



**Asia-Pacific  
Economic Cooperation**

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Session 1.1

## **Policy and Standardisation on Cross-Border Data Flows: Thailand's Experience**

Submitted by: Thailand



**APEC Digital Trade Policy Dialogue  
6 April 2022**



**APEC Digital Trade Policy  
Dialogue:  
Policy and Standardisation on  
Cross-Border Data Flows:  
*Thailand's Experience***

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6 April 2022 (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.



2025



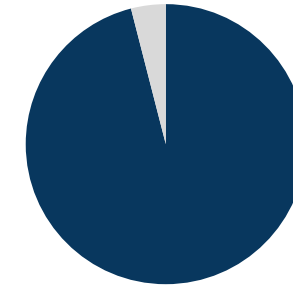
2021



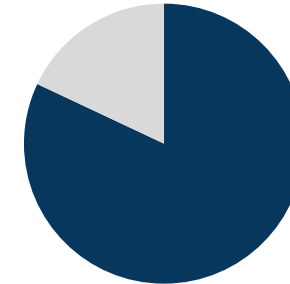
2010

# Key Economic Impacts of ASEAN economy

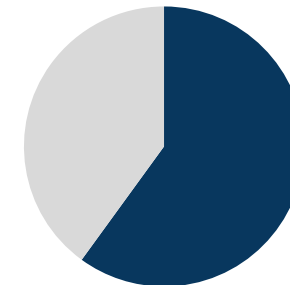
**Data** is key to every ASEAN growing unicorns.



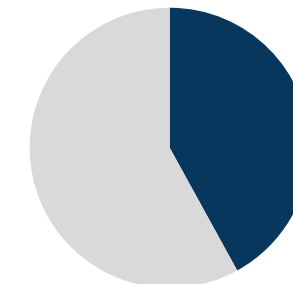
96% of firms are SMEs



82% cost reduction by using digital tools



SMEs contribute to 62% of domestic labor force

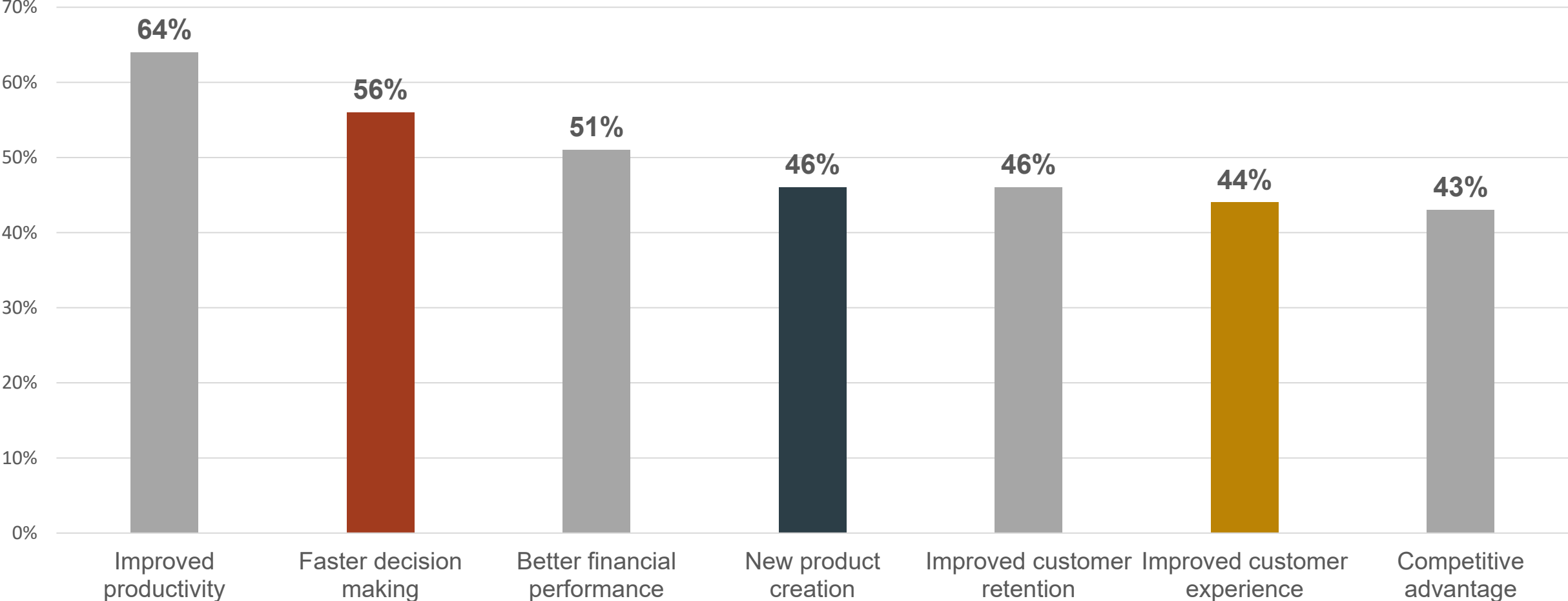


42% of total exports are from SMEs

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

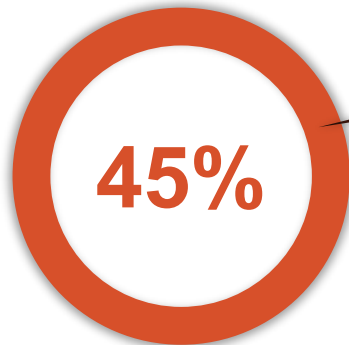
# Top benefits realised through the use of data worldwide in 2019



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

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

Policy-based additional safeguards



Technical-based safeguards

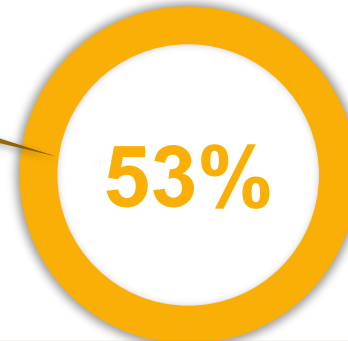


## Mechanisms used

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

- 20% Binding corporate rules
- 19% Adequacy
- 19% Consent
- 4% Privacy shield (under renegotiation)

Contract-based safeguards

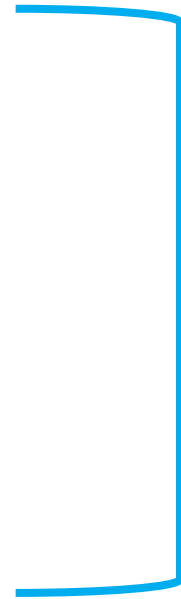


Standard contractual clauses (SCC)



# 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 regional and global 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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