

SELECTED ASIA AND OCEANIA DATA PROTECTION LAWS

June 2011

Note: The following chart was developed by the U.S. Department of Commerce in order to provide information on national data protection laws that have either been enacted or are currently under consideration around the world. The following does not address sectoral laws, local laws, criminal/civil code provisions, or constitutional provisions that may address data protection

The chart is intended for information only and is not an authoritative statement or summary of the actual laws in these countries. The chart also may not reflect all recent changes and legislative updates.

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COUNTRY	DATA PROTECTION LAW	EFFORTS TO DEVELOP LAW	KEY DETAILS	GOVERNMENT CONTACT
Australia	Privacy Act 1988 Link , as amended by Act no. 8 of 2010 Link	<p>A review of the Privacy Act was launched in 2006 to determine if the Act still provides an effective framework for the protection of privacy</p> <p>A final report on findings was released in 2008, available here</p> <p>The Australian government released a response to the report in October 2009, available here</p>	<p>The Act applies to the private sector and Commonwealth public sector</p> <p>The Act establishes ten National Privacy Principles for the private sector and eleven Information Privacy Principles for the public sector</p> <p>The National Privacy Principles cover collection, use, disclosure, data quality and security, openness, access, correction, identifiers, anonymity, transborder data flows, and sensitive information</p>	<p>Office of the Privacy Commissioner Phone: 1300 363 992 Email: privacy@privacy.gov.au http://www.privacy.gov.au/</p>
China	No comprehensive law	<p>Efforts to develop a privacy law have been underway for several years, with no deadline apparent</p> <p>A draft bill is reported to be under review by the State Council Legislative Affairs Office, but it is likely that introduction of a comprehensive national privacy law remains some way off</p>		
Hong Kong	The Personal Data (Privacy) Ordinance of 1996 Link	The government has conducted a review of the Personal Data (Privacy) Ordinance. A copy of the consultation document issued by the government in October 2010 and other information on the review is available here	<p>Establishes fair information principles that must be followed by data users, concerning purpose, accuracy, use, security, availability and access</p> <p>Establishes rights of data subjects and penalties for non-compliance</p>	<p>Privacy Commissioner for Personal Data Phone: 2827 2827 Email: enquiry@pcpd.org.hk http://www.pcpd.org.hk/</p>
India	IT Act 2000, Amended 2008 Link	On April 11 th , India's Ministry of Communications and Information Technology provided notification of rules implementing sections of the IT Act, 2000 as amended in 2008. The text of the new rules is available here .	The Act establishes regulations to give legal recognition to electronic transactions and to regulate the various aspects of e-commerce, including digital signatures, data privacy, cyber-security, and penalties (both civil and criminal)	<p>Ministry of Communications and Information Technology Electronics Niketan, 6, CGO Complex, Lodhi Road, New Delhi 110003 Phone: 011-24369903 http://www.mit.gov.in/</p>
Indonesia	Law No. 11 of 2008 on Electronic Information and Transaction		The law requires the consent of individuals to use their personal information through electronic media, unless an exception applies.	

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Japan	Law on Protection of Personal Information of 2003 Link to Unofficial Translation		<p>The law establishes rights and obligations of an enterprise that uses a database containing personal information. These obligations do not apply if the number of individuals in the database does not exceed 5,000.</p> <p>Data controllers cannot use personal information in a way that unnecessarily exceeds the scope of the specified purpose or share it with third parties without prior consent</p>	Ministry of Internal Affairs and Communications http://www.soumu.go.jp/english/index.html
Malaysia	Personal Data Protection Bill, passed in 2010 Link to legislation	The Personal Data Protection Bill was passed by the Lower House on April 5, 2010. Following Royal Assent and gazetting, it will become law.	<p>The bill generally prohibits data from being used or disclosed other than for the purpose for which it was collected or where consent is provided, with exceptions</p> <p>It lays out principles for data protection covering consent, notice and choice, disclosure, security, retention, data integrity, and access</p> <p>The Act does not apply to personal data processed outside Malaysia unless it will be further processed in Malaysia</p>	The bill states that a Personal Data Protection Commissioner will be appointed
New Zealand	Privacy Act 1993 Link , as amended by Privacy (Cross-border Information) Amendment Act 2010 Link	Information about periodic reviews of the Privacy Act is available here	<p>The Act lays out 12 privacy principles, which guide how personal information can be collected, used, stored, disclosed, accessed, and corrected</p> <p>A main purpose of the Act is the protection of privacy in accordance with the 1980 Organization for Economic Co-operation and Development (OECD) Guidelines on the Protection of Privacy and Transborder Flows of Personal Data</p> <p>Amendments passed in 2010 allow for cooperation with foreign privacy enforcement authorities and stipulate conditions under which transfer of personal data outside of New Zealand can be prohibited.</p>	Privacy Commissioner 51-53 Shortland Street PO Box 466, Shortland Street, Auckland 1140 Phone: 09-302 8680 enquiries@privacy.org.nz http://www.privacy.org.nz/
Philippines	No comprehensive law Department of Trade and Industry Administrative Order No. 8, 2006 (DTI Guidelines)	House Bill No. 3828 "An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for this Purpose a	<p>The DTI guidelines prescribe general principles for protection of personal data and adoption is voluntary</p> <p>The guidelines cover security, processing, accuracy, jurisdiction, purpose, consent, and access rules</p>	Department of Trade and Industry 385 Industry and Investments Bldg., Sen. Gil Puyat Ave., Makati City, Philippines 1200 http://www.dti.gov.ph

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	Link to Guidelines	National Data Privacy Commission, and for Other Purposes”	The Bill would create a Privacy Commissioner The Bill focuses on the APEC accountability principle and would penalize the unauthorized processing of personal information	Phone: (632) 751.3330
Singapore	No comprehensive law	Model Personal Data Protection Code for the Private Sector is a voluntary code that may be adopted by private sector organizations Link to Model Code	The Model Code lays out minimum standards for collecting and processing personal data It includes ten data protection principles	
South Korea	Act on Promotion of Information and Communication Network Utilization and Information Protection of 2000 Link to Act		The Act lays out requirements for notice and consent, use specification, limits to number of data handlers, designation of person in charge of personal information, and security It includes data user rights including access, deletion, and rectification The Act establishes dispute mechanisms and specific provisions for juveniles	Korea Internet and Security Agency Daedong B/D, Garak-dong 79-3, Songpa-gu, Seoul, Korea, 138-950 http://www.kisa.or.kr/eng/ Phone: 82-2-405-4118
Taiwan	The Computer-Processed Personal Data Protection Law of 1995 Link to unofficial translation	Amendments to the law were passed on April 27, 2010	The 1995 version of the law included rights of access and deletion, consent requirements, purpose specification, and data transfers	
Thailand	No comprehensive law	The government has been working to formulate a data privacy law for several years		
Vietnam	No comprehensive law	Draft Law on Protection of Consumers Interests	Article 4 of the draft law governs privacy and stipulates requirements for disclosure, purpose specification, security, accuracy, rectification, and consent for transfers	