

ANNEX A: DATABASE OF LAWS/REGULATIONS¹¹¹⁶

AUSTRALIA

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	1) Strategic Framework for the Information Economy, 2004 ¹¹¹⁷ 2) Digital Economy Strategy Paper (Australia's Tech Future), 2018 ¹¹¹⁸ 3) Currently being updated as part of the Digital Technology Taskforce ¹¹¹⁹
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or	Yes	Electronic Transactions Act

¹¹¹⁶ The regulations indicated here refer to economy-wide regulations. Where state or city-level regulations are also applicable, some examples are provided.

¹¹¹⁷ Australia, 'Australia's strategic framework for the information economy 2004-2006', Last accessed 6 October 2020, <http://ict-industry-reports.com.au/wp-content/uploads/sites/4/2013/10/2004-Strategic-Framework-for-the-Information-Economy-DCITA.pdf>

¹¹¹⁸ Australia – Department of Industry, Science, Energy and Resources, 'Australia's Tech Future', Last updated December 2018, <https://www.industry.gov.au/data-and-publications/australias-tech-future>.

¹¹¹⁹ Australia – Department of the Prime Minister and Cabinet, 'Digital Technology Taskforce', Last accessed 6 October 2020, <https://www.pmc.gov.au/domestic-policy/digital-technology-taskforce>.

			section within Civil Code) and/or electronic transactions law?		1999, last amended 2011 ¹¹²⁰
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	Electronic Transactions Act 1999, last amended 2011 ¹¹²⁰
3.2	Electronic authentication	Domestic	Is digital identification regulated?	Yes	Trusted Digital Identification Framework, 2019 ¹¹²¹
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	Electronic Transactions Act 1999, last amended 2011 ¹¹²⁰
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	Electronic Transactions Act 1999, last amended 2011 ¹¹²⁰
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	No information	

¹¹²⁰ Australia, 'Electronic Transactions Act 1999', Last amended 2011, <https://www.legislation.gov.au/Details/C2011C00445>

¹¹²¹ Australia – Digital Transformation Agency, 'The trusted digital identity framework', Last accessed 6 October 2020, <https://www.dta.gov.au/our-projects/digital-identity/trusted-digital-identity-framework>

3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	Yes ¹¹²²	
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	No ¹¹²³	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	No ¹¹²⁴	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	Yes ¹¹²⁵	

¹¹²² UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', Last accessed 6 October 2020, https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

¹¹²³ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹¹²⁴ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', Last accessed 6 October 2020, https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹¹²⁵ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirements of Legislation for Foreign Public Documents', Last updated 2019, <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	ePayments Code, 2016 ¹¹²⁶
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	ePayments Code, 2016 ¹¹²⁶
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	Yes	Fintech Regulatory Sandbox ¹¹²⁷
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ¹¹²⁸	
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	1) Pan European Public Procurement On-Line (PEPPOL) e-invoicing standard, 2019 ¹¹²⁹ 2) Treasury Bills Amendment (2020

¹¹²⁶ Australian Securities & Investments Commission, 'ePayments Code', Last accessed 6 October 2016, <https://download.asic.gov.au/media/3798542/epayments-code-published-29-march-2016.pdf>

¹¹²⁷ Australian Securities & Investments Commission, 'Enhance regulatory sandbox', Last accessed 6 October 2020, <https://asic.gov.au/for-business/innovation-hub/enhanced-regulatory-sandbox/#:~:text=The%20sandbox%20allows%20natural%20persons,Australia%20from%201%20September%202020>.

¹¹²⁸ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

¹¹²⁹ Peppol, 'Australia – Country Profile', Last accessed 6 October 2020, <https://peppol.eu/what-is-peppol/peppol-country-profiles/australia-country-profile/>

					Measures No. 1) Bill 2020, 2019 ¹¹³⁰ 3) Tran-Tasman Electronic Invoicing Agreement, 2019 ¹¹³¹
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	Yes	National Blockchain Roadmap, 2019 ¹¹³²
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹¹³³	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹¹³⁴	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of	No ¹¹³⁵	

¹¹³⁰ FSTMedia, 'e-Invoicing bill clears final legislative hurdle, paving way for national standards', Last updated 30 October 2019, <https://fst.net.au/government-news/e-invoicing-bill-clears-final-legislative-hurdle-paving-way-for-national-standards/>

¹¹³¹ Australia – The Treasury, 'Trans-Tasman Electronic Invoicing Arrangement', Last accessed 6 October 2020, <https://treasury.gov.au/trans-tasman-electronic-invoicing-arrangement>

¹¹³² Australia – Department of Industry, Science, Energy and Resource, 'The National Blockchain Roadmap: Progressing towards a blockchain-empowered future', <https://www.industry.gov.au/sites/default/files/2020-02/national-blockchain-roadmap.pdf>

¹¹³³ WTO, 'Ratifications List', Last updated 10 August 2020, <https://www.tfafacility.org/ratifications>

¹¹³⁴ APEC, 'Paperless Trading Individual Action Plan', <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹¹³⁵ United Nations Treaty Collection, 'Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', Last updated 6 October 2020, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

			Cross-Border Paperless Trade?		
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	Yes ¹¹³⁶	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferrable Records?	No ¹¹³⁷	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	No ¹¹³⁸	
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	AUD1,000 ¹¹³⁹	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹¹⁴⁰

¹¹³⁶ WCO, 'List of the Contracting Parties to the Revised Kyoto Convention', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹¹³⁷ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_transferable_records/status

¹¹³⁸ Information provided by Australia.

¹¹³⁹ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

¹¹⁴⁰ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

			custom duties? (e.g. WTO moratorium)		
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	Privacy Act 1988 ¹¹⁴¹
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	No ¹¹⁴²	
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g. servers, data storage infrastructure)	No	

¹¹⁴¹ Australia, 'Privacy Act 1988', Last amended 2013, <https://www.legislation.gov.au/Details/C2014C00076>

¹¹⁴² OECD, 'Digital Services Trade Restrictiveness Index Simulator', <https://sim.oecd.org/Simulator.ashx?lang=En&ds=DGSTRI&d1c=dg&d2c=aus>

8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	Yes ¹¹⁴³	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹¹⁴⁴	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Competition and Consumer Act 2010 ¹¹⁴⁵
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	Yes	Treasury Laws Amendment (Consumer Data Right) Act 2019 ¹¹⁴⁶
10.1	Principles on access to and use of the	Domestic	Are there laws to ensure transparency	No information	

¹¹⁴³ CBPRs, 'APEC Cross Border Privacy Rules – Australia's Participation', Last updated 22 February 2019, <http://cbprs.org/news/apec-cross-border-privacy-rules-australias-participation/>

¹¹⁴⁴ European Commission, 'Adequacy decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

¹¹⁴⁵ Australian Competition & Consumer Commission, 'Digital platforms inquiry – final report', Last updated 26 July 2019, <https://www.accc.gov.au/publications/digital-platforms-inquiry-final-report>

¹¹⁴⁶ Australia - The Parliament of the Commonwealth of Australia, 'Treasury Laws amendment (Consumer data rights) Bill 2019', 2019, https://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r6370_aspassed/toc_pdf/19126b01.pdf;fileType=application%2Fpdf

	internet for digital trade		in network management practices (i.e. traffic management, network neutrality)?		
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	No information	
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	Yes	1) Copyright Act 1968, last amended 2017 ¹¹⁴⁷ 2) Broadcasting Services Act 1992 ¹¹⁴⁸
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	No	The report on “Regulating in the Digital Age: Government Response and Implementation Roadmap for the

¹¹⁴⁷ Australia, ‘Copyright Act 1968’, Last amended 2017, <https://www.legislation.gov.au/Details/C2017C00094>

¹¹⁴⁸ Australia, ‘Broadcasting Services Act 1992’, Last amended 2018, <https://www.legislation.gov.au/Details/C2018C00060/Controls/>

					Digital Platforms Inquiry” raised this issue ¹¹⁴⁹
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	Yes	<p>1) Under defamation law (if passed), digital platforms can be found liable for harm caused by hosted content. It is also possible that digital platforms could be found liable for other civil wrongs, such as negligence¹¹⁵⁰</p> <p>2) Enhancing Online Safety Act 2015¹¹⁵¹</p> <p>3) Criminal Code Amendment Act (Sharing of Abhorrent Violent Material) Act 2019¹¹⁵²</p>

¹¹⁴⁹ Australian Competition & Consumer Commission, ‘Digital platforms inquiry – Final report’, Last updated 26 July 2019, <https://www.accc.gov.au/publications/digital-platforms-inquiry-final-report>

¹¹⁵⁰ Parliament of Australia, ‘Reform of defamation law’, Last accessed 6 October 2020, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook46p/DefamationReform

