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Facilitating Trusted Cross-Border Data Flows



Submitted by: Singapore



**Digital Trade Policy Dialogue
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FACILITATING TRUSTED CROSS-BORDER DATA FLOWS



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OVERVIEW OF DATA PROTECTION LAWS WORLDWIDE

128 economies had put in place legislation to secure the protection of data and privacy

66% with **legislation**
(e.g. Australia; China; EU
Malaysia; Singapore; The
Philippines)

10% with **draft legislation**
(e.g. Indonesia; Viet
Nam)

19% with **no legislation**
(e.g. Cambodia, Laos)

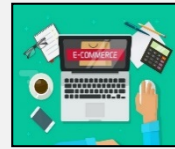
5% with **no statistics**
(e.g. Somalia)

**Patchwork of laws and different regulatory approaches =
Uncertainty for businesses operating in multiple jurisdictions**

Source: UNCTAD Global Cyberlaw Tracker on 194 members, May 2021

SINGAPORE'S APPROACH TO ENABLING TRUSTED DATA FLOWS

International Agreements



DEAs / FTAs
 DEAs - SG-Chile-NZ;
 SADEA; Korea
 Singapore DPA



WTO
 JSI E-commerce

Multilateral Arrangements



APEC
CROSS BORDER
PRIVACY RULES SYSTEM
 SINGAPORE



ASEAN Certification
 for Cross Border
 Data Flows, Model
 Contractual
 Clauses



Harmonisation or
 interoperability
 through **bloc-to-**
bloc - APEC-ASEAN,
 EU-ASEAN

Bilateral Cooperation



Mutual
Recognition
 of DP regime



Recognition of Singapore's
DP Trustmark Certification

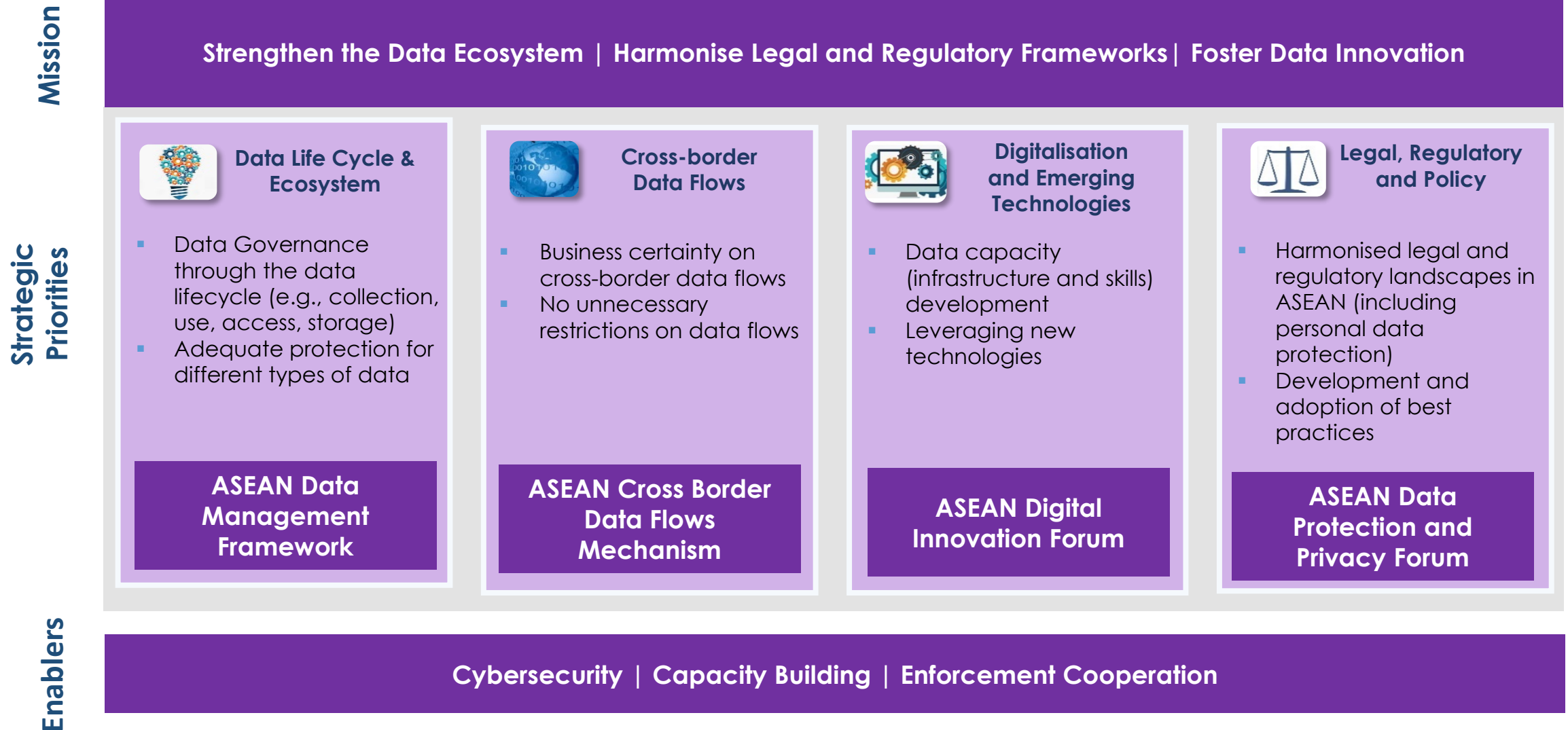


MOUs
 Australia; Hong
 Kong, China; The
 Philippines,
 United Kingdom.



