



**Asia-Pacific
Economic Cooperation**

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Examining the Economic Impact of Data Flow Barriers: Thailand's Experience

Submitted by: Thailand



**APEC Digital Trade Policy Dialogue
14 October 2021**



APEC CTI Workshop Examining the Economic Impact of Data Flow Barriers: *Thailand's Experience*

13 October 2021 (EDT)

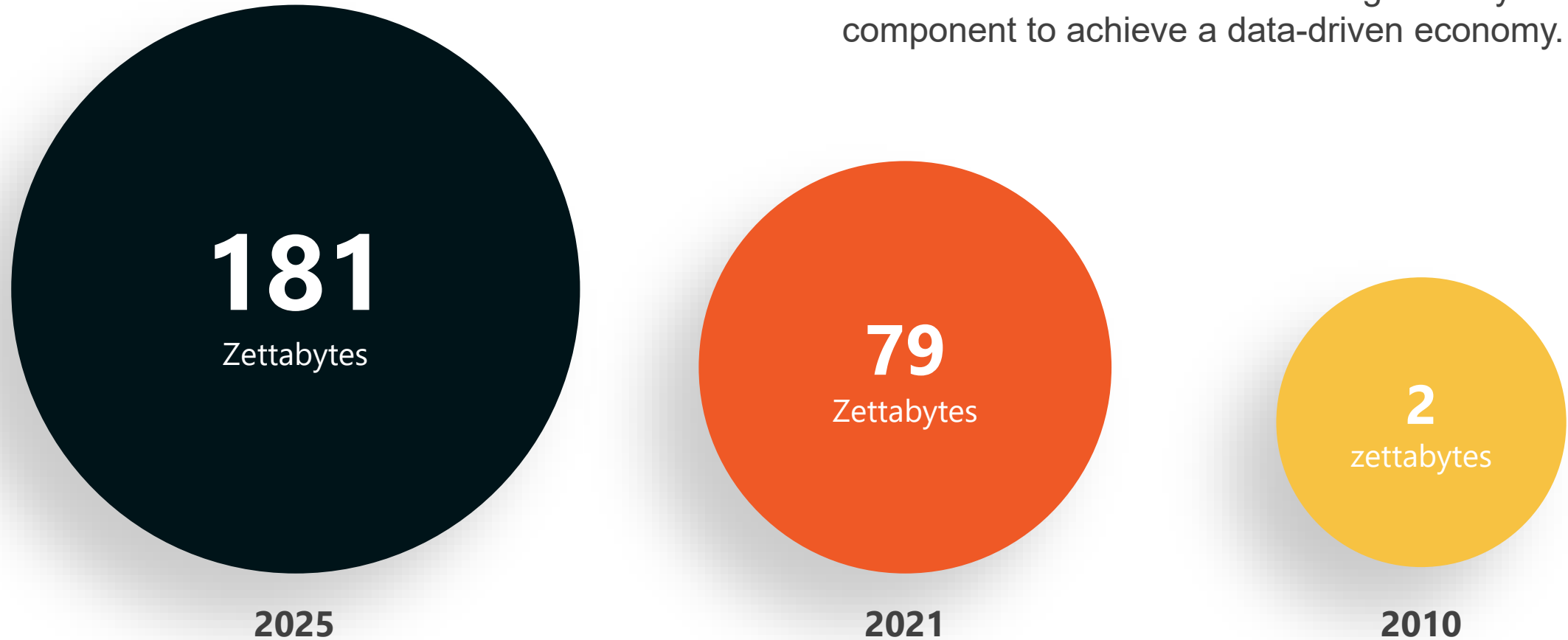
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Volume of data created, captured, copied and consumed worldwide from 2010-2025

To meet the envisaged **Thailand 4.0 Strategy**, Thailand realises that data sharing is a key component to achieve a data-driven economy.



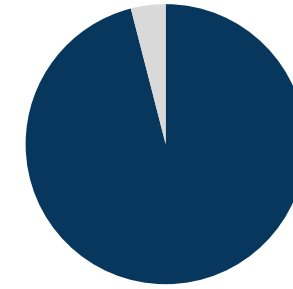
Key Economic Impacts of ASEAN economy

Data is key to every ASEAN growing unicorns.

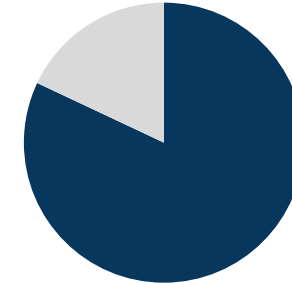


Digital integration in ASEAN will add **US \$1 trillion** more to the GDP by 2025

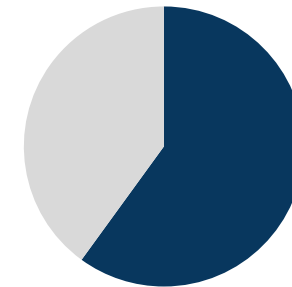
SMEs export cost saved over **US \$339 billion** in export: Thailand, China, India, and Korea using digital tools