¹¹⁵¹ Australia, ‘Enhancing Online Safety Act 2015’, Last amended 2018, <https://www.legislation.gov.au/Details/C2018C00356>

¹¹⁵² Australia, ‘Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019’, 2019, <https://www.legislation.gov.au/Details/C2019A00038>

					4) Criminal Code Act 1995 ¹¹⁵³ 5) Ongoing reform on online safety ¹¹⁵⁴ ; defamation law review ¹¹⁵⁵ and privacy law review ¹¹⁵⁶ .
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹¹⁵⁷	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	Australian Public Data Policy Statement, 2015 ¹¹⁵⁸
12.2	Open data	International	Part of the Open Data Charter?	Yes ¹¹⁵⁹	
Focus Area C: Consumer Protection and Privacy Issues					

¹¹⁵³ Australia, 'Criminal Code Act 1995', Last amended 2018, <https://www.legislation.gov.au/Details/C2019C00043>

¹¹⁵⁴ Australia – Department of Infrastructure, Transport, Regional Development and Communications, 'Consultation on a new Online Safety Act', Last accessed 6 October 2020, <https://www.communications.gov.au/have-your-say/consultation-new-online-safety-act>

¹¹⁵⁵ NSW Government, 'Review of Model Defamation Provisions', Last accessed 6 October 2020, <https://www.justice.nsw.gov.au/defamationreview>

¹¹⁵⁶ Australia – Office of the Australian Information Commissioner, 'OAIC welcomes privacy law update to protect Australians' personal information', Last updated 26 July 2019, <https://www.oaic.gov.au/updates/news-and-media/oaic-welcomes-privacy-law-update/>

¹¹⁵⁷ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹¹⁵⁸ Australia, 'Australian Government Public Data Policy Statement', 2015, https://www.pmc.gov.au/sites/default/files/publications/aust_govt_public_data_policy_statement_1.pdf

¹¹⁵⁹ Open Data Charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) Competition and Consumer Act 2010, last amended 2019 ¹¹⁶⁰ 2) Australian Direct Marketing Association (ADMA) Industry Code of Practice, 2018 ¹¹⁶¹
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	Yes ¹¹⁶²	
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	Yes	Examples include: 1) Memorandum of Cooperation between the Federal Bureau of Investigation and the Australian

¹¹⁶⁰ Australia, 'Competition and Consumer Act 2010', <https://www.legislation.gov.au/Details/C2011C00003/Download>

¹¹⁶¹ Association for Data Driven Marketing & Advertising, 'ADMA Code of Practice 2018 release', Last updated 18 Feb 2019, <https://www.adma.com.au/compliance/adma-code-of-practice-2018-released#:~:text=The%20ADMA%20Code%20of%20Practice%20provides%20a%20principle%2Dbased%2C%20agile,creativity%2C%20content%20and%20customer%20experience.>

¹¹⁶² International Consumer Protection and Enforcement Network, 'Who we are', <https://www.icpen.org/who-we-are>

					Competition & Consumer Commission ¹¹⁶³ ; 2) Cooperation agreement between The Commissioner of Competition (Canada), the Australian Competition & Consumer Commission & New Zealand Commerce Commission regarding the application of their competition & consumer laws ¹¹⁶⁴
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	Yes	1) Spam Act 2003, last amended 2016 ¹¹⁶⁵ 2) Do Not Call Register Act 2006 ¹¹⁶⁶
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	Privacy Act 1988 ¹¹⁴¹

¹¹⁶³ Australian Competition and Consumer Commission, 'Memorandum of Cooperation between the Federal Bureau of Investigation and the Australian Competition and Consumer Commission', <https://www.accc.gov.au/system/files/Memorandum%20of%20cooperation%20between%20the%20FBI%20%26%20the%20ACCC.pdf>

¹¹⁶⁴ Australia Competition & Consumer Commission, 'Treaties & agreements', <https://www.accc.gov.au/about-us/international-relations/treaties-agreements>

¹¹⁶⁵ Australia, 'Spam Act 2003', Last amended 2016, <https://www.legislation.gov.au/Details/C2016C00614>

¹¹⁶⁶ Australia – acma, 'About the Do Not Call Register', <https://www.donotcall.gov.au/about/about-the-do-not-call-register/>

15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Privacy Act 1988 ¹¹⁴¹
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	Office of the Australian Information Commissioner ¹¹⁶⁷
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	Yes	Privacy Act 1988 ¹¹⁴¹
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	Privacy Act 1988 ¹¹⁴¹
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/ network security	Domestic	Are there laws/ regulations on cybercrime and cybersecurity?	Yes	1) Criminal Code Act 1995, last amended 2020 ¹¹⁶⁸ 2) Crimes Act 1914, last amended 2017 ¹¹⁶⁹
16.2	Cybersecurity/ network security	Domestic	Are there regulations regarding contingency measures against attacks/ or	Yes	1) Criminal Code Act 1995, last amended 2020 ¹¹⁶⁸ 2) Crimes Act 1914, last amended 2017 ¹¹⁶⁹

¹¹⁶⁷ Australia – Office of the Australian Information Commissioner, www.oaic.gov.au

¹¹⁶⁸ Australia, ‘Criminal Code Act 1995’, Last amended 2018, <https://www.legislation.gov.au/Details/C2019C00043>

¹¹⁶⁹ Australia, ‘Crimes Act 1914’, Last amended 2017, <https://www.legislation.gov.au/Details/C2017C00297>

			preventive measures?		
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	1) Telecommunications Act 1997, last amended 2019 ¹¹⁷⁰ 2) Assistance and Access Act 2018 ¹¹⁷¹ 3) Privacy Act 1988 ¹¹⁴¹
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	Yes ¹¹⁷²	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ¹¹⁷³	
17.2	Telecommunications	International	Has the economy adopted the WTO	Yes	

¹¹⁷⁰ Australia, 'Telecommunications Act 1997', Last amended 2019, <https://www.legislation.gov.au/Details/C2019C00104>

¹¹⁷¹ Australia – Department of Home Affairs, 'The Assistance and Access Act 2018', <https://www.homeaffairs.gov.au/about-us/our-portfolios/national-security/lawful-access-telecommunications/data-encryption>

¹¹⁷² Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 6 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹¹⁷³ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

			Basic Telecommunications Reference Paper?		
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	Yes – in limited circumstances	The limited circumstances are covered by Australia's FTA exceptions.
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹¹⁷⁴	

¹¹⁷⁴ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

BRUNEI DARUSSALAM

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	Digital Government Strategy 2015-2020, 2015 ¹¹⁷⁵
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	Electronic Transactions Act (Chapter 196), 2001, last amended 2008 ¹¹⁷⁶
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	Electronic Transactions Act (Chapter 196), 2001, last amended 2008 ¹¹⁷⁶
3.2	Electronic authentication	Domestic	Is digital identification regulated?	Yes	1) Digital Government

¹¹⁷⁵ Brunei Darussalam, 'Digital Government Strategy 2015-2020', <https://www.gov.bn/Documents/DGS%202015%20-%202020/Brunei%20DGS%202015%20-%202020%20-%20en.pdf>

¹¹⁷⁶ Brunei Darussalam, 'Chapter 196 Electronic Transactions Act', [http://www.agc.gov.bn/AGC%20Images/LOB/PDF/Electronic%20Transactions%20\(chp.196\).pdf](http://www.agc.gov.bn/AGC%20Images/LOB/PDF/Electronic%20Transactions%20(chp.196).pdf)

					Strategy 2015-2020, 2015 2) e-Darussalam Account, 2015 ¹¹⁷⁷
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	Electronic Transactions Act (Chapter 196), 2001, last amended 2008 ¹¹⁷⁶
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	Electronic Transactions Act (Chapter 196), 2001, last amended 2008 ¹¹⁷⁶
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	Yes	Electronic Transactions Act (Chapter 196), 2001, last amended 2008 ¹¹⁷⁶
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	Yes ¹¹⁷⁸	
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic	No ¹¹⁷⁹	

¹¹⁷⁷ Brunei Darussalam, 'Digital Identity', <https://www.gov.bn/SitePages/Digital%20Identity.aspx>

¹¹⁷⁸ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status' https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

¹¹⁷⁹ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

			Communications in International Contracts?		
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	No ¹¹⁸⁰	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	No ¹¹⁸¹	
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	1) Payment and Settlement Systems (Oversight) Order, 2015 ¹¹⁸² 2) Digital Payment Roadmap for Brunei Darussalam 2019-2025, 2018 ¹¹⁸³

¹¹⁸⁰ UNCITRAL, 'UNCITRAL Model Law on Electronic Signature (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹¹⁸¹ HCCH, '12: Convention on 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

