




---

# How are you doing with your data compliance program?

---

Mini Summit XI: Data Privacy Updates re the Impact of the GDPR and other Data Security Laws in Asia on the Asia PAC Operations of Multinational Pharma and MedTech Companies

September 11, 2018



# Update on data protection in the region

## — Spreading privacy laws in Asia

**South Korea:** Personal Information Protection Act 2011 (restricts the collection and use of resident registration numbers (7 August 2014); reinforced obligations to notify outsource of personal information/ reinforced restrictions on security breach (September 2016). The Act on Promotion of Information and Communications Network Utilization and Information Protection (amended to limit the period of retention of PI) (August 2015).

**China:** Tortious Liability Law (effective from 1 July 2010); the amended Consumer Protection Law (effective from 15 March 2014); 9<sup>th</sup> Amendments to the Criminal Law (effective from 1 November 2015); **Cybersecurity Law (effective from 1 June 2017)**; General Provisions of the Civil Law (effective from 1 October 2017); industry-specific regulations governing sectors such as telecommunications, Internet, banking, insurance, credit reference, healthcare, real estate brokerage, etc.

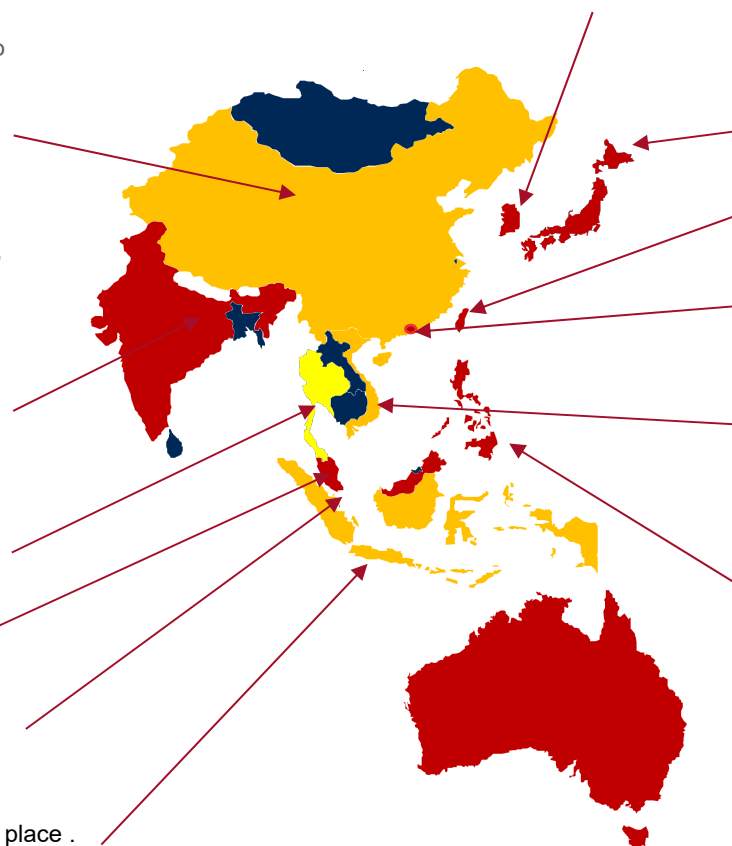
**India:** The IT Act, 2000 (new sections 43A and 72A in 2009) and The IT (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules notified in 2011. **New Supreme Court case confirming constitutional right to privacy (24 Aug 2017). Draft Personal Data Protection Bill (released 27 July 2018)**

**Thailand:** The draft Personal Data Protection Bill is under review of the Ministry of Digital Economy and Society. Last draft April 2018.