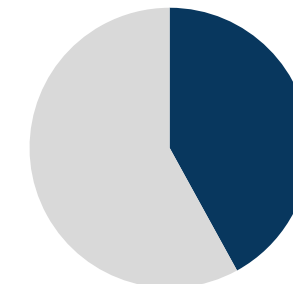
96% of firms are SMEs



82% cost reduction by using digital tools

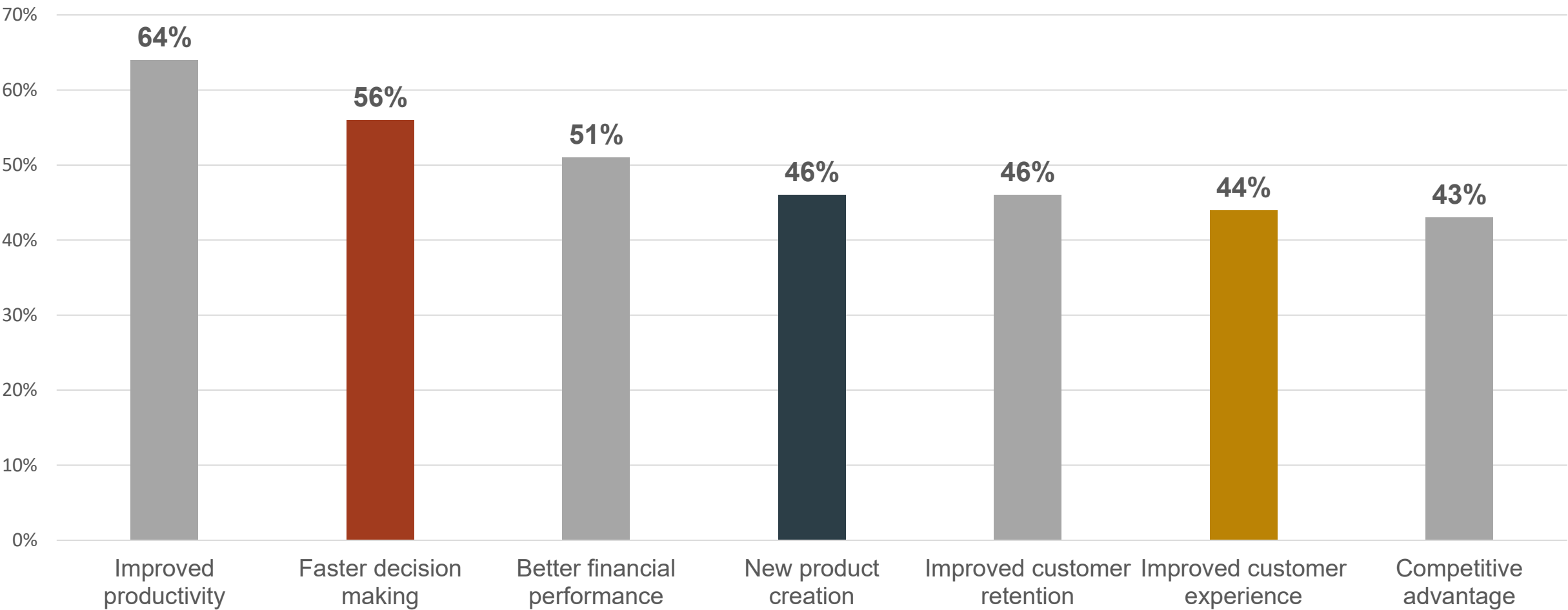


SMEs contribute to 62% of domestic labor force



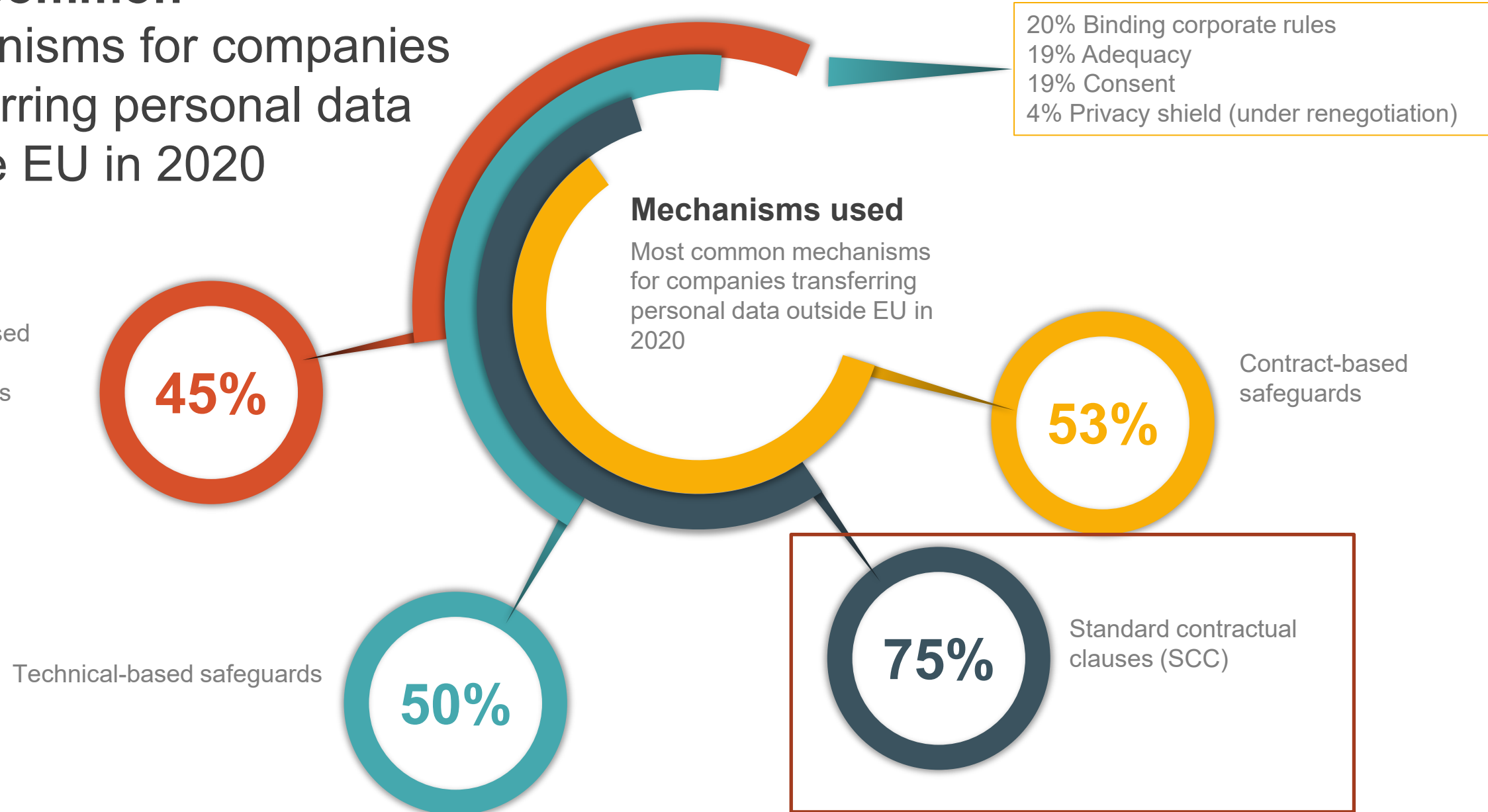
42% of total exports are from SMEs

Top benefits realised through the use of data worldwide in 2019



Source: Statista, worldwide; 2019; 500 respondents; business intelligence and analytics professionals

Most common mechanisms for companies transferring personal data outside EU in 2020



Tools to standardise data sharing: AMS perspectives

Economy	Personal data protection regulation	Cross-border data transfer grounds	Regulator
Malaysia	Comprehensive	Adequacy protection level of destination economy, consent, <u>contracts</u> , appropriate safeguards, vital interests.	Ministry of information, culture, and communication (MIC)
The Philippines	Comprehensive	Accountability is placed to a data controller to ensure <u>contracts</u> or other means that provide a comparable protection level.	National privacy commission (NPC)
Singapore	Comprehensive	Comparable protection level of destination economy, consent, <u>contracts</u> , binding corporate rules (BCRs)	Personal data protection commission (PDPC)
Thailand	Comprehensive	Adequacy protection level of destination economy, consent, <u>contracts</u> , legal obligation, important public task, vital interests.	Office of Personal Data Protection Committee
Indonesia	In process: drafting comprehensive data protection law	Most likely to adhere to the same standards as other AMS data protection law	Ministry of communication and informatics (MOCI)