¹¹⁸² Brunei Darussalam, 'Payment and Settlement Systems (Oversight) Order', 2015, [https://www.ambd.gov.bn/SiteAssets/Pages/Legislation-And-Regulations/Payment%20Settlement%20Systems%20\(Oversight\)%20Order,%202015.pdf](https://www.ambd.gov.bn/SiteAssets/Pages/Legislation-And-Regulations/Payment%20Settlement%20Systems%20(Oversight)%20Order,%202015.pdf)

¹¹⁸³ Brunei Darussalam, 'Digital Payment Roadmap for Brunei Darussalam 2019-2025', [https://www.ambd.gov.bn/SiteAssets/Digital%20Payment%20Roadmap%20v3.43%20@%2018Dec2018%20\(Corp%20Comm\).pdf](https://www.ambd.gov.bn/SiteAssets/Digital%20Payment%20Roadmap%20v3.43%20@%2018Dec2018%20(Corp%20Comm).pdf)

					3) Brunei Darussalam Financial Sector Blueprint (2016-2025), 2016 ¹¹⁸⁴
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	1) Payment and Settlement Systems (Oversight) Order, 2015 ¹¹⁸² 2) Digital Payment Roadmap for Brunei Darussalam 2019-2025, 2018 ¹¹⁸³ 3) Brunei Darussalam Financial Sector Blueprint (2016-2025), 2016 ¹¹⁸⁴
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	Yes	FinTech Regulatory Sandbox Guidelines, 2017 ¹¹⁸⁵
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial	Yes ¹¹⁸⁶	

¹¹⁸⁴ Brunei Darussalam, 'Sector Blueprint 2016-2025', <https://www.ambd.gov.bn/SiteAssets/financial-sector-blueprint/Final%20Sector%20Blueprint%202016%20-%202025%20FINAL.pdf>

¹¹⁸⁵ Brunei Darussalam, 'Fintech Regulatory Sandbox Guidelines', https://www.ambd.gov.bn/SiteAssets/fintech-office/FTSG%20v1_final.pdf

¹¹⁸⁶ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

			services – banking and other financial services?		
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	No information	
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	No information	
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹¹⁸⁷	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	No ¹¹⁸⁸	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	No ¹¹⁸⁹	

¹¹⁸⁷ WTO, ‘Ratifications list’, <https://www.tfafacility.org/ratifications>

¹¹⁸⁸ APEC, ‘Paperless Trading Individual Action Plan’, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹¹⁸⁹ United Nations Treaty Collection, ‘20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific’, Last updated 6 October 2020, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=en

6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	No ¹¹⁹⁰	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferable Records?	No ¹¹⁹¹	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	Yes	ASEAN Single Window ¹¹⁹²
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	BND400 ¹¹⁹³	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹¹⁹⁴
Focus Area B: Openness and cross-border related issues					

¹¹⁹⁰ WCO, “List of the Contracting Parties to the Revised Kyoto Convention”, Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹¹⁹¹ UNCITRAL, UNCITRAL Model Law on Electronic Transferable Records (2017) – Statut, https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_transferable_records/status

¹¹⁹² ASEAN Single Window, ‘What is the ASEAN Single Window’, <https://asw.asean.org/>

¹¹⁹³ Global Express Association, ‘Overview of de minimis value regimes open to express shipments world wide, Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

¹¹⁹⁴ WTO, ‘WTO members agree to extend e-commerce, non-violation moratoriums’, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	Data Protection Policy, 2014, last amended 2015 (Note: Apply to public sector only) ¹¹⁹⁵
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	No information	
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g. servers, data storage infrastructure)	No information	
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	No ¹¹⁹⁶	

¹¹⁹⁵

Brunei

Darussalam,

'Data

Protection

Policy',

<http://www.information.gov.bn/PublishingImages/SitePages/New%20Media%20and%20IT%20Unit/Data%20Protection%20Policy%20V.2.2.pdf>¹¹⁹⁶ CBPRs, 'Government', <http://cbprs.org/government/>

8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹¹⁹⁷	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Competition Order, 2015 ¹¹⁹⁸
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No information	
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic	Yes	1) Telecommunications Order, 2001 ¹¹⁹⁹ 2) AITI Order, 2001 ¹²⁰⁰

¹¹⁹⁷ European Commission, 'Adequacy decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

¹¹⁹⁸ Brunei Darussalam – Attorney General's Chambers, 'Competition Order 2015', <http://www.agc.gov.bn/AGC%20Site%20Pages/COMPETITION%20ORDER,%202015.aspx>

¹¹⁹⁹ Authority for Info-communications Technology Industry of Brunei Darussalam, 'Telecommunications Order, 2001', <https://www.aiti.gov.bn/LegalReference/Telecoms%20S38%20Telecommunications%20Order.PDF>

¹²⁰⁰ Authority for Info-communications Technology Industry of Brunei Darussalam, 'Authority for Info-Communications Technology Industry of Brunei Darussalam Order, 2001', <https://www.aiti.gov.bn/LegalReference/AITI%20Order%20S39.PDF>

			management, network neutrality)?		
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	Yes	1) Broadcasting Act (Chapter 180), 1997, last amended 2000 ¹²⁰¹ 2) Broadcasting (Class License) Notification, 2001 ¹²⁰² 3) Broadcasting (Code of Practice) Notification, 1998, last amended 2000 ¹²⁰³
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	Yes	Electronic Transactions Act (Chapter 196), 2001, last amended 2008 ¹¹⁷⁶
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal,	No information	

¹²⁰¹ Authority for Info-communications Technology Industry of Brunei Darussalam, 'Chapter 180 Broadcasting', <https://www.aiti.gov.bn/LegalReference/Cap180%20Broadcasting%20Act.pdf>

¹²⁰² Authority for Info-communications Technology Industry of Brunei Darussalam, 'Broadcasting (Class License) Notifications, 2001', <https://www.aiti.gov.bn/LegalReference/Cap180%20Broadcasting%20Act%20Class%20Licence%20Notification%202001.pdf>

¹²⁰³ Authority for Info-communications Technology Industry of Brunei Darussalam, 'Broadcasting (Code of Practice) Notification', <https://www.aiti.gov.bn/LegalReference/Cap180%20Broadcasting%20Act%20Broadcasting%20COP%20Notification.pdf>

			IP infringing content/ websites?		
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	Yes	Electronic Transactions Act (Chapter 196), 2001, last amended 2008 ¹¹⁷⁶
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹²⁰⁴	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	Data.gov.bn ¹²⁰⁵
12.2	Open data	International	Part of the Open Data Charter?	No ¹²⁰⁶	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) Consumer Protection (Fair Trading) Order, 2011 ¹²⁰⁷

¹²⁰⁴ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹²⁰⁵ Data.gov.bn, 'What is the data.gov.bn', <https://www.data.gov.bn/Pages/About.aspx>

¹²⁰⁶ Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

¹²⁰⁷ Brunei Darussalam, 'Consumer Protection (Fair Trading) Order, 2001', <http://extwprlegs1.fao.org/docs/pdf/bru113413.pdf>

					2) Sale of Goods (Chapter 170), 1994 ¹²⁰⁸ 3) Unfair Contract Terms (Chapter 171), 1994 ¹²⁰⁹ 4) Broadcasting Act (Chapter 180), 1997, last amended 2000 ¹²⁰¹ 5) Broadcasting (Class License) Notification, 2001 ¹²⁰² 6) Broadcasting (Code of Practice) Notification, 1998, last amended 2000 ¹²⁰³
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	No ¹²¹⁰	

¹²⁰⁸ Brunei Darussalam, 'Chapter 170: Sale of Goods', <http://www.agc.gov.bn/AGC%20Images/LOB/PDF/Chp.170.pdf>

¹²⁰⁹ Brunei Darussalam, 'Chapter 171: Unfair Contract Terms', <http://www.agc.gov.bn/AGC%20Images/LOB/PDF/Chp.171.pdf>

¹²¹⁰ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	Yes	Examples include: 1) ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) 2016 – 2025 ¹²¹¹ 2) ASEAN Online Business Code of Conduct ¹²¹²
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	No information	
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	Data Protection Policy, 2014, last amended 2015 ¹¹⁹⁵
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Data Protection Policy, 2014, last amended 2015 ¹¹⁹⁵
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	Data Protection Policy, 2014, last amended 2015 ¹¹⁹⁵

¹²¹¹ ASEAN Consumer, ‘The ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) 2016-2025: Meeting the Challenges of a People-Centered ASEAN beyond 2015’, https://aseanconsumer.org/file/post_image/The%20ASEAN%20Strategic%20Action%20Plan%20For%20Consumer%20Protection%202016%202025%20Meeting%20The%20Challenges%20of%20A%20People%20Centered%20ASEAN%20Beyond%202015.pdf

