

# Recent trends in Data Protection

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## Why is Data Protection Important?

- Many social and cultural norms around the world include a respect for privacy; for some it is a fundamental right.
- In the information economy, large quantities of digitized information and data move across national borders
  - International flow of goods, services, and finance has increased global GDP by approximately 10 percent, or \$7.8 trillion in 2014.
  - Data flows represent an estimated \$2.8 trillion of this added value.
  - New UNCTAD estimates show global e-commerce at \$25 trillion in 2015.



## Why Talk About it Now?

- New technological developments add urgency
  - Internet of Things : Value-added services will grow from around \$50 billion in 2012 to approximately \$120 billion in 2018
  - Cloud computing: Estimated global market value of the industry by 2017, from \$107 to \$127 billion.
  - Big Data and Data Analytics
  - 5G Networks
- Many opportunities (eg. BPO, ITeS), but also potential drawbacks and concerns



## Implications for International Trade

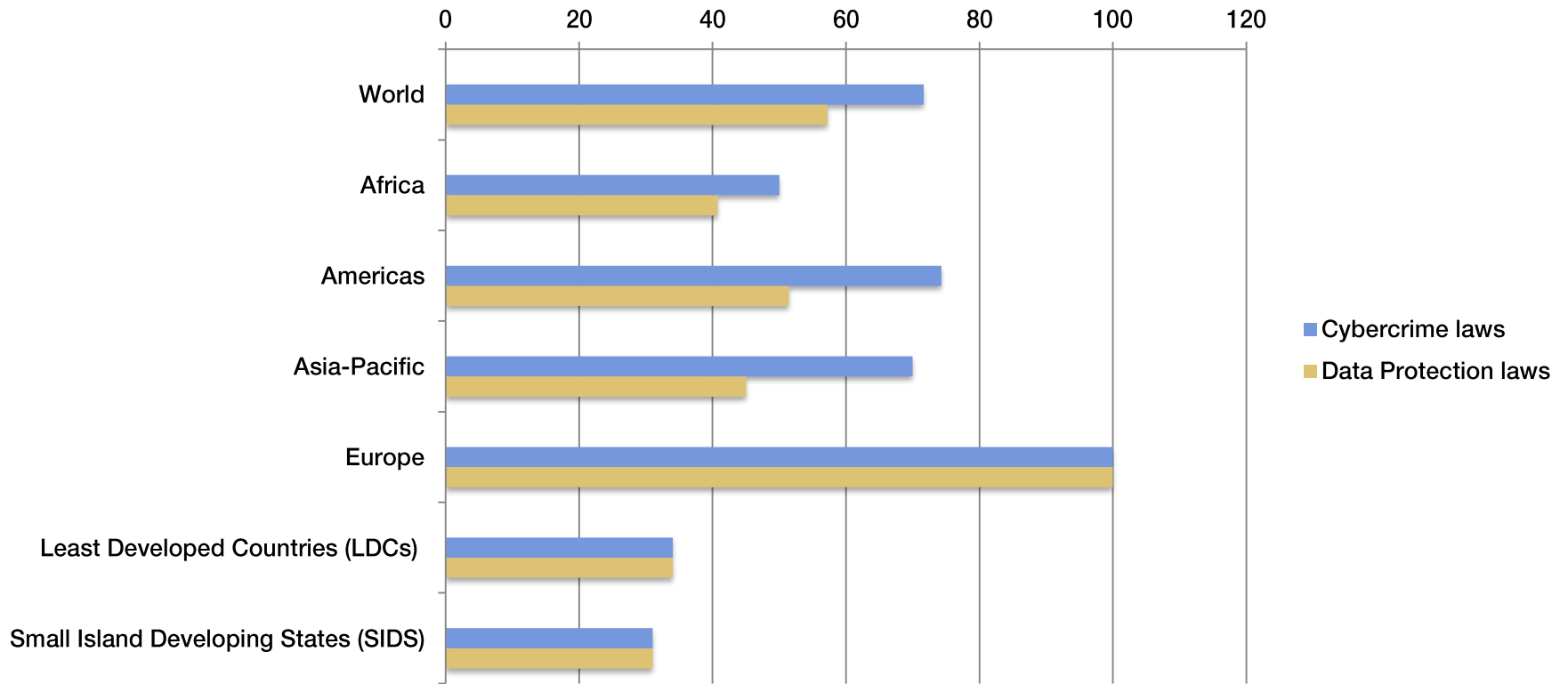
- Data protection is directly related to trade in goods and services in the digital economy
  - Too little protection can create negative market effects through affecting consumer confidence
  - Too much can overly restrict business activities and trade
- Ensuring that laws consider the global nature and scope of their application, and foster compatibility with other frameworks, is of importance for global trade

