

Privacy: Asia Update & ATMD Bird & Bird

27 February 2014

Sheena Jacob, Partner

The Golden Age of Privacy?

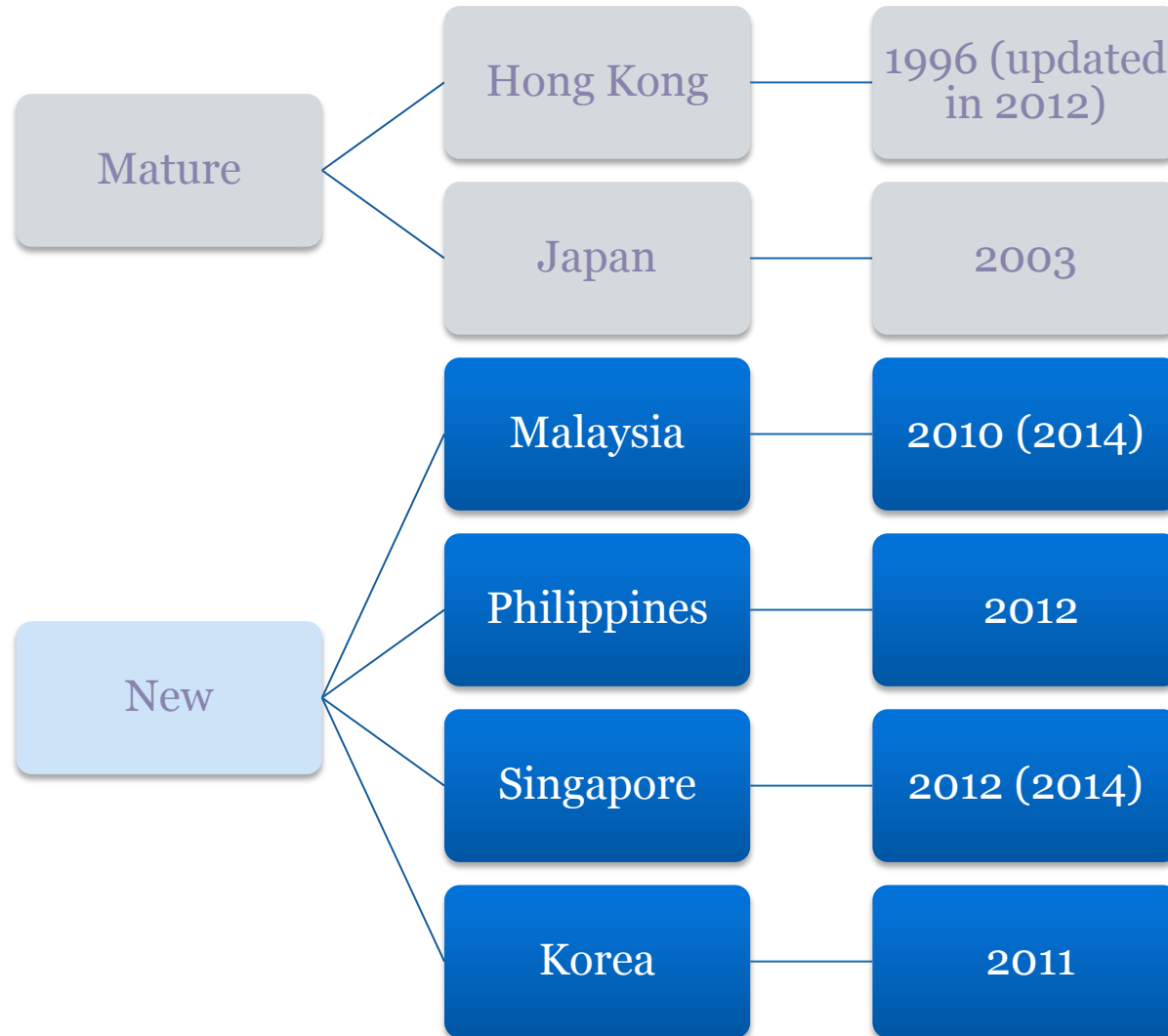


Proliferation of data protection laws







New legislation in Singapore, Malaysia, Philippines and South Korea

Reform in Hong Kong and Taiwan







Asian Countries & Privacy



Data transfers

Country		Transfer Restrictions
Malaysia		Transfers are restricted except to exempted jurisdictions. Regulations not yet issued
Singapore		Transfers are restricted and require contracts or BCRs
Korea		Consent generally required for transfers
Hong Kong		Section 33 of the Personal Data (Privacy) Ordinance ("PDPO") restricts the transfer of data outside of HK, but is not in force
Japan		Consent generally required for transfers
Philippines		Controller responsible for data information transferred. Transfer of sensitive personal data to 3rd parties prohibited

Procedural Requirements

Country		Breach notification	Registration Requirements
Malaysia		No mandatory breach notification	Some classes of data users must be registered
Singapore		No mandatory breach notification	None
Korea		Mandatory breach notification	No
Hong Kong		No mandatory breach notification	Power to require certain users to be registered but no requirements imposed
Japan		Yes including publication under certain circumstances	No
Philippines		Notification is required under certain circumstances	No

Enforcement

Philippines		Strict
Malaysia		Medium
Singapore		Light-touch
Korea		Strict
Hong Kong		Light touch
Japan		Medium

Influence of APEC on Privacy in the Region

APEC

APEC
Privacy
Framework
2004

APEC Cross
Border
Privacy
Enforcement
Arrangement

APEC Cross
Border
Privacy
Rules

The future?

More privacy laws

- Thailand



- Indonesia



- China



APEC- EU cooperation

Thank you & ATMD Bird & Bird

Sheena Jacob

Partner

Sheena.Jacob@twobirds.com

ATMD Bird & Bird LLP is a Singapore law practice registered as a limited liability partnership in Singapore. The Firm is associated with Bird & Bird, an international legal practice. It is solely a Singapore law practice and is not an affiliate, branch or subsidiary of Bird & Bird or Bird & Bird LLP.

twobirds.com