¹²¹² ASEAN Consumer, ‘ASEAN Online Business Code of Conduct’, [https://aseanconsumer.org/file/post_image/2020-02-26%20ASEAN%20COC%20\(fin\).pdf](https://aseanconsumer.org/file/post_image/2020-02-26%20ASEAN%20COC%20(fin).pdf)

15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	Yes	Data Protection Policy, 2014, last amended 2015 ¹¹⁹⁵
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	Data Protection Policy, 2014, last amended 2015 ¹¹⁹⁵
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/network security	Domestic	Are there laws/regulations on cybercrime and cybersecurity?	Yes	Computer Misuse Act (Chapter 194), 2000, last amended 2007 ¹²¹³
16.2	Cybersecurity/network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	No information	
16.3	Cybersecurity/network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	1) Data Protection Policy, 2014, last amended 2015 ¹¹⁹⁵ 2) Computer Misuse Act (Chapter 194), 2000, last amended 2007 ¹²¹³

¹²¹³ Brunei Darussalam, 'Chapter 194 Computer Misuse Act', http://www.unodc.org/res/cld/document/computer-misuse-act_html/Brunei_Computer_Misuse.pdf

16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	No ¹²¹⁴	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ¹²¹⁵	
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	No information	
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as	No information	

¹²¹⁴ Council of Europe, ‘Chart of signatures and ratifications of Treaty 185’, Last updated 6 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹²¹⁵ WTO, ‘Telecommunications commitments and exceptions’, https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, ‘Schedules of specific commitments and lists of Article II exemptions’, https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

			a condition to enter the market?		
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	No ¹²¹⁶	

¹²¹⁶ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

CANADA

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	Digital Charter, 2019 ¹²¹⁷
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	Uniform Electronic Commerce Act, 1999, last amended 2011 ¹²¹⁸
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	1) Personal Information Protection and Electronic Documents Act (PIPEDA), 1999 ¹²¹⁹ 2) Secure Electronic Signature

¹²¹⁷ Canada, 'Canada's Digital Charter in Action: A Plan by Canadians, for Canadians, https://www.ic.gc.ca/eic/site/062.nsf/eng/h_00109.html

¹²¹⁸ ULCC, 'Uniform Electronic Commerce Act, 1999, <https://www.ulcc.ca/en/1999-winnipeg-mb/359-civil-section-documents/1138-1999-electronic-commerce-act-annotated>

¹²¹⁹ Canada, 'Personal Information Protection and Electronic Document Act', Last amended 2019, <https://laws-lois.justice.gc.ca/PDF/P-8.6.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Regulations (SOR/2005-30), 2005 ¹²²⁰
3.2	Electronic authentication	Domestic	Is digital identification regulated?	No	However, there are increasing calls for digital ID ¹²²¹
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	Uniform Electronic Commerce Act, 1999, last amended 2011 ¹²¹⁸
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	Personal Information Protection and Electronic Documents Act (PIPEDA), 1999 ¹²¹⁹
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	No information	

¹²²⁰ Canada, 'Secure Electronic Signature Regulations', Last amended March 2011, <https://laws-lois.justice.gc.ca/PDF/SOR-2005-30.pdf>

¹²²¹ Transunion, 'Digital Identity – A Key Driver of Canada's Digital Economy', Last updated 2 December 2019, <https://www.transunion.ca/blog/digital-identity> ; Vice, 'Canadian Banks and Telecoms are collaborating on a digital ID system', 2019, https://www.vice.com/en_us/article/wjvnqb/canadian-banks-and-telecoms-are-collaborating-on-a-digital-id-system

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	Yes ¹²²²	
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	No ¹²²³	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	No ¹²²⁴	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	No ¹²²⁵	

¹²²² UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

¹²²³ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005), https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹²²⁴ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status, https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹²²⁵ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	Electronic Payments Regulations (SOR/98-129), 1998 ¹²²⁶
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	Canadian NFC Mobile Payments Reference Model, 2012 (Note: This is a voluntary set of guidelines) ¹²²⁷
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	No information	
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ¹²²⁸	

¹²²⁶ Canada, 'Electronic Payments Regulations', <https://laws-lois.justice.gc.ca/PDF/SOR-98-129.pdf>

¹²²⁷ Canada, 'Canadian NFC Mobile Payments Reference Model – Summary', https://cba.ca/Assets/CBA/Documents/Files/Article%20Category/PDF/msc_20120514_mobile_summary_en.pdf

¹²²⁸ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	Pan European Public Procurement On-Line (PEPPOL) e-invoicing standard, 2019 ¹²²⁹
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	No information	
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹²³⁰	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹²³¹	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of	No ¹²³²	

¹²²⁹ Peppol, 'Peppol Reach and Country Profiles', Last accessed 7 October 2020, <https://peppol.eu/what-is-peppol/peppol-country-profiles/>

¹²³⁰ WTO TFA Facility, 'Ratifications list', <https://www.tfafacility.org/ratifications>

¹²³¹ APEC, 'Paperless Trading Individual Action Plan', Last accessed 7 October 2020, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹²³² UN Treaty Collection, '20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Cross-Border Paperless Trade?		
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	Yes ¹²³³	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferrable Records?	No ¹²³⁴	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	No information	
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	CAD20 ¹²³⁵	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic	Yes	WTO Moratorium Related to Customs

¹²³³ WCO, 'List of the Contracting Parties to the Revised Kyoto Convention', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹²³⁴ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/e-commerce/modellaw/electronic_transferable_records/status

¹²³⁵ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			transmissions from custom duties? (e.g. WTO moratorium)		Duties on Electronic Transmissions ¹²³⁶
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	Personal Information Protection and Electronic Documents Act (PIPEDA), 1999 ¹²¹⁹
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	No ¹²³⁷	
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing	No	

¹²³⁶ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

¹²³⁷ OECD, 'Digital Service Trade Restrictiveness Index Simulator', <https://sim.oecd.org/Simulator.ashx?lang=En&ds=DGSTRI&d1c=dg&d2c=can>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			installations? (e.g. servers, data storage infrastructure)		
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	Yes ¹²³⁸	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	Yes ¹²³⁹	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Canada Competition Bureau 2020-2024 Vision (Note: This is not a regulation) ¹²⁴⁰

¹²³⁸ CBPRs, 'Government', <http://cbprs.org/government/>

¹²³⁹ European Commission, 'Adequacy Decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

¹²⁴⁰ Canada, 'Competition in the digital age: Competition Bureau unveils its 2020-2024 vision', Last updated 11 February 2020, <https://www.canada.ca/en/competition-bureau/news/2020/02/competition-in-the-digital-age-competition-bureau-unveils-its-2020-2024-vision.html>; Canada, 'Competition in the digital age – The Competition Bureau's Strategic Vision for 2020-2024', [https://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/vwapj/Strategic-Vision-2020-24-En.pdf/\\$file/Strategic-Vision-2020-24-En.pdf](https://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/vwapj/Strategic-Vision-2020-24-En.pdf/$file/Strategic-Vision-2020-24-En.pdf)

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No information	
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	Yes	Telecommunications Act, 1993, last amended 2019 ¹²⁴¹
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	No information	
11.1	Intermediary liability, IP-related	Domestic	Are there internet service providers (ISPs) intermediary	No information	

¹²⁴¹ Canada, 'Telecommunications Act', Last amended 1 October 2020, <https://laws-lois.justice.gc.ca/eng/acts/T-3.4/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
	and online content related regulations		liability rules or safe harbors?		
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	Yes, but notice and notice system	Canadian Copyright Act (Copyright Act (R.S.C., 1985, c. C-42), 1985, last amended 2018 ¹²⁴²
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	No information	
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹²⁴³	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	1) Access to Information Act, 1985 ¹²⁴⁴

¹²⁴² Canada, 'Notice and Notice Regime', Last updated 1 April 2019, <https://ic.gc.ca/eic/site/oca-bc.nsf/eng/ca02920.html>

¹²⁴³ WIPO, 'WIPO – Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹²⁴⁴ Canada, 'Access to Information Act', <https://laws-lois.justice.gc.ca/eng/acts/a-1/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2) Open.canada.ca ¹²⁴⁵
12.2	Open data	International	Part of the Open Data Charter?	Yes ¹²⁴⁶	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	Multiple provincial regulations apply. Examples include: 1) Ontario (Canada) Consumer Protection Act 2002 ¹²⁴⁷ 2) Ontario Emergency Order on Price Gouging ¹²⁴⁸
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection	Yes ¹²⁴⁹	

¹²⁴⁵ Canada, 'Open Data', Last updated 27 January 2020, <https://open.canada.ca/en/open-data>

¹²⁴⁶ Open Data Charter, 'Government Adopters', <https://opendatacharter.net/government-adopters/>

