



Response to the Survey on Digital Economy Agreements

[May 24, 2021]

The Global Data Alliance¹ welcomes the opportunity to provide these comments at the request of the Singapore Ministry of Trade & Industry (MTI) and Infocomm Media Development Authority² (IMDA) in relation to Digital Economy Agreements (DEAs).

We commend Singapore for its leadership on digital transformation and technology in the World Trade Organization E-Commerce Negotiations, and for leading the way on digital trade through the ground-breaking DEAs which Singapore has concluded with Australia, Chile, and New Zealand, as well as Singapore's ongoing initiatives to negotiate additional DEAs.

Singapore is playing a leading role in advancing a new international legal framework for the digital economy through its proactive and creative approach to DEAs. These agreements benefit both Singapore and its trading partners, supporting job creation, productivity growth, and overall competitiveness. In today's economy, cross-border data transfers are critical in the [workplace](#), in [health](#), in [innovation](#) and in [international trade](#).³ Furthermore, at a time of growing restrictions on international technological collaboration and the cross-border transfer of information, Singapore's leadership in DEAs helps ensure that open and digitally-oriented economies can collaborate with like-minded partners to create innovative yet practical and risk-based approaches to address the health, environmental, and economic challenges of our generation.

The Global Data Alliance is a cross-industry coalition of companies that are committed to high standards of data privacy and security and that rely on the ability to transfer data responsibly around the world. While GDA members have an interest in a range of topics that could be addressed in digital economy agreements, we focus our comments on issues related to data localization and cross-border data transfer matters, which are the primary focus of the GDA.

I. Discussion

As reflected in the GDA's [Dashboard of Trade Rules on Data Transfers](#), cross-border data transfer in recent digital economy agreements (and digital trade chapters in Free Trade Agreements)⁴ can be measured against several key metrics. These metrics include whether any rules on cross-border data transfers:

- Are necessary to achieve a legitimate public policy objective;
- Are not applied in a manner that would result in arbitrary or unjustifiable discrimination or a disguised restriction on trade;
- Do not impose transfer restrictions greater than necessary;
- Do not discriminate against foreign service providers by treating cross-border data transfers less favorably than domestic data transfers;

- Apply across all sectors, including financial services; and
- Are enforceable.

Many of these core features in data transfer frameworks enjoy [broad support from industries around the world](#).⁵

The [GDA Cross-Border Data Policy Principles](#) reflect these principles and recommend that:

- Any rules impacting cross-border data transfers should be developed and maintained in accordance with good regulatory practices;
- Countries should support the use of accountability models aligned with international best practices to foster responsible data transfer practices; and
- Countries should work together to create trust-based frameworks that are interoperable and support the seamless and responsible movement of information across borders.⁶

We enthusiastically support Singapore’s work on DEAs and encourage the exploration of incorporating the principles outlined above into future DEA negotiations.

II. Conclusion

The Global Data Alliance welcomes the opportunity to provide this submission to inform Singapore’s digital economy agreement negotiations. We encourage Singapore to continue expanding its network of DEAs with more like-minded partners. We look forward to continuing to work with Singapore on this important matter.

¹ The Global Data Alliance is a cross-industry coalition of companies that are committed to high standards of data responsibility and that rely on the ability to transfer data around the world to innovate and create jobs. The Alliance supports policies that help instill trust in the digital economy while safeguarding the ability to transfer data across borders and refraining from imposing data localization requirements that restrict trade. Alliance members include BSA members and Abbott, American Express, Amgen, AT&T, Citi, ExxonMobil, FedEx, ITB360, LEGO, Lumen, Mastercard, Medtronic, Panasonic, Pfizer, RELX, Roche, UDS Technology, United Airlines, Verizon, and Visa. These companies are headquartered across the globe and are active in the advanced manufacturing, aerospace, automotive, consumer goods, electronics, financial services, health, media and entertainment, natural resources, supply chain, and telecommunications sectors, among others. BSA | The Software Alliance administers the Global Data Alliance. For more information on the Global Data Alliance, please see: <https://www.globaldataalliance.org/downloads/aboutgda.pdf>

² See Joint IMDA/MTI Survey, Survey on the Digital Economy Agreements (2021), at: <https://form.gov.sg/#!/607f804eb2603300117ccf1f>

³ See Global Data Alliance, *Cross-Border Data Transfers and Remote Work* (2020), at <https://globaldataalliance.org/downloads/10052020cbdtremotework.pdf>; See Global Data Alliance, *Cross-Border Data Transfers and Remote Health Services* (2020), at <https://globaldataalliance.org/downloads/09152020cbdtremotehealth.pdf> ; Global Data Alliance, *Cross-Border Data Transfers and Innovation Work* (2020), at <https://globaldataalliance.org/downloads/04012021cbdtinnovation.pdf>; Global Data Alliance, *Cross-Border Data Transfers and Supply Chain Management* (2021), at <https://globaldataalliance.org/downloads/03182021primersupplychain.pdf>

⁴ See Global Data Alliance, *Dashboard of Trade Rules on Data Transfers* (2020), at: <https://www.globaldataalliance.org/downloads/qdadashboard.pdf>

⁵ Multi-Industry Statement on Cross-Border Data Transfers and Data Localization Disciplines in WTO Negotiations on E-Commerce (2021), available at: <https://www.bsa.org/files/policy-filings/01262021multitlrxborderdata.pdf>

⁶ See Global Data Alliance, *Cross-Border Data Policy Principles* (2021), at: <https://globaldataalliance.org/downloads/03022021gdacrossborderdatapolicyprinciples.pdf>