

CIPL Asia Project

2022 Project Plan

CONTEXT

For many multinational organizations, the EU GDPR and the California CCPA/CPRA have been top of mind for the last few years. Recently, more and more countries in the Asia region have been proposing new privacy bills and updating existing laws to keep pace with modern digital society. As the world's fastest growing economic region and most populous continent, the proliferation of privacy laws in Asia has started to become an important area of focus and hot topic for organizations around the globe. While there is some convergence between the data privacy laws of the west and the Asia-pacific region generally, several unique trends are emerging in Asian privacy laws, which may require practitioners to rethink their approach and strategy to data protection for their Asian users, customers and clients.

In the last three years alone, there have been a number of important regulatory developments and trends, catching the eyes of chief privacy officers, general counsel, data privacy attorneys and others. For example:

- **India** has proposed a comprehensive Personal Data Protection Bill (PDPB) to update the Information Technology Act of 2000 and in December 2021, the Indian Joint Parliamentary Committee reviewing the PDPB bill submitted their final report to Parliament and it is likely the PDPB will be passed into law in 2022. Moreover, India has started to develop new data frameworks tackling other aspects of the digital economy, such as, a non-personal data framework, a health data management policy and principles for artificial intelligence.
- **China** passed the Personal Information Protection Law (PIPL) into law in November 2021. The PIPL, together with the 2017 Cybersecurity Law and 2021 Data Security Law constitute a comprehensive system of privacy and security protection in China. Organizations are now navigating the implementation of these new laws as well as multiple sectoral regulations, guidelines and national standards which add an even further layer of complexity to China's digital landscape.
- **Singapore** recently amended its Personal Data Protection Act to update the law for modern day data processing scenarios and introduces new requirements for organizations as well as stricter penalties for violations. Moreover, the Personal Data Protection Commission (PDPC) has produced a model AI governance framework which is informing the discussion on AI globally. The Infocomm Media Development Authority (IMDA) also released a Trusted Data Sharing Framework to assist organizations engage in responsible data sharing.
- **Hong Kong** is currently undertaking a review of the Personal Data Protection Ordinance (PDPO) to bring it in line with the realities of the modern digital economy and society. The newly appointed chair of the Office of the Privacy Commissioner for Personal Data has also recently produced new guidance on the ethical development and use of AI.

- **Japan** updated its Act on the Protection of Personal Information in June 2020 and the changes will enter into force in 2022. Japan was also the first nation to secure an adequacy decision from the EU Commission following the passage of the GDPR.
- **Indonesia** has put forward a draft personal data protection bill which is expected to pass shortly. Currently, final discussions are taking place with a focus on whether the proposed regulator should be independent or not.
- **Thailand** has passed the Personal Data Protection Act and several provisions of the act became effective in May 2021 after a year of delay due to COVID-19 and other reasons. Enforcement of the Act will begin on 1 June 2022.
- **South Korea** is currently considering changes to its Personal Information Protection Act and in December 2021 secured an adequacy decision from the European Union, enabling uninterrupted data flows between the two jurisdictions.
- **Vietnam** proposed a Draft Decree on Personal Data Protection in February 2021.
- **Australia** made two significant advancements on the privacy front in October 2021. Firstly, the Attorney General put forward a draft Privacy Legislation Amendment (Enhancing Online Privacy and Other Measures) Bill 2021, which would enable the creation of a binding Online Privacy code for social media services, data brokers and other large online platforms operating in Australia. Primarily, the code is designed to better protect children's online privacy. Secondly, the AG also released a discussion paper as part of the broader review of the Privacy Act 1988 (Privacy Act). The discussion paper builds on the work of the Online Privacy Bill. It tests proposals for broader reforms to Australia's privacy frameworks.
- **New Zealand** recently updated its privacy law through the passage of the New Zealand Privacy Act 2020.

CIPL PROJECT AND DELIVERABLES

Building on CIPL's previous engagement in privacy policy developments in Asia, CIPL has put together this special Asia project for 2022 and beyond. This project is designed to bring together CIPL members with key stakeholders and experts from industry, Asia-based companies, government and academia to engage on new legal developments, policy issues, organizational best practices and the effective development and implementation of the next generation of privacy laws and frameworks in the Asia Pacific region.

Throughout this project, CIPL will host several virtual and live events, roundtables, working sessions and produce written papers and other deliverables to assist members as they navigate this complex landscape.

PROJECT ACTIVITIES AND TIMELINE

Note that the work plan below is subject to change depending on external developments and the needs of CIPL members.

Key Project Activities	Timeline
<p><u>China</u></p> <ul style="list-style-type: none"> • CIPL Webinar – PIPL: Three Month’s into China’s New Privacy Law 	3 March 2022
<p><u>India</u></p> <ul style="list-style-type: none"> • CIPL-Trilegal Joint Workshop on India’s Personal Data Protection Act (following passage of bill) 	Late Summer 2022
<p><u>APAC</u></p> <ul style="list-style-type: none"> • Policy Roundtable on Children’s Data in the APAC Region • CIPL Roundtable Report 	Fall 2022
<p><u>APAC</u></p> <ul style="list-style-type: none"> • CIPL/GPA Roundtable on Accountability in Enforcement for Asian DPAs 	Spring 2022
<p><u>Singapore PDP Seminar 2022</u></p> <ul style="list-style-type: none"> • CIPL Joint Roundtable with Singapore Personal Data Protection Commission and Singapore Institute of Directors (topic TBD) 	Week of 18 July 2022 (potentially in person)
<p><u>APEC Meetings</u></p> <ul style="list-style-type: none"> • CIPL participation and member side events at APEC Meetings • APEC CBPR Capacity Building (ongoing) 	SOM 1: February 2022 SOM 3: Fall 2022
<p><u>APPA Forum</u></p> <ul style="list-style-type: none"> • Potential CIPL participation and member side event at APPA Forum 	Tentative Dates June 2022 (57 th Forum) (virtual) December 2022 (58 th Forum) (potentially in person)

PROJECT TEAM AND MORE INFORMATION

Sam Grogan, CIPL’s Global Privacy Policy Analyst, will be the main point of contact for this project.

CIPL is excited to embark on this initiative and to raise the visibility, impact and profile of CIPL and its members in the Asia Pacific Region. To learn more about participating in this initiative, please contact Michelle Marcoot at mmarcoot@HuntonAK.com.