*“Getting the balance wrong between data protection and data flows can have serious consequences for either the protection of fundamental rights or for international trade and development.”*



# Global map of data protection and cybercrime laws 2017

*Number of countries*

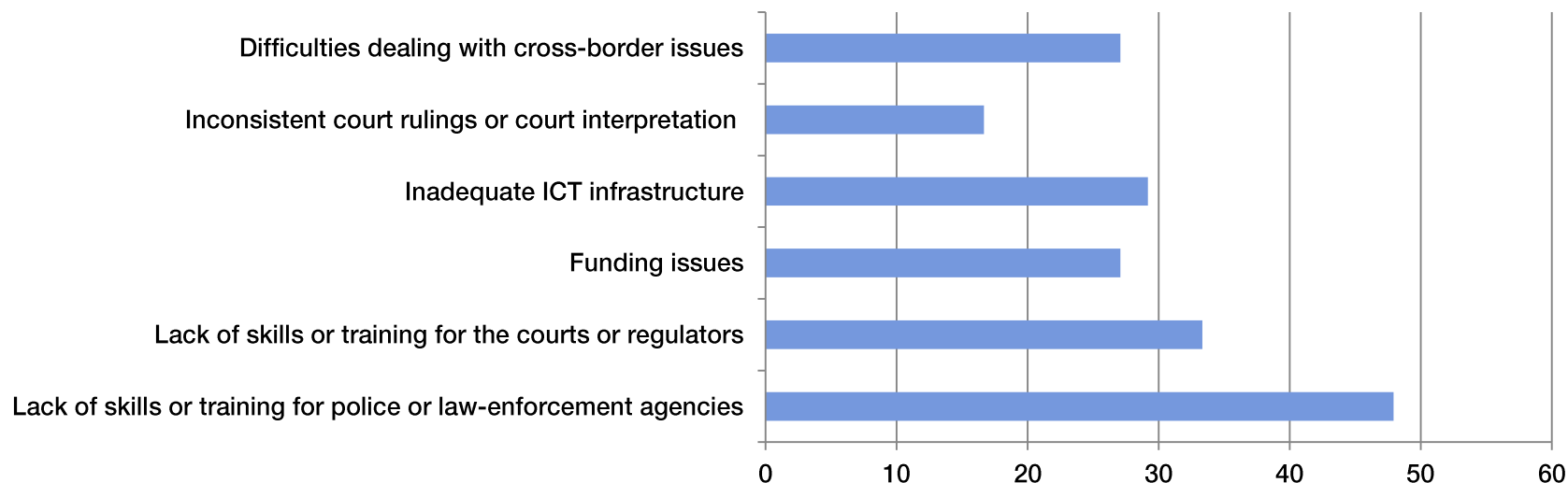


Source: UNCTAD Global Cyberlaw Tracker, 2017



# Challenges to the enactment and enforcement of Data Protection Legislation

(48 developing countries, 2013-2016, percentage of respondents)





## Issues Concerning Global Compatibility

- Gaps in coverage
- Impact of new technologies
- Cross-border data transfers
- Balancing surveillance and data protection
- Enforcement of data protection laws
- Determining jurisdiction
- Compliance burdens

*“Domestic and emerging international compliance burdens put SMEs at a disadvantage and increase potential monopolization, to the benefit of larger companies.”*



## Current landscape

- Core principles present in many frameworks
  - Openness, collection limitation, purpose specification, use limitation, security, data quality, access and correction, accountability
- Global compatibility is a common goal
  - Reflecting the global nature of data flows and the Internet
- More countries have recently adopted data protection laws, and others are amending previously enacted laws

*“Adopting a core set of principles could be a way to enhance international interoperability, while still allowing some flexibility in domestic implementation.”*





## Selected Policy Options

- Adopt baseline legislation based on common principles
- Address gaps in global coverage and avoid fragmentation
- Seek to adopt protection that does not unnecessarily hamper trade and innovation
- Give special attention to cross-border transfers
- Consider compliance burdens
- Establish a regulatory structure that ensures adequate enforcement
- Improve capacity building
- Multi-stakeholder involvement



**Thank you!**

**The full study can be accessed here  
[http://unctad.org/en/PublicationsLibrary/dtlstict2016d1\\_en.pdf](http://unctad.org/en/PublicationsLibrary/dtlstict2016d1_en.pdf)**