¹²⁴⁷ Canada – Ontario, 'Consumer Protection Act 2002', Last amended 14 July 2020, <https://www.ontario.ca/laws/statute/02c30>

¹²⁴⁸ Canada – Ontario, 'Report price gouging related to coronavirus (COVID-19)', Last updated 9 September 2020, <https://www.ontario.ca/page/report-price-gouging-related-coronavirus-covid-19>

¹²⁴⁹ ICPEN, 'Who we are', Last accessed 10 October 2020, <https://www.icpen.org/who-we-are>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Enforcement Network (ICPEN)?		
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	No information	
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	Yes	An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Electronic Documents Act and the Telecommunications Act, 2010, last amended 2015 ¹²⁵⁰
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	Personal Information Protection and Electronic Documents Act (PIPEDA), 1999 ¹²¹⁹
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Personal Information Protection and Electronic Documents Act (PIPEDA), 1999 ¹²¹⁹
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	Privacy Commissioner of Canada ¹²⁵¹

¹²⁵⁰ Canada, 'An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act', Last amended 15 January 2015, <https://laws-lois.justice.gc.ca/eng/acts/E-1.6/page-1.html#h-176975>

¹²⁵¹ Office of the Privacy Commissioner of Canada, 'Officer of the Privacy Commissioner of Canada', <https://www.priv.gc.ca/en/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	Yes	Personal Information Protection and Electronic Documents Act (PIPEDA), 1999 ¹²¹⁹
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	Personal Information Protection and Electronic Documents Act (PIPEDA), 1999 ¹²¹⁹
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/network security	Domestic	Are there laws/regulations on cybercrime and cybersecurity?	Yes	1) Criminal Code, 1985 ¹²⁵² 2) Evidence Act, 2010 ¹²⁵³
16.2	Cybersecurity/network security	Domestic	Are there regulations regarding contingency measures against attacks/ or	Yes	Personal Information Protection and Electronic Documents Act (PIPEDA), 1999 ¹²¹⁹

¹²⁵² Canada, 'Criminal Code', Last amended 1 July 2020, <https://laws-lois.justice.gc.ca/eng/acts/c-46/>

¹²⁵³ Canada, 'Canada Evidence Act', Last amended 12 July 2019, <https://laws-lois.justice.gc.ca/eng/acts/c-5/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			preventive measures?		
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	Personal Information Protection and Electronic Documents Act (PIPEDA), 1999 ¹²¹⁹
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	Yes ¹²⁵⁴	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ¹²⁵⁵	
17.2	Telecommunications	International	Has the economy adopted the WTO Basic	Yes	

¹²⁵⁴ Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 10 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹²⁵⁵ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Telecommunications Reference Paper?		
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	No information	
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹²⁵⁶	

¹²⁵⁶ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

CHILE

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	1) Digital Transformation Strategy (2018-2022) ¹²⁵⁷ 2) Agenda Digital 2020 ¹²⁵⁸
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	No information	
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	Law on Electronic Documents, Electronic Signature and Certification

¹²⁵⁷ Chile, 'Estrategia De Transformacion Digital Del Estado', https://digital.gob.cl/doc/estrategia_transformacion_digital_2019_v1.pdf

¹²⁵⁸ Agenda Digital 2020, 'Desde una Agenda Digital a la Transformacion Digital', <http://www.agendadigital.gob.cl/#/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Service, Law 19799, 2002 ¹²⁵⁹
3.2	Electronic authentication	Domestic	Is digital identification regulated?	No	However, there are plans to create a Digital ID in Chile's Digital Transformation Strategy (2018-2022) ¹²⁵⁷
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	Law on Electronic Documents, Electronic Signature and Certification Service, Law 19799, 2002 ¹²⁵⁹
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	Law on Electronic Documents, Electronic Signature and Certification

¹²⁵⁹ Chile, 'Ley 19799 – Sobre Documentos Electronicos, Firma Electronica Y Servicios de Certificacion De Dicha Firma', <https://www.leychile.cl/Navegar?idNorma=196640>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Service, Law 19799, 2002 ¹²⁵⁹
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	Yes	Law on Electronic Documents, Electronic Signature and Certification Service, Law 19799, 2002 ¹²⁵⁹
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	No ¹²⁶⁰	
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	No ¹²⁶¹	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on	No ¹²⁶²	

¹²⁶⁰ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

¹²⁶¹ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹²⁶² UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Electronic Signature (MLES)?		
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	Yes ¹²⁶³	
4.1	Electronic payment	Domestic	Are electronic payments regulated?	No information	
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	No information	
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	No	A Fintech Law was proposed by the Finance Ministry in 2019, but no updates have been reported ¹²⁶⁴

¹²⁶³ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

¹²⁶⁴ Chile Ministerio de Hacienda, 'Minister of Finance announces draft Fintech Law within the framework of ChileDay 2019', <https://www.hacienda.cl/noticias-y-eventos/noticias/ministro-de-hacienda-anuncia-proyecto-de-ley-fintech-en-el-marco-del-chileday>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Banco Central de Chile Strategic Plan for 2018-2022 identified sandboxes as one area it is studying with regards to priority 4 (To improve the Bank's capacity to understand, manage, and incorporate technological changes, in relation to both its operations and management and its institutional objectives) ¹²⁶⁵
4.4	Electronic payment	International	Has the economy made GATS	Yes ¹²⁶⁶	

¹²⁶⁵ Bcentral, 'Strategic Plan for 2018-2022: A Project for all', https://www.bcentral.cl/documents/33528/42235/Strategic_planning_2018_2022.pdf/c2e763f2-b8c7-c8e3-d3a5-9643b758309e?t=1569523343637

¹²⁶⁶ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			commitments regarding financial services – banking and other financial services?		
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	Electronic Invoicing Law, Law 20727, 2014 ¹²⁶⁷
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	Yes	Chile is part of a set of economies working with the InterAmerican Development Bank to develop blockchain solutions for Single Windows for Trade ('Ventanilla Única de Comercio Exterior (VUCE)

¹²⁶⁷ Chile, 'Ley 20727- Introduce Modificaciones a la Legislación Tributaria en Materia de Factura Electronica Y Dispne Otras Medidas Que Indica', Last amended 29 September 2014, <https://www.leychile.cl/Navegar?idNorma=1058909>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					con aplicación de Blockchain') ¹²⁶⁸
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹²⁶⁹	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹²⁷⁰	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	No ¹²⁷¹	
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	No ¹²⁷²	

¹²⁶⁸ BID, 'Ventanilla Unica de Comercio Exterior con aplicacion de Blockchain', 2018, <http://s017.sela.org/media/3317722/ventanilla-unica-de-comercio-exterior-con-blockchain.pdf>

¹²⁶⁹ WTO – TFA Facility, 'Ratifications list', Last updated 10 August 2020, <https://www.tfafacility.org/ratifications>

¹²⁷⁰ APEC, 'Paperless Trading Individual Action Plan', Last accessed 7 October 2020, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹²⁷¹ UN Treaty Collection, '20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

¹²⁷² WCO, 'List of the Contracting Parties to the Revised Kyoto Convention', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferrable Records?	No ¹²⁷³	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	Yes	VUCE(Ventanilla Única de Comercio Exterior) ¹²⁷⁴
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	USD30 ¹²⁷⁵	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹²⁷⁶
Focus Area B: Openness and cross-border related issues					

¹²⁷³ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_transferable_records/status

¹²⁷⁴ BID, 'Así conectó la Alianza del Pacífico sus Ventanillas Únicas de Comercio Exterior', Last updated 2 August 2019, <https://blogs.iadb.org/integracion-comercio/es/conectoa-alianza-del-pacifico-ventanillas-unicas-comercio/>

¹²⁷⁵ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

¹²⁷⁶ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	Law 19628 on the protection of the private life (Ley sobre Protección de la Vida Privada), 1999, last amended 2020 ¹²⁷⁷
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	No ¹²⁷⁸	
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g. servers, data storage infrastructure)	No	

¹²⁷⁷ Chile, 'Ley 19628 – Sobre Protección de la Vida Privada', Last amended 28 February 2020, <https://www.leychile.cl/Navegar?idNorma=141599>

¹²⁷⁸ OECD, 'Digital Services Trade Restrictiveness Index Simulator', <https://sim.oecd.org/Simulator.ashx?lang=En&ds=DGSTRI&d1c=dg&d2c=chl>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	No ¹²⁷⁹	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹²⁸⁰	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Competition Law, Decree Law (Decreto Ley) No. 211, 1973, last amended 2016 ¹²⁸¹

¹²⁷⁹ CBPRs, 'Government', <http://cbprs.org/government/>

¹²⁸⁰ European Commission, 'Adequacy decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