**Malaysia:** PDPA 2010 (15 Nov 2013)

**Singapore:** Personal Data Protection Act, 2012

**Indonesia:**  
A specific personal data protection regulation is in place .  
**Regulation No. 20 of 2016 on Data Protection**  
**Proposed data protection law (maybe 2018)**



**Japan:** Extensive amendments introduced to data protection law in Japan - 3 Sept 2015 (2017)

**Taiwan:** PDPA 2010 (1 October 2012). **Amended 2015, effective 15 Mar 2016**

**Hong Kong:** Personal Data (Privacy) Amendment Ordinance (April 2013)

**Vietnam:** Law on Network Information Security, Civil Code, IT Law, Penal Code, Telecommunications Law and other guiding documents. **Law on Cybersecurity passed on 12 June 2018**

**Philippines:** Data Privacy Act (September 2012). **Implementing Rules and Regulations (IRR) issued on September 2016**

**Australia:** Privacy Act 1988 (Cth). **Mandatory data breach notification law enacted and in effect 2018.**

(date) = effective date

## Today's complex risk landscape — EY's 15th Global Fraud Survey (2018)

---

- 37% of the respondents see cyber attacks as one of the greatest risks to their business

### Today's complex risk landscape

Percentage of respondents who believe that the following categories pose the greatest risks to their business

---



**43%**

Changing regulatory environment



**37%**

Cyber attack



**42%**

Macroeconomic environment



**36%**

Fraud and corruption

Q. Which of the following poses the greatest risks to your business?  
Base: 15th Global Fraud Survey (2,550)

## Time to get personal on data — EY's 15th Global Fraud Survey (2018)

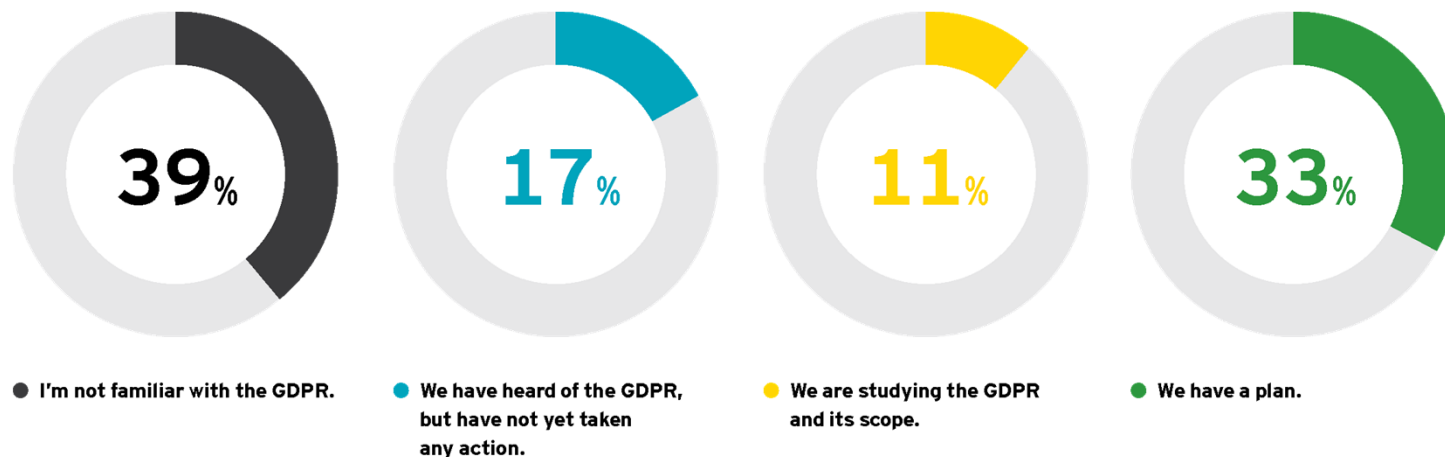
- One in four of the respondents are likely to assert their right to have personal data erased. The technology and administrative burden on companies will be immense.



