



United Nations Conference on Trade and Development

DIGITAL ECONOMY REPORT 2021

Cross-border data flows and development:
For whom the data flow

Annex 2 – Annex to Chapter V List of regulations reviewed

This annex provides details of relevant regulation on cross-border data flows reviewed for Chapter V. The list does not pretend to be exhaustive and is presented for illustrative purposes only.

This document has not been edited.

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Digital Economy Report 2021

Annex 2 – Annex to Chapter V: List of regulations reviewed

Economy	Relevant Regulations on Cross-Border Data Flows	Measure Purpose	Type of Data	Local Storage	Regulatory Conditions on International Transfers	Regulatory Scale	Regulatory Model
CANADA	At Federal Level: Personal Information Protection and Electronic Documents Act, 2000	Data Protection/Privacy	Personal Data	*	*	Free Flow of Data (Accountability-based approach)	Light-touch (except for public data in select provinces)
	British Columbia and Nova Scotia: Freedom of Information and Protection of Privacy Act 1996 (British Columbia); Personal Information International Disclosure Protection Act 2006 (Nova Scotia);	Protecting Sensitive Personal Data; Preventing Illegal Foreign Surveillance	Data held by public bodies	✓	✓	Partial Localisation (consent can be the basis of overseas transfers)	
	Alberta and Quebec: Act Respecting Access to Documents Held By Public Bodies and the Protection of Personal Information 2006 (Quebec); Freedom of Information and Protection of Privacy Act (Alberta)	Protecting Sensitive Personal Data; Preventing Illegal Foreign Surveillance	Data held by public bodies	*	✓	Conditional Transfer Intermediate	
UNITED STATES	DoD Defense Federal Acquisition Register Supplement	National Security	Defence-related data	✓	Unclear	Strict Localisation	Light-touch
	Clarifying Overseas Use of Data Act	Criminal Investigations, Law Enforcement	Data related to Electronic Communications	N/A	✓	N/A	
	Clean Network Initiative	National Security, Privacy Protection, Fake News, Cybersecurity	Chinese apps, telecom carriers, cloud services, undersea cables	N/A	N/A	N/A	
MEXICO	Federal Law on the Protection of Personal Data Held by the Parties	Privacy/Data Protection	Personal Data	*	*	Free Flow of Data	Light-touch
COLOMBIA	Law no. 1581/2012; Law No. 1266/08; Decree no. 1377/2013	Privacy/Data Protection	Personal Data	*	✓	Conditional Transfer Hard (Adequacy-based approach)	Prescriptive
PERU	Personal Data Protection Law no. 29733	Privacy/Data Protection	Personal Data	*	✓	Conditional Transfer Intermediate	Prescriptive
ARGENTINA	Personal Data Protection Law (Law no. 25326); Regulation no. 60-E/2016	Privacy/Data Protection	Personal Data	*	✓	Conditional Transfer Hard (Adequacy-based approach)	Prescriptive
BRAZIL	General Data Protection Law, Federal Law 13709/2018 (law came into force on September 2020); Marco Civil De Internet	Privacy/Data Protection	Personal Data	*	✓	Conditional Transfer Hard (Proposed Adequacy-based approach in new law)	Prescriptive