¹²⁸¹ Fiscalía Nacional Económica, 'Decreto Ley N 211 – Que Fija Normas Para la Deensa de la libre Competencia', https://www.fne.gob.cl/wp-content/uploads/2010/12/DL_211_refundido_2016.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No ¹²⁸²	
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	Yes	Net Neutrality Law, Law 20.453, 2010 ¹²⁸³
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	No information	
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary	Yes	Intellectual Property Law, Law 17336, last amended 2010 by

¹²⁸² ICLG.com, 'Chile: Data Protection Laws and Regulations 2020', <https://iclg.com/practice-areas/data-protection-laws-and-regulations/chile>

¹²⁸³ Chile, 'Ley 20453 – Consagra el Principio de Neutralidad en la Red Para los Consumidores Y Usuarios de Internet', <https://www.leychile.cl/Navegar?idNorma=1016570>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			liability rules or safe harbors?		Law 20433, establishing safe harbors for ISP liability ¹²⁸⁴
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	Yes	Intellectual Property Law, Law 17336, last amended 2010 by Law 20433, establishing safe harbors for ISP liability ¹²⁸⁴
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	No information	
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹²⁸⁵	

¹²⁸⁴ WILMAP, 'Chile: Amending the Intellectual Property Law', 2010, <https://wilmap.law.stanford.edu/entries/law-no-20435>; Chile, 'Key 17336 – Propiedad Intelectual', Last amended 3 November 2017, <https://www.leychile.cl/Navegar?idNorma=28933>

¹²⁸⁵ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	Datos.gob.cl ¹²⁸⁶
12.2	Open data	International	Part of the Open Data Charter?	Yes ¹²⁸⁷	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) Consumer Protection Law, Law 19496, 1997, last amended 2004 by Law 1995 ¹²⁸⁸ 2) Code of Good Practice for Electronic Commerce, developed by the Santiago Chamber of

¹²⁸⁶ Chile, 'datos.gob.cl', <http://datos.gob.cl/>

¹²⁸⁷ Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

¹²⁸⁸ Chile, 'Ley 19496 – Establece Normas Sobre Proteccion De Los Derechos De Los Consumidores', Last amended 9 June 2020, <https://www.leychile.cl/Navegar?idNorma=61438>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Commerce, 2018 ¹²⁸⁹
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	Yes ¹²⁹⁰	
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	No information	
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	Yes	Consumer Protection Law, Law 19496, 1997, last amended 2004 by Law 1995 ¹²⁸⁸
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	Law 19628 on the protection of the private life (Ley sobre Protección

¹²⁸⁹ Camara de Comercio de Santiago, 'Condigo de Buenas Practicas – Para el Comercio Electronico', <https://www.ecommerceccs.cl/wp-content/uploads/2018/02/CBBPP-DefinitivoVF.pdf>

¹²⁹⁰ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					de la Vida Privada), 1999, last amended 2020 ¹²⁷⁷
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Law 19628 on the protection of the private life (Ley sobre Protección de la Vida Privada), 1999, last amended 2020 ¹²⁷⁷
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	No	There is a proposal for the Council For Transparency to take the role of the data protection agency ¹²⁹¹
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	No ¹²⁹²	

¹²⁹¹ Alessandri, 'Organos de control en la proteccion de los datos personales', <https://www.alessandri.legal/organos-de-control-en-la-proteccion-de-los-datos-personales/>

¹²⁹² ICLG.com, 'Chile: Data Protection Laws and Regulations 2020', Last accessed 7 October 2020, <https://iclg.com/practice-areas/data-protection-laws-and-regulations/chile>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
15.5	Data protection and privacy	Domestic	Are there sanctions available?	No ¹²⁹²	
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/ network security	Domestic	Are there laws/ regulations on cybercrime and cybersecurity?	No	However, in April 2017, the Chilean government presented a new National Policy on Cybersecurity that aims to promote and ensure a free, open, safe and resilient cyberspace by 2022 ¹²⁹³
16.2	Cybersecurity/ network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	No information	
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law	No information	

¹²⁹³ Chile, 'National Cybersecurity Policy', <https://www.ciberseguridad.gob.cl/media/2017/05/NCSP-ENG.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			enforcement agencies?		
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	Yes ¹²⁹⁴	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ¹²⁹⁵	
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a	No information	

¹²⁹⁴ Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹²⁹⁵ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			condition to enter the market?		
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	No ¹²⁹⁶	

¹²⁹⁶ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

CHINA

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	13th Five-year Development Plan for E-commerce, 2016 ¹²⁹⁷
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	E-commerce Law of the People's Republic of China, 2019 ¹²⁹⁸
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	Electronic Signature Law of the People's Republic of China, 2005, last amended 2015 ¹²⁹⁹

¹²⁹⁷ China, '13th Five Year E-Commerce Development Plan', <http://images.mofcom.gov.cn/dzsws/201612/20161229191628547.pdf>

¹²⁹⁸ Izvono okno, 'E-commerce Law of the People's republic of China', 2018, <https://www.izvoznookno.si/Dokumenti/E-commerce%20Law%20of%20the%20People%E2%80%99s%20Republic%20of%20China.pdf>

¹²⁹⁹ WIPO, 'Electronic Signature Law of the People's Republic of China', <https://www.wipo.int/edocs/lexdocs/laws/en/cn/cn105en.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.2	Electronic authentication	Domestic	Is digital identification regulated?	No information	
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	Electronic Signature Law of the People's Republic of China, 2005, last amended 2015 ¹²⁹⁹
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	Electronic Signature Law of the People's Republic of China, 2005, last amended 2015 ¹²⁹⁹
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	No information	
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	Yes ¹³⁰⁰	

¹³⁰⁰ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	Yes ¹³⁰¹	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	Yes ¹³⁰²	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	No ¹³⁰³	
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	Notice on Migrating the Online Payment Business of Non-bank Payment

¹³⁰¹ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005), https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹³⁰² UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹³⁰³ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of legalization for Foreign Public Documents', Last updated 2019, <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Institutions from Direct Connection Mode to Network Platform Processing, 2018 ¹³⁰⁴
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	QR code payment regulation, 2018 ¹³⁰⁵
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	Yes	1) Guiding Opinions on the Promotion of Sound Development of Internet Finance ¹³⁰⁶ 2) Pilot regulation on fintech started in Beijing in 2019, which experiments with various oversight tools and regulatory

¹³⁰⁴ Cyberspace Administration of China, 'Central Bank: Online payment services will be all through the network in the future (translated)', Last updated 8 August 2017, http://www.cac.gov.cn/2017-08/08/c_1121450862.htm

¹³⁰⁵ National Business Daily, 'China's central bank to standardize QR code payment', Last updated 28 December 2017, <http://www.nbdpress.com/articles/2017-12-28/3737.html>

¹³⁰⁶ ICLG.com, 'China: Fintech Laws and Regulations 2020', <https://iclg.com/practice-areas/fintech-laws-and-regulations/china>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					guidelines in the fintech sector ¹³⁰⁷
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ¹³⁰⁸	
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	E-commerce Law of the People's Republic of China, 2019 ¹²⁹⁸
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	Yes	Examples include: A blockchain trade finance platform spearheaded by the People's Bank of China (PBC), has acquired special funding for key research and development

¹³⁰⁷ Finews.asia, 'China Starts Fintech Regulation Pilot Programme', Last updated 10 December 2019, <https://www.finews.asia/finance/30458-china-starts-fintech-regulation-pilot-program>

¹³⁰⁸ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					projects, worth RMB32.35 million (USD4.7 million) over the next three years ¹³⁰⁹
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹³¹⁰	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹³¹¹	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	Yes ¹³¹²	

¹³⁰⁹ Global Times, 'China's central bank blockchain trade platform gets \$4.7m funding', Last updated 9 March 2020, <https://www.globaltimes.cn/content/1182005.shtml>

¹³¹⁰ WTO TFA facility, 'Ratifications list', <https://www.tfafacility.org/ratifications>

¹³¹¹ APEC, 'Paperless Trading Individual Action Plan', <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹³¹² UN Treaty Collection, '20. Framework agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', Last updated 6 October 2020, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	Yes ¹³¹³	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferable Records?	No ¹³¹⁴	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	No information	
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	RMB50 ¹³¹⁵	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹³¹⁶

¹³¹³ WCO, 'List of the Contracting Parties to the Revised Kyoto Convention', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹³¹⁴ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_transferable_records/status

¹³¹⁵ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

¹³¹⁶ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			custom duties? (e.g. WTO moratorium)		
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	1) China Cybersecurity Law, 2017 ¹³¹⁷ 2) Personal information security specification, 2018 ¹³¹⁸
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	Yes	China Cybersecurity Law, 2017 ¹³¹⁷

