

The Honorable Michael C. Burgess

Question: How can differing notions of data privacy be addressed particularly between two or more countries that have fundamentally different understandings of what constitutes “sufficient” privacy of personal data?

Answer: Although countries around the world have implemented different privacy frameworks, many of the underlying principles—such as protecting the security of personal information or increasing transparency of data handling practices—are the same.

As we seek to facilitate digital trade to spur innovation and global economic growth, countries must work together to leverage the commonalities underpinning their privacy frameworks and find ways to bridge the differences.

There are important examples of existing efforts to enhance interoperability among different privacy systems. The EU-U.S. Privacy Shield Framework provides a critical mechanism that both protects individual privacy and facilitates transatlantic trade. In the Asia-Pacific region, the APEC Cross-Border Privacy Rules implement a robust system that establishes baseline privacy practices and promotes trade among participating economies, all while respecting national privacy laws.

As countries continue to adopt, revise, and implement privacy laws, they should develop policy approaches that enhance global interoperability. The development of pragmatic solutions that not only provide important privacy protections, but also enable global data flows across countries with different national systems is critical for digital trade to flourish.