UNITED KINGDOM	Data Protection Act 2018	Privacy/Data Protection	Personal Data	*	✓	Conditional Transfer Hard	Prescriptive
	NHS and Social Care Data: Off-Shoring and the Use of Public Cloud Services	Protecting Sensitive Personal Data	NHS-related data	✓	✓	Conditional Transfer Hard	
	Companies Act 2006	Regulatory Access to Data	Accounting Records	✓	unclear	Strict Localisation	
EUROPEAN UNION	General Data Protection Regulation (applies to Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden)	Privacy/Data Protection	Personal Data	*	✓	Conditional Transfer Hard (Adequacy-based approach)	Prescriptive
SWITZERLAND	Swiss Federal Act on Data Protection 1992	Privacy/Data Protection	Personal Data	*	✓	Conditional Transfer Hard (Adequacy-based approach)	Prescriptive
GERMANY	German Commercial Code - Section 257 No. 1 and 4 (Handelsgesetzbuch § 257); Tax Code - Section 146(2) 1 (Abgabenordnung, AO)	Public/National Security ; Regulatory Access to Data	Telecoms Metadata; Business Records; Tax Accounting records	✓		Strict Localisation	
FRANCE	Ministerial Circular of 5 April 2016 - Note d'information du 5 Avril 2016 relative à l'informatique en nuage (cloud computing)	Public/National Security	Government data	✓		Strict Localisation	
BELGIUM	Income Tax Code (art 315); VAT Code (art 60); Companies Code (art 463)	Regulatory Access to Data	Tax-related data; Register of shareholders and bonds	✓		Strict localisation	
DENMARK	Consolidated Act No. 1035 of 21 August 2007(s. 45); Consolidated Act No. 648 of 15 June 2006 (s. 12)	Regulatory Access to Data	Financial records	✓		Partial localisation (can be transferred to other EU countries)	
FINLAND	Accounting Act no. 1336/1997	Regulatory Access to Data	Accounting Records	✓		Partial localisation (can be transferred to other EU countries)	
BELARUS	Informatisation and Information Protection Act of November 10, 2008, Law no. 455-Z; Draft Data Protection Law	Data Protection/Privacy	Personal Data	*	✓	Conditional Transfer	Prescriptive (relatively mild)
UKRAINE	Law of Ukraine no. 2297 VI On Personal Data Protection	Data Protection/Privacy	Personal Data	*	✓	Conditional Transfer Hard (Adequacy-based approach)	Prescriptive
ROMANIA	Law no. 124 of May 2015, Regarding the Approval of the Government Emergency Ordinance no. 92/2014	Regulatory Access to Data	Gambling services-related data	✓		Strict localisation	Over-all, Light-touch
RUSSIAN FEDERATION	Federal Law no. 152-FZ on Personal Data; Federal Law no. 152-FZ as amended by Federal Law no. 242-FZ "on Amendments to Certain Legislative Acts of the Russian Federation for Clarification of Personal Data Processing in Information and Telecommunication Networks	Data Protection/Privacy	Personal Data	✓	✓	Strict Localisation, Conditional Transfer Hard	Restrictive
	Federal Law no. 246-FZ on Amendments to the Federal Law "On Data, Information Technology and Security" (2017)	Public/National Security	Applies to voice information, texts, images, sounds and other electronic messages and information about internet users	✓	Unclear	Strict Localisation	

