

Book Review

Data Protection and Privacy: Jurisdictional Comparisons

**Second Edition
2014**

£200

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Pritchetts Law reviews
the second edition of
the reference guide
published by European
Lawyer and edited by
Monika Kuschewsky.
The book is available
as a hard cover
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Malaysia offers an intriguing picture of a jurisdiction moving from no data protection laws of any kind to a full data privacy and compliance regime. As one of 14 additional new jurisdictions featured in this second edition, it is therefore of interest, even beyond the concise reporting format of the book, to see the key building blocks being put in place for our new world.

This book offers a summary of the main features of data protection law in 38 different jurisdictions — in concise, practical sections drafted by leading data protection specialists in each country. Each country's report is arranged in uniform fashion to allow easy comparison and cross-referencing, and covers the following areas: legislation; details of the local regulators; the legal basis for data processing including any relevant rules in relation to outsourcing and employment relationships; obligations in relation to the provision of information; the rights of individuals; registration obligations; the role of the Data Protection Officer; the main exemptions under the legislation; rules on international data transfers and in relation to data security; and details of enforcement, sanctions, remedies and liability. Direct marketing and cookies are also referenced in each chapter, along with comments on the law relating to email and video monitoring.

My parting thought when reviewing the first edition of this immensely practical book was that the march of technology was likely to make cross-border advisors of us all, and that an overview of the key regulatory components that make up each country's regime would be invaluable. After two years or so, I can vouch for the fact that, although there is no substitute for taking proper legal advice in each country, the book is a very helpful and efficient resource for providing an introductory overview of each country's regime. Particularly useful is the fact that each report highlights any impending legislation in the jurisdiction.

Understandably given the development and progress of the proposed new EU Regulation, this is covered in much greater detail in the second edition. I speculated in 2012 that perhaps the harmonisation of EU regimes under a new Regulation might mean that the EU sections might become of less use.

However, the likelihood of some Member State discretion in relation to certain aspects of the new rules may well mean that, if the guide can focus tightly on those areas of difference, it would remain invaluable.

The last two years have also seen increased mainstream deployment of cloud-based offerings, a logarithmic increase in the number and complexity of mobile apps and an increased focus on data mining and analytics trends in both the private and public sectors. The likelihood, therefore, of numerous data movements across a number of jurisdictions can only be increasing. Luckily, the editors have updated the format of their guide to allow its contributors for each jurisdiction to report on any specific legislative requirements attaching to cloud computing, mobile apps and big data as well as providing new sections for cybersecurity, privacy impact assessments, data quality requirements, and data protection audits and seals.

As mentioned at the outset, as well as an update in relation to the thirty jurisdictions covered in the first edition, the new edition covers a number of new jurisdictions — Argentina, Australia, Brazil, Chile, Columbia, Estonia, Japan, Lithuania, Malaysia, Philippines, Singapore, Slovenia and Taiwan as well as the Republic of Ireland (a curious omission from the first edition).

The guide is a great help and an interesting indication of the increasing worldwide importance of data protection law. For today's busy practitioners, the cost of this book (£200) is easily justified by the likelihood of it saving a great deal of time and money. Its clear, concise and well-structured entries are an essential starting point for advisors looking for help with the legal position in other jurisdictions, and although harmonisation is imminent in Europe, the likely devil in the detail means that I hope future editions will follow in due course.

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