

Bali IGF Panel Proposal: Privacy in Asia: Building on the APEC Privacy Principles

Protecting privacy on the Internet is a key concern for national regulators, business and consumers. In an increasingly interconnected world, securing privacy on the Internet has everyone scrambling. For many, it is a primary challenge for Internet governance, since privacy is intrinsic to maintaining the “trust” that underpins the “openness” of the global Internet as opposed to the proliferation of “closed wall gardens” erected for political and business purposes.

Protecting privacy is particularly problematic as information crosses national borders, given different cultural norms, regulatory histories and national vs. multinational business perspectives. The issues are manifold: where is the data located; who is accountable for it; under what conditions can the data be accessed; and what rules govern its usage and resale?

There is recognition at the regional and national levels within Asia on the importance of data protection and the need for a coordinated approach. Most prominently, APEC has developed a set of privacy principles and rules for cross-border data transfers. Yet implementation by member states has been slow. So far only the US and Mexico have designated an enforcement authority for the scheme. ASEAN also has a stated commitment to harmonize data protection regimes across its members by 2015.

The pace of action at the national level has recently picked up dramatically. Reflecting its position as a regional hub, Singapore has new privacy framework that aims to facilitate the transfer of data internationally. The Philippines has a new law establishing a privacy commission; recently adopted regulations in Korea go quite beyond APEC/OECD principles and China has just announced new rules to protect data and online identities. Meanwhile, the debate continues in Japan and India slowed by conflicting bureaucratic interests and competing definitions of privacy.

While the new national rules are certainly welcome, the trend also heightens concerns that a patchwork of regulation in the region could slow deployment of cloud services and realization of the benefits from revolutionary uses of “big data”.

This panel brings together experts from around the region to benchmark national progress within Asia on a legal framework protecting privacy and to assay how these separate national efforts might be integrated into ongoing regional initiatives within the APEC and ASEAN context. The panel will feature presentations updating recent developments and highlighting emerging best practices. It will offer views on the prospects for a cross-regional approach to privacy in Asia and the appropriate balance between government and private sector initiative in this process.

Panelists will be asked to address the following questions in their presentations:

- 1) What is the current framework for protecting privacy online in your country?
- 2) How do you assess the prospects for greater alignment/harmonization of national privacy regimes across the Asian region?
- 3) Will the resulting Asian approach to privacy protection differ in some respect from those now being developed in the US and within the EU; what implications does this have for global privacy governance?