

The 6th APSN International Conference at the University of Hong Kong,
27th September 2017

Title: Cross-border data transfer and its enforcement

Name: Hiroshi Miyashita

Organization: Chuo University (Associate Professor, LL.D.)

Abstract:

In this presentation, I will (1) explain the state of art of cross-border transfer in the existing framework, (2) compare with APEC Cross-Border Rules and EU Biding Corporate Rules, and then (3) demonstrate the convergence between human rights and trade and commercial transaction in the field of data privacy.

In particular, the new Japanese Personal Information Protection Act explicitly regulates data transfer unless the recipient country meets the equivalent standard as the Japanese law. APEC CBPRs may have potential implications for the Japanese global companies by using the certification system, which is also included the EU General Data Protection Regulation as a data transfer tool. In this presentation, I will consider the implications on data privacy from the ongoing trade negotiations such as Trans-Pacific Partnership (TPP) and Japan – EU Economic Partnership Agreement (EPA) and the relevant trade agreements.