Panel Session ‘West Meets East’
121 countries with data privacy laws (2017)
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Online mall Interpark fined 4.5 bln won over data leak

SEoul, Dec. 6 (Yonhap) – South Korea's telecommunications watchdog said Tuesday that it has decided to impose a fine of 4.5 billion won (US$3.8 million) on major online shopping mall Interpark Corp. for its failure to protect information of customers in a hacking attack blamed on North Korea.

The Korea Communications Commission made the decision at its headquarters near Seoul. The penalty is the largest amount ever imposed on a company in connection with poor management of customers' personal information.

In May, hackers impersonated a brother of one of Interpark's staff and sent emails to the employee's personal email with malicious codes to penetrate the company's network.

The cyberattack led to the leak of the personal information of 10.3 million customers, such as their identification and passwords as well as their mobile phone numbers and addresses.
‘GDPR-like’ principles already found in laws of ‘top 20 by GDP’ countries outside Europe

<table>
<thead>
<tr>
<th>3rd Generation – Candidate Global standards’ – post-2016</th>
<th>Int. agreements</th>
<th>Laws outside Europe (top 20 GDP) including standard</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Data breach notification to DPA for serious breaches</strong></td>
<td>GDPR 33; Mod CoE 7.2; OECD 2013; APEC 54</td>
<td>Australia, Canada, Japan, Korea, Philippines, South Africa, Vietnam</td>
<td>7</td>
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<tr>
<td><strong>Data breach notification to data subjects (if high risk)</strong></td>
<td>GDPR 34; OECD 2013; APEC 54</td>
<td>Australia, Canada, Indonesia, Taiwan, Philippines, Korea</td>
<td>6</td>
</tr>
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<td><strong>Class actions before DPAs or courts by public interest privacy groups</strong></td>
<td>GDPR 80</td>
<td>Australia, HK, Korea; Philippines, Taiwan, Vietnam</td>
<td>6</td>
</tr>
<tr>
<td><strong>Direct liability for processors as well as controllers</strong></td>
<td>GDPR 28-31; Mod CoE 7, 8bis</td>
<td>Canada, India, Korea, Philippines, Taiwan</td>
<td>5</td>
</tr>
<tr>
<td><strong>DPAs to make decisions and issue administrative sanctions including fines</strong></td>
<td>GDPR 58(1); Mod CoE 12bis(2)(c)</td>
<td>Australia, Singapore, Korea, South Africa, Taiwan</td>
<td>3</td>
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<tr>
<td><strong>Marketing requiring opt-in</strong></td>
<td>None</td>
<td>Hong Kong, Korea, South Africa</td>
<td>3</td>
</tr>
<tr>
<td><strong>Mandatory Data Protection Officers (DPOs) for sensitive processing</strong></td>
<td>GDPR 37-39</td>
<td>Korea; South Africa</td>
<td>2</td>
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Six Commissioners from Asia have highlighted the features of their jurisdictions’ privacy regimes and cultures.

What aspects were most striking about these Asian approaches: unique developments, global similarities, or something else?
Topic 2

Are there significant differences in public attitudes and privacy values between Asian and Western countries? Or just stages of social and economic development?

If the former, why are the principles in Asian laws so similar to those in Europe?
Topic 3

Do differences between East and West result in different methods, or severity, of enforcement?

In your jurisdiction what could be the consequences of a data breach of the most sensitive information of millions of people?
Topic 4

How can interoperability of different data protection regimes can be achieved?

- by unilateral measures (‘adequacy’ findings / White Lists)?
- by mutual recognition (eg EU / Japan discussions)?
- by attempts to find common elements in regional requirements (EU ‘adequacy’ and APEC CBPRs), and
- by ‘globalising’ a binding Convention (CoE 108)

From your jurisdiction’s perspective, do any of these offer useful paths to interoperability?
Topic 5

Data protection laws are not the only form of privacy protection: constitutional protections, civil law actions, and criminal prosecutions can all be important.

Which are most important in your jurisdiction, and why is that?
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