



Understanding in relation to the Death Penalty under the Agreement  
between the Government of the United Kingdom of Great Britain and  
Northern Ireland and the Government of the United States of America  
on Access to Electronic Data for the Purpose of Countering Serious  
Crime

Washington, 3 October 2019

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
October 2019*



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**UNDERSTANDING IN RELATION TO THE DEATH PENALTY UNDER  
THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED  
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE  
GOVERNMENT OF THE UNITED STATES OF AMERICA ON ACCESS  
TO ELECTRONIC DATA FOR THE PURPOSE OF COUNTERING  
SERIOUS CRIME**

3 October 2019

Dear Attorney General Barr,

I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America on Access to Electronic Data for the Purpose of Countering Serious Crime (“the Agreement”), signed today, and to propose that Article 8(4) of the Agreement be interpreted and applied as per the following understandings.

The United Kingdom declares that its essential interests under the Agreement may be implicated by the introduction of data received pursuant to Legal Process recognised by the Agreement as evidence in the prosecution’s case in the United States for an offence for which the death penalty is sought. Accordingly, in the event that authorities in the United States receive such data and intend to introduce such data as evidence in the prosecution’s case for an offence for which the death penalty is sought, the Designated Authority of the United States is required to obtain permission from the Designated Authority of the United Kingdom prior to any use of the data in a manner that is or could be contrary to those essential interests, as described in Article 8(4).

If the foregoing is acceptable to your Government, I have the honour to propose that this letter and your affirmative letter in reply would constitute an understanding between our two Governments as to the interpretation and application of the Agreement, which would be operative on the date of entry into force of the Agreement.

Sincerely,

The Rt. Hon. Priti Patel MP, Secretary of State for the Home Department.

October 3, 2019

Dear Home Secretary Patel,

I have the honor to refer to your letter dated October 3, 2019, regarding the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Access to Electronic Data for the Purpose of Countering Serious Crime (“the Agreement”), signed today, which reads as follows:

*I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America on Access to Electronic Data for the Purpose of Countering Serious Crime (“the Agreement”), signed today, and to propose that Article 8(4) of the Agreement be interpreted and applied as per the following understandings.*

*The United Kingdom declares that its essential interests under the Agreement may be implicated by the introduction of data received pursuant to Legal Process recognised by the Agreement as evidence in the prosecution’s case in the United States for an offence for which the death penalty is sought. Accordingly, in the event that authorities in the United States receive such data and intend to introduce such data as evidence in the prosecution’s case for an offence for which the death penalty is sought, the Designated Authority of the United States is required to obtain permission from the Designated Authority of the United Kingdom prior to any use of the data in a manner that is or could be contrary to those essential interests, as described in Article 8(4).*

*If the foregoing is acceptable to your Government, I have the honour to propose that this letter and your affirmative letter in reply would constitute an understanding between our two Governments as to the interpretation and application of the Agreement, which would be operative on the date of entry into force of the Agreement.*

On behalf of the Government of the United States of America, I am pleased to convey that your proposal is acceptable. Your letter and this reply constitute an understanding of our two Governments as to the interpretation and application of the Agreement, which would be operative on the date of entry into force of the Agreement.

Sincerely,

William P. Barr, Attorney General of the United States of America.

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