



GLOBAL DATA ALLIANCE

TRUST ACROSS BORDERS

UPDATES

HIGHLIGHTS FROM THE WEEK OF APRIL 2

Global Data Alliance Monthly Meeting with Guest Speakers from US Department of Commerce: Global Data Alliance members met on April 1, via conference call, to discuss global policy developments that impact data flows, as well as the Alliance's ongoing and planned projects and activities. At the outset of the meeting, we hosted speakers from the US Department of Commerce, who discussed cross-border data issues including the US-EU Privacy Shield, APEC CBPRs, and India's Personal Data Protection Bill.

UPCOMING MEETINGS and EVENTS

EMEA

April 8 – BSA/Global Data Alliance Conference Call with the United States Mission to the European Union: We will host a conference call at 3 pm (CET) on April 8 to facilitate a discussion between BSA and Global Data Alliance members and digital and trade officials from the US Mission to the EU on data flows and related policy issues. An invitation with additional details is forthcoming.

POLICY DEVELOPMENTS

AMERICAS

United States – 2020 NTE Report: USTR issued its [2020 National Trade Estimate Report on Foreign Trade Barriers](#) (NTE) on March 31, 2020. The NTE echoes many concerns raised by BSA | The Software Alliance, in October 2019, regarding specific cross-border data transfer restrictions and data localization mandates around the world. We will share additional details on the NTE Report with members via email soon.

APAC

South Korea – EU Adequacy: According to press reports, the EU may be preparing to announce a finding regarding South Korea's adequacy under the EU General Data Protection Regulation (GDPR). Due to the COVID-19 outbreak, the draft finding which had been expected to issue this month, will likely only issue later this year. Once issued, the EU finding will require the approval of the EU Member States before the decision can be finalized. South Korea recently enacted changes to its privacy legislation to facilitate the adequacy finding. An adequacy decision would enable

easier data transfers from the EU to South Korea. The Global Data Alliance will monitor developments on this issue and will keep members informed.

Australia – Global Data Alliance’s paper on cross border data flows shared with

DFAT: In a follow up to our March call with the Australian Department of Foreign Affairs and Trade (DFAT), we have shared the Global Data Alliance’s new paper [The Cross Border Movement of Data – Creating Jobs and Trust Across Borders in Every Sector](#) with DFAT.

The DFAT Office of Trade Negotiations is currently developing evidence and arguments to reduce barriers to cross-border data flows in current and future Australian trade negotiations and the Global Data Alliance will continue engaging with DFTA on this issue.

EMEA

EU – GDPR Evaluation: Despite strains caused the COVID-19 outbreak on the European Commission’s operations, DG Justice still expects to finalize its General Data Protection Regulation (GDPR) evaluation in May (and not June as reported in the press). The report will include an evaluation of the existing set of 11 adequacy decisions. The EU-US Privacy Shield is subject to its own annual review cycle which is usually held around September-October. The EU-Japan adequacy decision will not be part of current review process either and it should be reviewed in early 2021, two years after its of implementation.

EU – FTA with Vietnam: The EU-Vietnam Free Trade Agreement was approved by the EU Council on 30 March, finalizing negotiations that started in June 2012. The European Parliament had already approved the deal in February 2020. The FTA is now expected to enter into force in the coming months. The full text is available [here](#). The FTA has only limited provisions relevant to e-commerce and no comprehensive language on digital trade. However, it contains specific provisions to allow for financial services data transfers in and out of each partner’s territory for data processing, while maintaining (or adopting as the case may be) data protection and privacy safeguards. This provision should be implemented within two years of the FTA entering into force. While vague, the language of the data protection caveat is phrased so that it prevents privacy measures for financial services data processing to be used to circumvent the Agreement as a whole.