

The Asia Pacific Economic Co-operation (APEC) Privacy Framework – Implementation and enforcement: Moving forward or treading water?

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- A brief history of the APEC Privacy initiative
 - What is APEC? 21 member economies
 - APEC [Electronic Commerce Steering Group](#) (ECSG) Privacy Subgroup – bi-annual meetings and inter-sessional work by email and teleconference
 - 2004 Privacy Framework adopted
 - 2005 Implementation part (part iv) added to Framework
 - 2006 to date – Development of Cross Border Privacy Rules (CBPR) system
 - 2006 to date – Mutual information exchange and capacity building assistance
 - 2010 Cross Border Privacy Enforcement Cooperation Arrangement (CPEA) commenced
- CBPR system
 - Aims to allow for businesses to be certified for transfer of personal information between participating APEC economies.
 - 8 'Pathfinder' projects – interlocking components of a functioning CBPR system
 - Roles for Accountability Agents and Enforcement Authorities
 - Intended to be finalised for use by end of 2010
 - Several modules finalised (inc. CPEA) but 'Governance' component is outstanding.
 - Many unresolved issues
 - Significant costs – both for infrastructure and participation (certification) – not yet clear who will pay and how
 - Diminishing benefits as more member economies adopt binding privacy laws, with differences – 'single sign on' and mutual recognition no longer realistic?
 - Unclear who will see CBPR as a viable option
 - Low and fading level of commitment by member economies
 - Business interests pushing for inter-operability and mutual recognition of other regulatory schemes. This would be problematic and undermine integrity.
- Where Next?
 - APEC has been build bridges to EU and OECD privacy work – with limited success
 - Parallels with EU Binding Corporate Rules (BCR) and Accountability discussions
 - Next meeting San Francisco, September 2011
 - Without renewed commitment and resources, difficult to see a future for the CBPR system?

This presentation is based on reports to Civil Society available online at www.privacyinternational.org and reproduced in edited form in Privacy Laws and Business International Newsletter – most recently Issue 110, April 2011 'Cost-benefit case for the APEC cross-border rules is still elusive'; Issue 107, October 2010 'Critical elements unresolved in APEC cross border privacy rules'; Issue 106, August 2010 'OECD and APEC work on cross-border enforcement'.