¹³¹⁷ China Securities Regulatory Commission, 'Cybersecurity Law of the People's Republic of China', http://www.cssrc.gov.cn/pub/newsite/flb/flfg/flxzsf/201805/t20180518_338285.html

¹³¹⁸ North Rose Fulbright, 'Personal information security specification', Last updated January 2018, <https://www.nortonrosefulbright.com/en/knowledge/publications/f959f04d/personal-information-security-specification>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g. servers, data storage infrastructure)	Yes	1) China Cybersecurity Law, 2017 ¹³¹⁷ 2) Technical Specification for Protection of Personal Financial Information (the “PBOC Specification”), 2020 ¹³¹⁹
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	No ¹³²⁰	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy	No	

¹³¹⁹ Norton Rose Fulbright, ‘PBOC issues new specification on personal financial information’, Last updated march 2020, <https://www.nortonrosefulbright.com/en/knowledge/publications/fcdc5f10/pboc-issues-new-specification-on-personal-financial-information>

¹³²⁰ CBPRs, ‘Government’, <http://cbprs.org/government/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Recognition for Processors) system		
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹³²¹	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	E-commerce Law of the People's Republic of China, 2019 ¹²⁹⁸
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	Yes	Personal information security specification, 2018 ¹³¹⁸
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	No	
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of	Yes	1) China Cybersecurity Law, 2017 ¹³¹⁷

¹³²¹ European Commission, 'Adequacy Decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?		2) E-commerce Law of the People's Republic of China, 2019 ¹²⁹⁸
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	Yes	Provisions on Protecting the Personal Information of Telecommunication and Internet Users, 2013 ¹³²²
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	Yes	E-commerce Law of the People's Republic of China, 2019 ¹²⁹⁸
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement?	Yes	1) China Cybersecurity Law, 2017 ¹³¹⁷ 2) E-commerce Law of the People's

¹³²² People's Republic of China, 'Provisions on Protecting the personal Information of Telecommunication and Internet Users', April 2016, <https://www.tandfonline.com/doi/abs/10.1080/00094609.2015.1048162?journalCode=mcig20>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			(e.g. fake news, hate speech, etc.)		Republic of China, 2019 ¹²⁹⁸
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹³²³	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	Regulations on Open Government Information, 2008, last amended 2019 ¹³²⁴
12.2	Open data	International	Part of the Open Data Charter?	No ¹³²⁵	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) Law of the People's Republic of China on the Protection of Consumer Rights and Interests, 1994,

¹³²³ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹³²⁴ Library of Congress, 'China' Open Government Regulations Revised', Last updated 10 September 2019, <https://www.loc.gov/law/foreign-news/article/china-open-government-regulations-revised/>

¹³²⁵ Open data Charter, 'Government Adopters', <https://opendatacharter.net/government-adopters/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					last amended 2014 ¹³²⁶ 2) China Cybersecurity Law, 2017 ¹³¹⁷ 3) E-commerce Law of the People's Republic of China, 2019 ¹²⁹⁸ 4) Advertising Law of the People's Republic of China, 2015 ¹³²⁷
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	Yes ¹³²⁸	
13.3	Consumer protection	International	Is the economy member of another consumer protection	No information	

¹³²⁶ Chinalawinfo, 'Law of the People's Republic of China on the Protection of Consumer Rights and Interests (2013 amendment)', <http://www.lawinfochina.com/display.aspx?id=e0a656d399acd2bdfb&lib=law>

¹³²⁷ HFG – Law & Intellectual Property, 'Advertising Law of the People's Republic of China (2015)', https://www.hfgip.com/sites/default/files/law/advertising_law_16.02.2016.pdf

¹³²⁸ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			cooperation framework?		
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	Yes	1) Advertising Law of the People's Republic of China, 2015 ¹³²⁷ 2) Measures for Administration of E-mail Service on Internet, 2005 ¹³²⁹
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	1) Personal information security specification, 2018 ¹³¹⁸ 2) Online Protection of Children's Personal Information ¹³³⁰
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Personal information security

¹³²⁹ Invest in China, 'Decree No.38 of the Ministry of Information Industry of the People's Republic of China', http://www.fdi.gov.cn/1800000121_39_4761_0_7.html

¹³³⁰ Cyberspace Administration of China, 'Regulation on the Protection of Children's Personal Information Online', http://www.cac.gov.cn/2019-08/23/c_1124913903.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					specification, 2018 ¹³¹⁸
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	There is no single PRC regulatory authority which deals exclusively with data protection / privacy matters, but the Cyberspace Administration of China (CAC) is currently generally considered the primary data protection authority ¹³³¹
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	Yes	1) Personal information security specification, 2018 ¹³¹⁸ 2) China Cybersecurity Law, 2017 ¹³¹⁷

¹³³¹ DLA Piper, ‘Data Protection Laws of the World – China’, <https://www.dlapiperdataprotection.com/index.html?t=authority&c=CN>; <https://iclg.com/practice-areas/data-protection-laws-and-regulations/china>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					3) Online Protection of Children's Personal Information ¹³³⁰
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	1) Personal information security specification, 2018 ¹³¹⁸ 2) Regulation on Internet Security Supervision and Inspection by Public Security Organs, 2018 ¹³³² 3) Online Protection of Children's Personal Information ¹³³⁰
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/network security	Domestic	Are there laws/regulations on	Yes	China Cybersecurity Law, 2017 ¹³¹⁷

¹³³² China Law Translate, 'Provisions on Public Security Organs' Internet Security Oversight and Inspections', Last updated 8 October 2018, <https://www.chinalawtranslate.com/en/provisions-on-public-security-organs-internet-security-oversight-and-inspections/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			cybercrime and cybersecurity?		
16.2	Cybersecurity/ network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	Yes	China Cybersecurity Law, 2017 ¹³¹⁷
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	1) China Cybersecurity Law, 2017 ¹³¹⁷ 2) Regulation on Internet Security Supervision and Inspection by Public Security Organs, 2018 ¹³³²
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	No ¹³³³	
Focus Area E: Infrastructure-related aspects					

¹³³³ Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ¹³³⁴	
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	Yes	China Cybersecurity Law, 2017 ¹³¹⁷
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	Yes	1) China Cybersecurity Law, 2017 ¹³¹⁷ 2) Cryptography Law, 2020 ¹³³⁵

¹³³⁴ WTO, 'Telecommunications commitments and exemptions'. https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

¹³³⁵ China Law Translate, 'Cryptographic Law of the P.R.C', <https://www.chinalawtranslate.com/en/cryptography-law/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	Yes	Cryptography Law, 2020 ¹³³⁵
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹³³⁶	

¹³³⁶ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

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Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	1) Smart City Blueprint for Hong Kong, 2017 ¹³³⁷ 2) The Chief Executive announced in 2017 Policy Address that the Government would step up its efforts to develop I&T in eight major areas ¹³³⁸
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or	Yes	Electronic Transactions Ordinance, 2000, last amended 2017 ¹³³⁹

¹³³⁷ Hong Kong, China – Office of the Government Chief Information Officer, ‘Hong Kong Smart City Blueprint’, <https://www.smartcity.gov.hk/>

¹³³⁸ The eight major areas include: (a) increasing resources for research and development (“R&D”); (b) pooling together technology talent; (c) providing investment funding; (d) providing technological research infrastructure; (e) reviewing existing legislations and regulations; (f) opening up government data; (g) Government to lead changes to procurement arrangements; and (h) strengthening popular science education. (Reference: <https://www.legco.gov.hk/yr19-20/english/panels/itb/papers/itb20191029cb1-42-1-e.pdf>)

¹³³⁹ Hong Kong, China, ‘Cap 553 Electronic Transaction Ordinance’, <https://www.elegislation.gov.hk/hk/cap553>

			electronic transactions law?		
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	Electronic Transactions Ordinance, 2000, last amended 2017 ¹³³⁹
3.2	Electronic authentication	Domestic	Is digital identification regulated?	Yes	Digital certificates (which are regulated by the Electronic Transactions Ordinance) can be carried in Hong Kong ID cards ¹³⁴⁰
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	Electronic Transactions Ordinance, 2000, last amended 2017 ¹³³⁹
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	Electronic Transactions Ordinance, 2000, last amended 2017 ¹³³⁹
3.5	Electronic authentication	Domestic	Do regulations recognize foreign	Yes	Electronic Transactions Ordinance, 2000,

¹³⁴⁰ GovHK, 'Electronic Authentication & Digital Certificates', Last updated May 2020, <https://www.gov.hk/en/residents/communication/infosec/digitalcert.htm>

			authentication services?		last amended 2017 ¹³³⁹
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	Yes ¹³⁴¹	
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	No ¹³⁴²	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	No ¹³⁴³	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	Yes ¹³⁴⁴	

