

Copy-Paste or Caution?

A critical look at how the **GDPR** shapes data protection laws across the globe

The GDPR - a European revolution to data protection legislation

- Comprehensive data protection regulation based on European understanding of human dignity and privacy
- Not the first of its kind, but the strictest to date

 The GDPRs rules **apply to all that handle Europeans data** - including citizens of other countries acting from their own country



Why the GDPR serves as the most common model for data protection regulation world wide

- 1. Economic power**
 - GDPR rewards adoption with high data protection standards
 - Colonial history of many countries has resulted in economic dependence on the EU
- 2. New field of regulation** with tech booming world wide
 - Relatively new subject, role models are welcome
- 3.** The EU provides some **funding** for the creation of dataprotection policies in underdeveloped countries

What issues can arise

- Notions of privacy and dignity are contextual
- Socio-economic conditions require different exemptions and adaptations in different regulatory environments

Example - Morocco

- One of the most advanced in data protection legislation in Africa
- Difficulties in enforcement because of pluralistic legal system - civil law, cultural norms, islamic law



Example - South Africa

- Traditionally more communal than individualistic values (Ubuntu philosophy)
- Legislation clashes with lived reality of portion of the population and hinders enforcement



→ Potential normative colonialism?

How can it be done differently?

- GDPR can be a valuable starting point for national legislation with adaptations to local conditions


Example - Vietnam


- Socialist country with vague constitutional guarantees of data privacy
- Economically close to EU, China and USA



Conclusion

- The GDPR is a valuable starting point
- It provides a comprehensive approach to data protection
- But it's very influenced by western norms and ideals

 **Needs to be adapted to local contexts to be suitable to solving the problems of the adapting country**

 **Adaption of the GDPR can lead to valuable legal innovation, that the EU should look out for**

EU (GDPR)	Vietnam (Decree Nr. 13/2023/ND-CP)
Defines rights of data subjects and obligations of data controllers	On top of that defines obligations of data subjects, e.g. to participate in protection of their own data and spread of knowledge on best practises
Consent has to be informed and voluntary	On top of that consent can be given conditionally
Basic, vague extra protection of childrens data	More specific, stricter protection of childrens data
Few situational exceptions	More situational exceptions (as common in many other countries policies)

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