



## Asian Data Privacy Laws China, Japan, Korea and Singapore

MORNING CONFERENCE & AFTERNOON ROUNDTABLE

30 October 2019, Linklaters, London

- ▶ Significant developments expected across other Asian jurisdictions, such as Hong Kong and India
- ▶ Questions companies are asking; helping you plan where to allocate company resources

Professor Graham Greenleaf, Asia-Pacific Editor, *PL&B International Report*  
Adrian Fisher, Partner and Head of Privacy Practice, Linklaters, Singapore



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**Professor Graham Greenleaf, Asia-Pacific Editor, *PL&B International Report*** has worked closely with *Privacy Laws & Business* since attending *PL&B's* 3rd Annual International Conference in 1991 and has unrivalled in-depth knowledge of privacy bills and the working of privacy laws in the region.

Since 2006 he has provided consultancy advice to the European Commission on data privacy laws in 12 countries in the Asia-Pacific region and since 2011 researched the global survey of privacy laws published in the *PL&B International Report*.

**Adrian Fisher, Partner and Head of Privacy Practice, Linklaters, Singapore** is a senior technology and data privacy lawyer. He leads Linklaters' data privacy practice in Asia working closely with clients throughout the region across a range of industries on the implications of the emerging data privacy landscape.

His team support clients on the legal and regulatory issues that arise in moving operations and business functions from traditional environments to online or digital environments.

## 09.00 Registration

### 09.30 Asia Overview

- ▶ Regional developments and what we are seeing in the market

**Professor Graham Greenleaf and Adrian Fisher**

### 09.45 China

- ▶ A coherent set of data protection laws by the Cybersecurity Law and the 'standard' after two years
- ▶ Developments in personal data rules – moving towards a single framework or continued fragmentation?
- ▶ China's updated draft cross-border rules
- ▶ The new and uncertain data localisation and export rules, and the risks involved for foreign companies
- ▶ Will the 'Chinese model' be emulated elsewhere?

**Adrian Fisher (Lead)**

### 10.15 Japan

- ▶ The modest and inadequate reforms of 2015
- ▶ 'Adequacy', but only if your data comes from Europe, not from Japan or elsewhere
- ▶ The EU shuts the 'Japanese back door' on APEC-CBPRs transfers to US companies
- ▶ Lack of evidence that the Personal Information Protection Commission enforces the law
- ▶ The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and Prime Minister, Shinzō Abe's 'Data Free Flow with Trust' (DFFT): What does it mean?

**Professor Graham Greenleaf (Lead)**

### 10.45 Questions and Answers

### 11.00 Tea/Coffee Break

### 11.15 Singapore

- ▶ Enforcement trends, for example, recent Personal Data Protection Commission (PDPC) decisions
- ▶ Proposed amendments to the Personal Data Protection Act (PDPA), for example, to legal bases for processing and breach notification; data portability
- ▶ PDPC's approach to data and innovation, for example, the Artificial Intelligence (AI) governance framework and regulatory sandbox
- ▶ Strong enforcement, but with a S\$1million limit
- ▶ Fashioning a complex set of alternative approaches to data export

**Adrian Fisher (Lead)**

### 11.45 Korea

- ▶ Further strengthening of enforcement: EU-level administrative penalties in use; statutory damages;
- ▶ Confusion over DPA powers, and Bills to resolve this issue which affect adequacy;
- ▶ A different path to EU adequacy: implementing GDPR-level protections for Koreans and others
- ▶ Prescriptive requirements for transferring personal data out of Korea

**Graham Greenleaf (Lead)**

### 12.15 Other developments across the region

- ▶ **Thailand:** Personal Data Protection Act now in force; Establishment of the Personal Data Protection Committee; Entry into force; Extra-Territorial application
- ▶ **Hong Kong:** The Cathay Pacific decision
- ▶ **India:** The Puttaswamy Case sets the parameters; the Srikrishna draft Bill: a GDPR-influenced law, but with distinctive differences; the Indian approach to data localisation differs from China's; another Asian model for possible emulation

**Professor Graham Greenleaf and Adrian Fisher**

### 12.45 Major developments expected across other Asian jurisdictions in the next 12 months

Professor Graham Greenleaf and Adrian Fisher

### 13.00 Questions and Answers

### 13.15 Lunch

For participants attending the afternoon Roundtable

### 14.15 Roundtable: A confidential exchange of experience with case studies

- ▶ Challenges and issues that arise in the implementation of a global data privacy project across the diverse countries of the APAC region
- ▶ Dealing with different legal bases for processing personal data,
- ▶ Cross border transfers
- ▶ New/untested regulators
- ▶ The overlay of cybersecurity laws that are emerging in some countries
- ▶ Other

### 16.15 Close

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