

Thomas Wahl

News

On 3 October 2019, the United States and the United Kingdom signed the first [agreement](#) allowing the other party's law enforcement authorities, when armed with appropriate court authorisation, to go directly to tech companies based in the other country to access electronic data in order to combat serious criminal offences. Such agreements are foreseen in the U.S. CLOUD Act, which responds to the converse problem that foreign countries face with respect to their ability to access data held by U.S. service providers (for details, see the article by [J Daskal](#) in *eucrim* 4/2018, pp. 220-225).

According to [the press release](#), “[b]oth governments agreed to terms which broadly lift restrictions for a broad class of investigations, not targeting residents of the other country, and assure providers that disclosures through the Agreement are compatible with data protection laws.” The other party's permission is required if essential state interests are at stake; this especially concerns death penalty prosecutions by the United States and UK cases involving the freedom of speech.

The agreement was described as “landmark” and “historic” upon its signing. The agreement was signed by U.S. Attorney General *William P. Barr* and UK Home Secretary *Priti Patel* at a ceremony at the British Ambassador's residence in Washington, D.C. The agreement is still in the legislative pipeline. It must be reviewed and approved by the U.S. and UK's parliaments.

The major advantage of the agreement is seen in the acceleration of criminal investigations because law enforcement authorities will no longer need to go through the time-consuming, government-to-government mutual legal assistance process.

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

Published in
2019, Vol. 14(3) *eucrim* p 180
ISSN: 1862-6947
<https://eucrim.eu>



About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and “criministrative” law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to eucrim-subscribe@csl.mpg.de to receive alerts for new releases of issues.

The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



**Co-funded by
the European Union**