	Federal Law no. 374 on Amending the Federal Law "On Counterterrorism and Selective Legislative Acts of the Russian Federation Concerning the Creation of Additional Measures Aimed at Countering Terrorism and Protecting Public Safety" (2016)	Public/National Security	Telecoms Metadata	✓	Unclear	Strict Localisation	
	Sovereign Internet Law	Digital/Data Sovereignty; Public/National Security	All Data	✓	Cross-border transfers not possible when all internet traffic routed through Russian servers	Strict Localisation	
ALGERIA	Law no. 18-07 of June 10, 2018 on the Protection of Natural Persons with Regard to the Processing of Personal Data	Data Protection/Privacy	Personal Data	*	✓	Conditional Transfer Hard	Prescriptive
	Public Sector Entities	National Security; Public Security	Data of public sector entities	✓	Unclear	Strict Localisation	
	E-Commerce Operators	Unclear	E-commerce data	✓	Unclear	Strict Localisation	
EGYPT	Personal Data Protection Law no. 151	Data Security; Create Domestic Opportunities	Personal Data	*	✓	Conditional Transfer Intermediate	Prescriptive
MOROCCO	Law no 09-08 of February 18, 2009	Data Protection/Privacy	Personal Data	*	✓	Conditional Transfer Hard	Prescriptive
TUNISIA	Law no. 2004-63 dated July 27, 2004, on the Protection of Personal Data	Data Protection/Privacy	Personal Data	*	✓	Conditional Transfer Hard	Prescriptive
KENYA	Data Protection Act 2019	Data Protection/Privacy; National Security; Economic Interests	Personal Data	✓	✓	Conditional Transfer Hard; Elements of Strict Localisation	Restrictive/ Guarded
RWANDA	Data Revolution Policy	Data Sovereignty	All Data	Envisaged	Envisaged	Localisation /Conditional Transfer	Restrictive/Guarded
	Ministerial Order no. 0001/MINICT/2012	National Security, Public Security	Critical government data and information	✓		Strict Localisation	
	Draft Data Protection Law	Data Protection, Data Security	Personal Data	✓	✓	Partial Localisation (Local copy still needs to be stored in Rwanda)	
SOUTH AFRICA	Protection of Personal Information Act	Data Protection/Privacy	Personal Data	*	✓	Conditional Transfer Hard	Prescriptive
COTE D'IVOIRE	Law no. 2013-450 dated June 19, 2013 on the Protection of Personal Data	Data Protection/Privacy	Personal Data	*	✓	Conditional Transfer Hard	Prescriptive
GHANA	Data Protection Act	Data Protection/Privacy	Personal Data	*	*	No provisions on data transfer in data protection law except requiring data processors to comply with domestic law	Possibly, light-touch or mildly prescriptive
NIGERIA	Guidelines for Nigerian Content Development in Information and Communication Technology	National Security, Public Security, Economic development	Sovereign Data; Subscriber and Consumer Data of Telecom companies and network service	✓	✓	Strict Localisation/ Conditional Transfer Hard (as overseas transfers subject to very strict requirements in limited circumstances)	Restrictive/Guarded
	Guidelines on Point of Sale Card Acceptance Services 2011	Regulatory Access to Data	ATM and POS data	✓	Data has to be locally routed	Strict Localisation	
AZERBAIJAN	Law of 11 May 2010 no. 998-IQ on Personal Data	National Security, Data Protection	Personal Data	*	✓	Conditional Transfer Intermediate	Prescriptive
	Legislative Decree no. 56 of 2018 In Respect of Providing Cloud Computing Services to Foreign Parties	Law Enforcement	Customer Data of cloud companies	N/A	✓	N/A	Prescriptive
BAHRAIN	Law no. 30 of 2018 with respect to Personal Data Protection	Data Protection	Personal Data	*	✓	Conditional Transfer Hard (Adequacy-based approach)	
GEORGIA	Law of Georgia on Data Protection	Data Protection/Privacy	Personal Data	*	✓	Conditional Transfer Hard (Adequacy-based approach)	Prescriptive
ARMENIA	Law on Personal Data	Data Protection/Privacy	Personal Data	*	✓	Conditional Transfer Hard (Adequacy-based approach)	Prescriptive
ISRAEL	Privacy Protection (Transfer of Data to Databases Abroad) Regulations, 5761-2001; Privacy Protection Regulations (Data Security) 5777-2017	Data Protection/Privacy	Personal Data	*	✓	Conditional Transfer Hard (Adequacy-based approach)	Prescriptive
SAUDI ARABIA	Rules on Outsourcing 2008	Regulatory Oversight	Customer Data	✓	Not permitted	Strict Localisation	Tending towards restrictive
	Cloud Computing Regulatory Framework; IoT Regulatory Framework	National Security; Public Security	Government data; Data related to sensitive private sectors; All IoT data	✓	Cross-border transfers largely not permitted	Strict Localisation	
	Essential Cybersecurity Controls	National Security; Public Security	Data of government organisations and private organisations owning, operating or hosting critical national infrastructure	✓	Not permitted	Strict Localisation	
	Law on the Protection of Personal Data no 6698	Data Protection / Privacy	Personal Data	*	✓	Conditional Transfer (Adequacy-based approach)	

