

## Global Data Privacy and Security Team

Bryan Cave's Global Data Privacy and Security Team works with data security and risk assessment issues to routinely help clients before a breach happens analyze and improve upon their ability to respond to, and minimize the liability from, a breach if (or when) one occurs.

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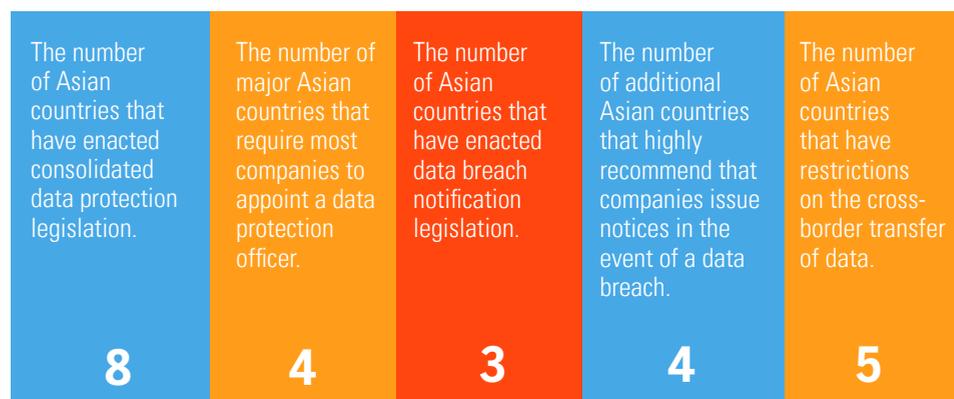
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# Data Protection and Asia: At A Glance

Europe has had data protection laws in place for over a decade. Such laws regulate how data relating to individuals (such as employees or customers) can be collected, used and transferred.

In Asia, many countries have historically relied on constitutional laws or sector based rules to protect personal data, and until recently, only a few countries had any form of consolidated data protection legislation. With the need to promote the cross border flow of information, many Asian countries have in the last few years adopted consolidated data protection legislation and others are expected to follow.

**The following briefly summarizes the data protection laws among the major Asian countries:**



**If your organization operates in Asia, or collects personal information about Asian residents, consider the following:**

- What laws apply to the collection and use of personal information of individuals?
- Do I have to obtain consent in order to collect personal data, and if so, what level of consent is required, e.g. explicit, implied?
- What information do I have to provide to data subjects in Asia about the personal information being collected and processed and in what form does this have to be provided?
- Are there special categories of sensitive personal information to which additional restrictions apply?
- Are there any restrictions on the collection, use or transfer of personal information for marketing purposes?
- Are there any restrictions on transferring the data out of the jurisdiction in which it is collected and how can these be overcome?
- Are there any data localization laws that would require me to retain the information in the local jurisdiction?
- Do I have to appoint a data protection officer in the local jurisdiction?
- Do I have to comply with local data protection laws if I am only processing personal information?
- What are the penalties for non-compliance with any applicable data protection laws?