

NORDIC CHAMBERS – DATA PROTECTION SEMINAR – 15 NOV 2018

Opening Remarks by Mr Philipp Dupuis, Head of Economic & Trade Section, EU Delegation, Thailand

I am pleased and honoured to deliver the opening remarks on a topic that has moved to the forefront of the policy debates and gains more and more public attention. The event today, which is timely, proves the point.

Why is that so ? In the digital world, personal data have become an economic asset for businesses as well as a catalyst for new business models. However, personal data are also considered as an asset by academia, by public sector organisations such as state security organs, by political actors - notably in the context of elections, as we have seen recently – and unfortunately also by organized crime. Our personal data have become valuable and in demand. But we have no control and with technological developments and the worldwide interconnection of networks and data bases our data have become, let's say more free-flowing or volatile. They are used or misused for purposes they were not intended for when we initially shared our data. Data protection, therefore, concerns us all, corporate citizens and private citizens. Issues of privacy and data security are truly global, and not confined anymore to the borders of a country or a region.

No later than last spring, the Facebook/Cambridge Analytica revelations made us realise how much there is at stake also from a collective point of view, for the society as a whole, including for a functioning democracy and the integrity of the electoral process. These and other developments have reminded all of

us of why it is important to protect personal data as a **central individual right** and a **democratic imperative** but also as an **economic necessity**: without consumers' trust in the way their data is handled, there can be no sustainable growth of our increasingly data-driven economy.

The European Union General Data Protection Regulation (**GDPR**), which entered into force on 25 May, is **the EU response to these challenges and opportunities.**” It also follows-up on the EU Lisbon Treaty that classifies data protection as a fundamental right. Furthermore, it addresses the fragmentation of the legislative framework in the EU. Building up on foundations which have been in place in the EU for more than twenty years, it seeks to create a **virtuous circle between better protection of privacy as a fundamental right, enhanced consumer confidence in how the privacy and security of their data is guaranteed, and economic growth.** GDPR clearly assigns data control to data subjects – which are you and me. We have to give consent to the use of our data by clear affirmative action. The GDPR also includes new rights and obligations, for example data portability and the obligation of data breach notification. And it includes a new governance system.

With pleasure we see that the standards set by GDPR are becoming an international reference.

In fact the data protection systems of many countries are increasingly converging on the basis of common principles such as: the protection of personal data as a fundamental right, the need for an omnibus legislation covering all types of processing operations (rather than sector-specific rules),

a core set of data protection safeguards and enforceable rights as well as oversight by an independent supervisory authority.

This type of convergence of data protection regulations can bring very tangible benefits by greatly facilitating data flows and thus trade. Companies that operate across borders will prefer to apply a similar set of rules to all their business operations. The convergence of data also brings tangible benefits by facilitating the cooperation between public authorities. Both business and public authorities increasingly rely on the exchange of personal information.

As said, these developments are part of a more global trend. Today more and more have privacy laws in place. For example, in Asia, countries like India and Indonesia are following the path opened by Japan and Korea some time ago, and are also legislating on data protection. **And**, most significantly for us here, GDPR also plays a role as a reference for the new data protection regulatory framework in Thailand.

The convergence in data protection standards pays off, as shown for example by the recent **adequacy arrangement** the EU negotiated with Japan and that will create the world's largest area of free and safe data flows. This mutual adequacy will amplify the benefits of the free trade agreement that Japan and the EU also concluded this year.

I'm convinced that with such great speakers and interesting panels, you'll have stimulating and productive debates.

Thank you !