Regulatory
sandboxes

ASEAN FRAMEWORK ON DIGITAL DATA GOVERNANCE



ASEAN CROSS BORDER DATA FLOWS MECHANISM

- Trusted flow of personal data across borders in ASEAN
 - Valid legal bases for transfer of personal data



Model Contractual Clauses (MCCs)

- Baseline set of contractual clauses for transferring data between data senders and data recipients in ASEAN
- MCCs for Controller-to-Processor Transfer
- MCCs for Controller-to-Controller Transfer
- Approved at the 1st ASEAN Digital Ministers' Meeting in Jan 2021



Certification

- Work in Progress
- Businesses will be certified to Data Protection standard
- Interoperable with APEC CBPR

POSITIVE FEEDBACK FROM INDUSTRY*

“Many of our **member companies** have **established internal data management practices** and stand ready to work with ASEAN governments to continue sharing these **best practices**, support upskilling efforts for SMEs, and encourage industry self-management and the principle of accountability...

- ASEAN based industry association

“If an SME comes to my company with the baseline ASEAN MCCs, **it would demonstrate advantage**”

- Bank with global presence

“Baseline, standalone contract is **useful to assign accountability** to parties and avoid lengthy negotiations.”

- Regional e-commerce conglomerate

***Industry Consultation with companies/ industry associations (MNCs and SMEs)**

-
- Help ASEAN businesses build **trust, transparency and accountability**
 - Help ASEAN businesses **meet data protection and regulations requirements**, build readiness to take up new digital opportunities
 - **Assure ASEAN citizens** of protection of their personal data held by businesses
 - Prepare ASEAN for **international interoperability**

RECOGNITION OF CBPR IN SINGAPORE'S REGULATIONS AND GUIDANCE FOR ASEAN MCCS

- An overseas recipient that is CBPR- or PRP-certified is considered legally bound to provide comparable protection for the transferred personal data to SG's PDPA
- PDPC has published guidance on the use of the ASEAN MCCs to fulfil their Transfer Limitation Obligation under the PDPA

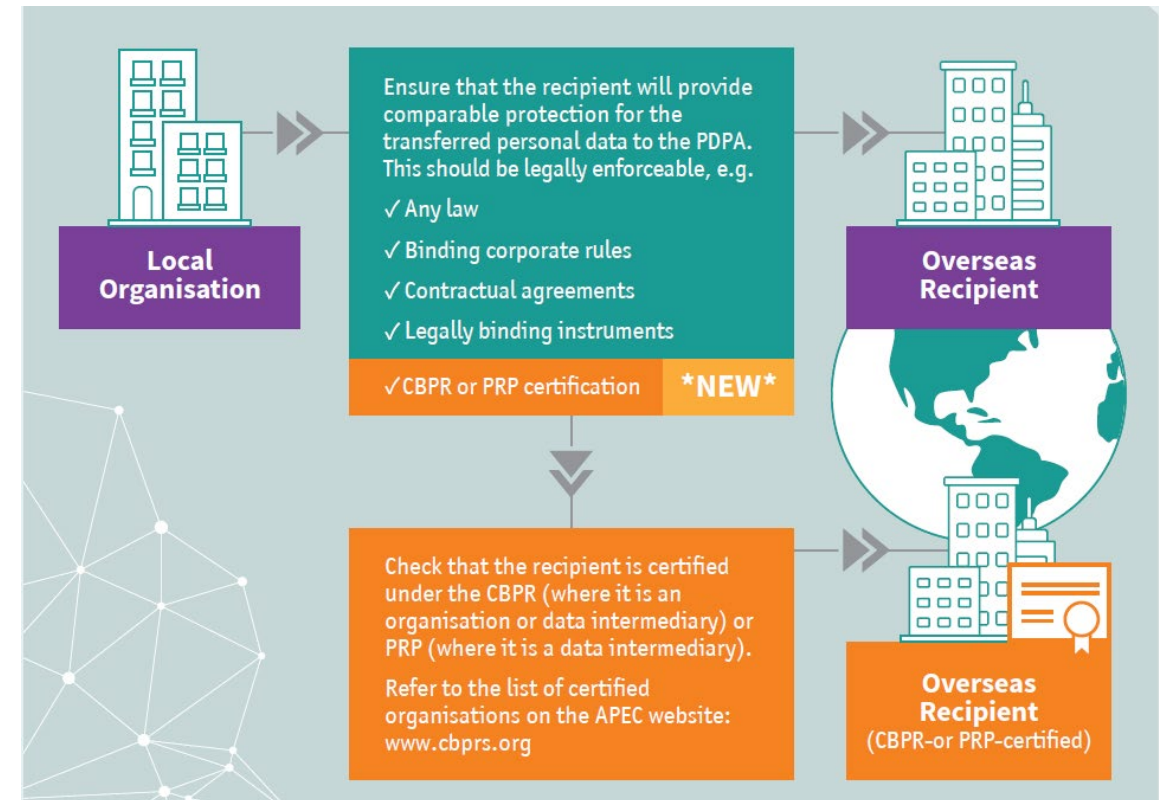


Fig 1: Recognition of APEC CBPR under Singapore's Personal Data Protection Act (PDPA)

A wide-angle photograph of the Marina Bay Sands hotel in Singapore, featuring its iconic three towers and the SkyPark. In the foreground, the Esplanade - Theatres on the Bay is visible, characterized by its lotus-like design. The sky is a clear, vibrant blue with some light clouds. A semi-transparent dark grey box is centered over the image, containing the text "Thank You" in a white, bold, sans-serif font.

Thank You