Common tools:
Contracts for cross-border data sharing

Thailand's Data Sharing Strategy: Standardisation



Global and Regional Standards

- The OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data
- GDPR – Standard Contractual Clauses and Adequacy Requirements
- ASEAN Cross-Border Data Flows (CBDF) Mechanism (Model Contractual Clauses/ Certification) & APEC CBPR Certification scheme



Domestic regulations to resonate with global standards

- Thailand's Personal Data Protection Act –PDPA (to be enforced on 1 June 2022)
- Sub-regulations and guidelines under PDPA to facilitate cross-border data transfer
- Learn from follow AMS -Singapore (Trusted Data Sharing Framework) and The Philippines (Guidelines on Data Sharing Agreements)



Thailand's Data Sharing Strategy: Standardisation

Two approaches:

Make domestic regulations resonate with ASEAN standards

- Draft regulations on Cross-Border Data Transfer Mechanism
- Draft regulations on standard and certification & international cooperation
- Both drafts are undergoing public hearing between Q2-3 2021: expected completion Dec 2021
- The complete drafts are expected to resonate with the principles of ASEAN's MCC to be a tool to share data
- PDPC also has power to prescribe further rules regarding cross-border data sharing (e.g. certification)

Capacity building

- To ensure that people and organizations can reap benefits of data sharing by using data transfer tools (MCCs and other mechanisms)

Thank you

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