TURKEY	Presidential Circular on Information and Communication Security Services (July 2019)	Protecting Sensitive Data	Public data, Critical information - civil registration, health, communication information, genetic and biometric data	✓	Not permitted	Strict Localisation	Restrictive/ Prescriptive
	Payment and Security Settlement Systems, Payment Services and Electronic Money Institutions Law no 6493	Regulatory Access to Data	Epayments data	✓	Not permitted	Strict Localisation	
	Amendments to Regulation of Internet Broadcasts and Prevention of Crimes Committed through Broadcasts (Law no. 5651) (Oct 2020)	Public Security	User data in social networks	✓	✓	Partial Localisation	
	Communique on Information Systems Management	Regulatory Access to Data	Publicly traded companies data, information systems and infrastructure	✓	Not permitted	Strict Localisation	
UNITED ARAB EMIRATES	Regulatory Framework for Stored Values and Electronic Payment Systems	Regulatory Access to Data	User and Transaction data of e-payment services	✓	Not permitted	Strict Localisation	Restrictive in some sectors
	Health Data Law 2019;	Protecting Sensitive Data	Health data	✓	Not permitted	Strict Localisation	
KAZAKHSTAN	Personal Data Law	Data Security , Data Protection	Personal Data	✓	✓	Partial Localisation; Conditional Transfer (Unclear)	Prescriptive
KYRGYZSTAN	Law on Personal Data	Data Protection	Personal Data	*	✓	Conditional Transfer Hard	Prescriptive
CHINA	Chinese Cybersecurity Law; Counter-Terrorism Law	Cybersecurity, National Security, Public Security	Personal Information and Important data collected by critical infrastructure operators	✓	Not permitted	Strict Localisation	Restrictive
	Population and Healthcare Information Management Measures	Protection of Sensitive Data	Health data	✓	Not permitted	Strict Localisation	
	Regulation on the Administration of Credit Investigation Industry	Protection of Sensitive Data	Information collected by credit investigation organisations	✓	✓	Strict Localisation - limited conditions for overseas transfers	
	Notice to Urge Banking Financial Institutions to Protect Personal Financial Information	Protection of Sensitive Data	Personal information collected by banks	✓	Not permitted	Strict localisation	
	Regulation for the Administration of the Map	National Security	Internet maps	✓	Unclear	Strict Localisation	
	Telecommunications Regulations of the People Republic of China	Public security; national security	Telecoms data	✓	Not permitted	Strict Localisation	
	Interim Measures for the Administration of Online Taxi Booking Operations and Services	Public security	personal information and business data of	✓	Not permitted	Strict Localisation	
	Law of the People's Republic of China on Guarding State Secrets (2010 Revision)	Public security; national security	State secrets	✓	Not permitted	Strict Localisation	
	Draft Data Security Law; Draft Measures on Security Assessment of Cross-Border Transfers of Personal Information	Data Protection; data security; national security	Personal Data	✓	✓	Conditional transfer hard (personal data transfers subject to security assessments)	
Guiding Opinions of Encouraging and Regulating the Development of Internet Bicycle Rental	Public security; national security	personal information and business data of internet bicycle companies	✓	Not permitted	Strict Localisation		
JAPAN	Act on the Protection of Personal Information	Data Protection/Privacy	Data Protection/Privacy	*	✓	Conditional Transfer Hard	Favouring a light touch approach, but more prescriptive
REPUBLIC OF KOREA	Data Protection Standards for Cloud Computing Services Guidelines	Public security	Public data	✓	Voluntary	Localisation	Prescriptive (but not too much)
	Act on the Establishment, Management of Spatial Data	National security	Mapping data	✓	Not permitted	Strict Localisation	
	Personal Information Protection Act	Data protection /privacy	Personal Data	*	✓	Conditional Transfer Intermediate	
INDIA	National Data Sharing and Accessibility Policy	Public Interests; Economic Development	All data collected using public funds	✓	Unclear	Strict Localisation	Guarded/Restrictive
	RBI Notification on Storage of Payment System Data	Regulatory Access to Data	Data relating to payment systems	✓	Not permitted	Strict Localisation	
	Consolidated FDI Policy 2017; Companies Accounts Rules, 2014; IRDAI (Outsourcing of Activities by Indian Insurers) Regulations, 2017)	Regulatory Access to Data	Broadcasting sector - subscriber databases; electronic books of accounts; original policyholder records	✓	Subscriber databases cannot be transferred outside India.	Strict Localisation	
	Guidelines for Government Department on Contractual Terms Related to Cloud Services 2017	Public security; national security	Cloud services used by government departments	✓	Not permitted	Strict Localisation	
	Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules 2011	Protecting Privacy	sensitive personal data	*	✓	Conditional Transfer Intermediate	