## Limited readiness

### — EY Global Forensic Data Analytics (“FDA”) Survey 2018

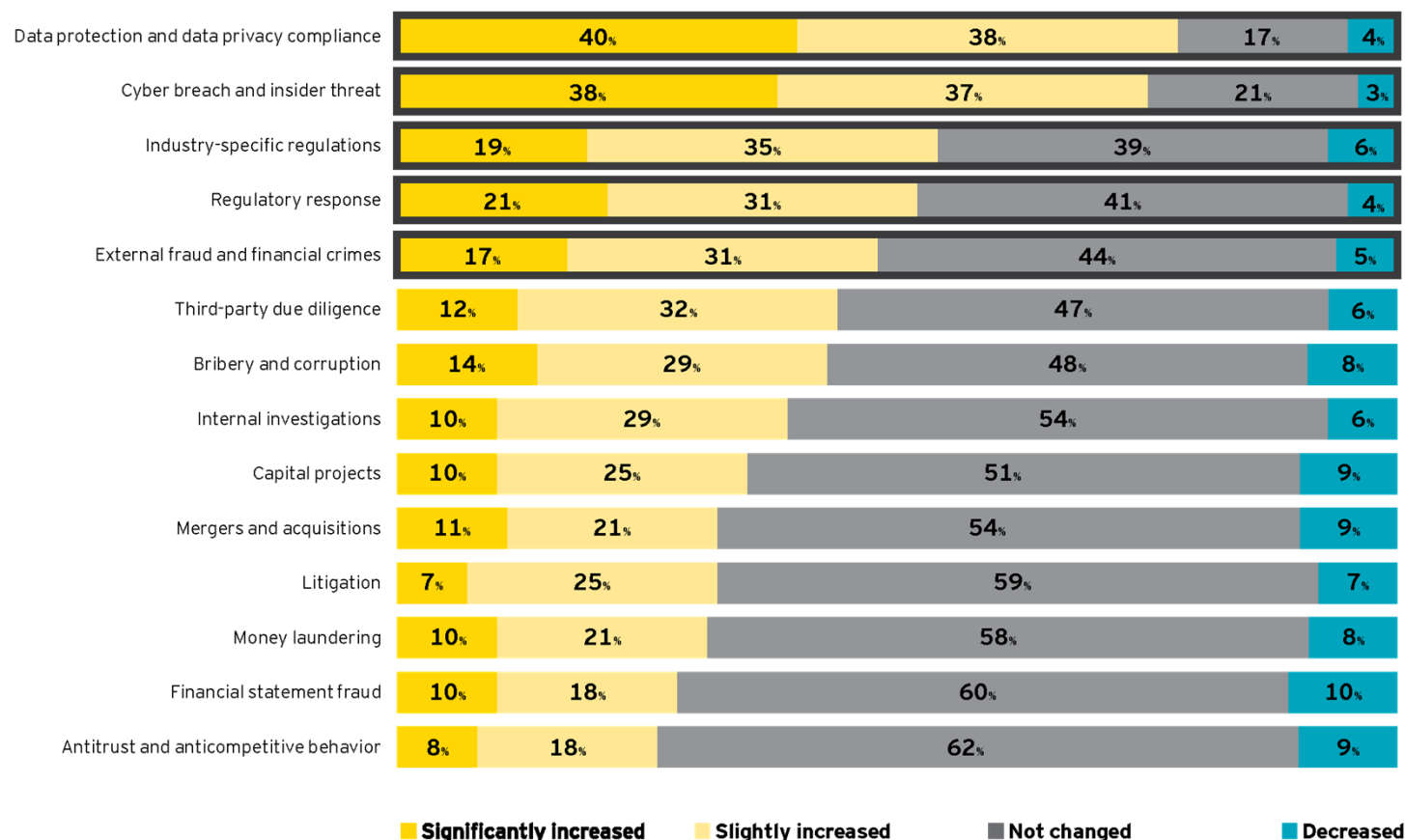
- There has been unprecedented development of data protection and data privacy regulations around the world.
  - EU’s GDPR
  - China’s Cybersecurity Law
  - Australia’s Privacy Amendment
  - South Africa’s Electronic Communications and Transactions Act
  - .....
- There is limited readiness toward GDPR compliance.



Q:

Base: all respondents (745)

# Concern on data protection and data privacy compliance — EY Global Forensic Data Analytics (“FDA”) Survey 2018



**Q:** Over the past two years, how has the level of concern about these risk areas changed in your organization?

Base: all respondents (745)

The “Don’t know” percentages have been omitted to allow better comparisons among the responses given.

**Thanks!**

