

[DATE]

The Honorable Andrew Robb
Minister for Trade and Investment
Canberra, Australia

Dear Minister Robb

In the course of negotiations regarding the Trans-Pacific Partnership Agreement signed this day (the “TPP Agreement”), the delegations of Australia and the United States of America discussed the importance of privacy protections to a healthy digital environment. In connection with the signing [on this date] of the Agreement, I have the honor to confirm the following mutual understandings reached between the Government of the United States and the Government of Australia regarding this issue:

Should the Government of the United States of America undertake any relevant additional commitments to those in the TPP Agreement with respect to the treatment of personal information of foreign nationals in another free trade agreement, it shall extend any such commitments to Australia. The United States of America will also endeavor to apply extensions of privacy protections with respect to personal information of foreign nationals held by the United States Government to Australian citizens and permanent residents.

I have the further honor to propose that this letter, and your letter in reply confirming these mutual understandings, constitute a Memorandum of Understanding between the Government of the United States and the Government of Australia and which will come into effect on the date of signature of your letter of confirmation.

Yours sincerely

Ambassador Michael B.G. Froman

[DATE]

Ambassador Michael Froman
United States Trade Representative
Washington, D.C., United States of America

Dear Ambassador Froman

I have the honour to acknowledge receipt of your letter of [DATE], which reads as follows:

“In the course of negotiations regarding the Trans-Pacific Partnership Agreement signed this day (the “TPP Agreement”), the delegations of Australia and the United States of America discussed the importance of privacy protections to a healthy digital environment. In connection with the signing [on this date] of the Agreement, I have the honor to confirm the following mutual understandings reached between the Government of the United States and the Government of Australia regarding this issue:

Should the Government of the United States of America undertake any relevant additional commitments to those in the TPP Agreement with respect to the treatment of personal information of foreign nationals in another free trade agreement, it shall extend any such commitments to Australia. The United States of America will also endeavor to apply extensions of privacy protections with respect to personal information of foreign nationals held by the United States Government to Australian citizens and permanent residents.

I have the further honor to propose that this letter, and your letter in reply confirming these mutual understandings, constitute a Memorandum of Understanding between the Government of the United States and the Government of Australia and which will come into effect on the date of signature of your letter of confirmation.”

I have the honour to confirm that the above reflects the mutual understandings reached between the Government of Australia and the Government of the United States of America during the course of negotiations on the TPP Agreement, and that your letter and this letter in reply constitute a Memorandum of Understanding between the Government of Australia and the Government of the United States of America.

Yours sincerely

Andrew Robb