	Personal Data Protection Bill	Privacy/Data Protection	Personal Data	✓	✓ Sensitive personal data cannot be transferred abroad	Conditional Transfer Hard; Elements of Strict Localisation	
	Draft E-Pharmacy Regulations 2018	Regulatory Oversight (?)	Data collected by electronic portals selling pharmaceutical products	✓	Unclear	Appears to be Strict Localisation	
	Draft E-Commerce Policy [currently being revised]	Economic Development	All data	✓	Unclear	Appears to be Strict Localisation	
BANGLADESH	Bangladesh Road Transport Authority's Ride Sharing Service Guidelines (2018)	Unclear	App data on transportation services	✓	Unclear	Strict Localisation	Unclear (Probably, Light-touch over-all)
PAKISTAN	State Bank of Pakistan Regulations	Regulatory access to data	Consumer transactions of banks	✓	Not permitted	Strict Localisation	Restrictive, Perhaps even intending to be guarded
	Citizens Protection (Against Online Harm) Rules 2020	Public security, national security, regulatory access to data	Data and Online content of social media companies	✓	Unclear	Appears to be Strict Localisation	
	Draft Data Protection Bill (April 2020 version)	Data Protection	Personal Data	✓	Unclear (Sensitive personal data cannot be transferred)	Strict Localisation	
	Data Transfers to Specific Countries	National Security	All data	N/A	Data cannot be transferred to countries not recognised by Pakistan + only justifiable transfers to India	Strict Localisation	
	Pakistan Ecommerce Policy 2019	Economic Development	Unclear	Envisaged	Envisaged	Appears to be Strict Localisation	
INDONESIA	Government Regulation 71 of 2019	Public security, national security, regulatory access to data	All data	✓ Only for public electronic system operators	✓ Private electronic system operators can transfer abroad with approval	Strict Localisation	Restrictive
	Ministerial Regulation no. 20 of 2016 concerning protection of personal data in electronic systems	Public security, national security, regulatory access to data	Public data	✓	✓	Conditional transfer hard	
	Other data localisation measures	Regulatory oversight; public security	E-money operators and OTT services data	✓	Unclear	Possibly strict localisation	
MALAYSIA	Personal Data Protection Act	Data Protection , Privacy	Personal Data	*	✓	Conditional Transfer Hard (Adequacy-based approach)	Prescriptive
PHILIPPINES	Data Privacy Act of 2012	Data Protection/Privacy	Personal Data	*	*	Free Flow of Data (Accountability-based approach)	Light-touch
SINGAPORE	Personal Data Protection Act	Data Protection/Privacy	Personal Data	*	*	Free Flow of Data (Accountability-based approach)	Light-touch
THAILAND	Personal Data Protection Act	Data Protection/Privacy	Personal Data	*	✓	Conditional Transfer Intermediate (Adequacy approach to be implemented in the future)	Prescriptive
VIET NAM	Cybersecurity Law	national Security, Cybersecurity, social order, public safety	All Data	✓ Recently appears to have been relaxed	Unclear, but cross-border data transfers seem possible if not explicitly covered by data localisation	Partial Localisation	Tending towards restrictive
	Decree no 72/2013/ND-CP of July 15, 2013, on the Management, Provision and Use of Internet Services and Online Information	national Security, Cybersecurity, social order, public safety	Appears to be all data	✓	Unclear	Strict Localisation	
AUSTRALIA	Privacy Act 1988	Data Protection/Privacy	Personal Data	*	*	Free Flow of Data (Accountability-based approach)	Light-touch over-all
	Personally Controlled Electronic Health Records Act	Protecting Sensitive Personal Data	Health data	✓	Not permitted	Strict Localisation	
NEW ZEALAND	Tax Administration Act 1994	Regulatory Access to Data	Electronic Business and Tax Records	✓	✓	Localisation	Prescriptive but relatively mild
	Privacy Act 2020 (coming into force December 2020)	Data Protection /Privacy	Personal Data	*	✓	Conditional Transfer Soft to Intermediate (e.g. Transfer prohibition notice + IPP 12)	
TAIWAN PROVINCE OF CHINA	Personal Data Protection Act	Data Protection/privacy	Personal Data	*	✓	Conditional Transfer	Prescriptive Mild