¹³⁴¹ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

¹³⁴² UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005) ', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹³⁴³ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) - Status ', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹³⁴⁴ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents',,, Last updated 2019, <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	Payment Systems and Stored Value Facilities Ordinance, 2015 ¹³⁴⁵
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	Payment Systems and Stored Value Facilities Ordinance, 2015 ¹³⁴⁵
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	Yes	Fintech Supervisory Sandbox ¹³⁴⁶
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ¹³⁴⁷	
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	No information	

¹³⁴⁵ Hong Kong, China, ‘Cap 584 Payment Systems and Stored Value Facilities Ordinance’, <https://www.elegislation.gov.hk/hk/cap584>

¹³⁴⁶ Hong Kong Monetary Authority, ‘Fintech Supervisory Sandbox (FSS)’, <https://www.hkma.gov.hk/eng/key-functions/international-financial-centre/fintech/fintech-supervisory-sandbox-fss/>

¹³⁴⁷ WTO, ‘Schedules of specific commitments and lists of Article II exemptions’, https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	Yes	Example: eTradeConnect, 2018 ¹³⁴⁸
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹³⁴⁹	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹³⁵⁰	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	No ¹³⁵¹	
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	No ¹³⁵²	

¹³⁴⁸ Hong Kong Monetary Authority, 'The launch of eTradeConnect and the Collaboration with we.trade', Last updated 31 October 2018, <https://www.hkma.gov.hk/eng/news-and-media/press-releases/2018/10/20181031-4/>

¹³⁴⁹ WTO TFA Facility, 'Ratifications List', <https://www.tfafacility.org/ratifications>

¹³⁵⁰ APEC, 'Paperless Trading Individual Action Plan', <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹³⁵¹ UN Treaty Collection, '20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

¹³⁵² WCO, 'List of the Contracting Parties to the Revised Kyoto Convention', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferable Records?	No ¹³⁵³	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	No ¹³⁵⁴	
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	Nil	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹³⁵⁵
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	Section 33 of the Personal Data (Privacy) Ordinance, 1995, last amended 2012 ¹³⁵⁶

¹³⁵³ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_transferable_records/status

¹³⁵⁴ Information provided by Hong Kong, China.

¹³⁵⁵ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

¹³⁵⁶ Hong Kong, China, 'Cap 486 Personal Data (Privacy) Ordinance', <https://www.elegislation.gov.hk/hk/cap486>

8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	No ¹³⁵⁴	
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g. servers, data storage infrastructure)	Yes	Circular to Licensed Corporations - Use of external electronic data storage, 2020 ¹³⁵⁷
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	No ¹³⁵⁸	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy	No	

¹³⁵⁷ Hong Kong, China – Securities and Futures Commission, ‘Circular to Licensed Corporations - Use of external electronic data storage’, Last updated 31 October 2019, <https://www.sfc.hk/edistributionWeb/gateway/EN/circular/intermediaries/supervision/doc?refNo=19EC59>

¹³⁵⁸ CBPRs, ‘Government’, <http://cbprs.org/government/>

			Recognition for Processors) system		
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹³⁵⁹	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Competition Ordinance, 2015 ¹³⁶⁰
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No ¹³⁵⁴	
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	Yes	Telecommunications Ordinance, 1962, last amended 2019 ¹³⁶¹
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking	No information	

¹³⁵⁹ European Commission, 'Adequacy Decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

¹³⁶⁰ Hong Kong, China, 'Cap 619 Competition Ordinance', <https://www.elegislation.gov.hk/hk/cap619>

¹³⁶¹ Hong Kong, China, 'Cap 106 Telecommunications Ordinance', <https://www.elegislation.gov.hk/hk/cap106>

			content or websites)?		
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	Yes	Copyright Ordinance, 1997, last amended 2019 ¹³⁶²
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	Yes	Copyright Ordinance, 1997, last amended 2019 ¹³⁶²
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	No information	
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹³⁶³	

¹³⁶² Hong Kong, China, 'Cap 528 Copyright Ordinance', <https://www.elegislation.gov.hk/hk/cap528>

¹³⁶³ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	Data.gov.hk ¹³⁶⁴
12.2	Open data	International	Part of the Open Data Charter?	No ¹³⁶⁵	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) Trade Descriptions Ordinance, 1980, last amended 2019 ¹³⁶⁶ 2) Sale of Goods Ordinance, 1896, last amended 2000 ¹³⁶⁷ 3) Supply of Services (Implied Terms) Ordinance, 1994, last amended 2000 ¹³⁶⁸ 4) Control of Exemption Clauses

¹³⁶⁴ Data.gov.hk, 'Home', <https://data.gov.hk/en/>

¹³⁶⁵ Open Data Charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

¹³⁶⁶ Hong Kong, China, 'Cap 362 Trade Descriptions Ordinance', last amended 2019, <https://www.elegislation.gov.hk/hk/cap362>

¹³⁶⁷ Hong Kong, China, 'Cap 26, Sale of Goods Ordinance', Last amended 2000, <https://www.elegislation.gov.hk/hk/cap26>

¹³⁶⁸ Hong Kong, China, 'Cap 457 Supply of Services (Implied Terms) Ordinance', Last amended 2000, <https://www.elegislation.gov.hk/hk/cap457>

					<p>Ordinance, 1989, last amended 2010¹³⁶⁹</p> <p>5) Unconscionable Contracts Ordinance, 1994, last amended 2000¹³⁷⁰</p> <p>6) Consumer Goods Safety Ordinance, 1994, last amended 2014¹³⁷¹</p> <p>7) Toys and Children's Products Safety Ordinance, 1992, last amended 2019¹³⁷²</p>
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	No ¹³⁷³	

¹³⁶⁹ Hong Kong, China, 'Cap 71 Control of Exemption Clauses Ordinance', Last amended 2010, <https://www.elegislation.gov.hk/hk/cap71>

¹³⁷⁰ Hong Kong, China, 'Cap 458 Unconscionable Contracts Ordinance', Last amended 2000, <https://www.elegislation.gov.hk/hk/cap458>

¹³⁷¹ Hong Kong, China, 'Cap 456 Consumer Goods Safety Ordinance', Last amended 2000, <https://www.elegislation.gov.hk/hk/cap456>

¹³⁷² Hong Kong, China, 'Cap 424 Toys and Children's Products Safety Ordinance', Last amended 2019, <https://www.elegislation.gov.hk/hk/cap424>

¹³⁷³ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	No information	
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	Yes	1) Unsolicited Electronic Messages Ordinance, 2007 ¹³⁷⁴ 2) Unsolicited Electronic Messages Regulation, 2007, last amended 2012 ¹³⁷⁵
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	Personal Data (Privacy) Ordinance, 1995, last amended 2012 ¹³⁵⁶
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Personal Data (Privacy) Ordinance, 1995, last amended 2012 ¹³⁵⁶
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	Privacy Commissioner for Personal Data ¹³⁷⁶

¹³⁷⁴ Hong Kong, China, 'Cap 593 Unsolicited Electronic Messages Ordinance', <https://www.elegislation.gov.hk/hk/cap593>

¹³⁷⁵ Hong Kong, China, 'Cap 593A Unsolicited Electronic Messages Regulation 2007', Last amended 2012, <https://www.elegislation.gov.hk/hk/cap593A>

¹³⁷⁶ DLA Piper, 'Data Protection Laws of the World –Hong Kong, China', <https://www.dlapiperdataprotection.com/index.html?t=authority&c=HK>

15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	No	However, there is a Guidance on Data Breach Handling and the Giving of Breach Notifications ¹³⁷⁷
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	Personal Data (Privacy) Ordinance, 1995, last amended 2012 ¹³⁵⁶
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/network security	Domestic	Are there laws/regulations on cybercrime and cybersecurity?	Yes	Although there is no standalone Hong Kong Law chapter on cybercrime or cybersecurity, there are a number of offences provided in various ordinances governing computer related crimes. ¹³⁷⁸
16.2	Cybersecurity/network security	Domestic	Are there regulations regarding contingency	No	No centralized regulation ¹³⁵⁶

¹³⁷⁷ Privacy Commissioner for Personal Data, Hong Kong, 'Guidance on Data Breach Handling and the Giving of Breach Notifications', https://www.pcpd.org.hk/english/resources_centre/publications/files/DataBreachHandling2015_e.pdf

¹³⁷⁸ Examples provided by Hong Kong, China include Telecommunications Ordinance (Cap 106), Gambling Ordinance (Cap 148), Crimes Ordinance (Cap 200), Theft Ordinance (Cap 210), Public Order Ordinance (Cap 245), Organized and Serious Crimes Ordinance (Cap 455), Copyright Ordinance (Cap 528), and Prevention of Child Pornography Ordinance (Cap 579).

			measures against attacks/ or preventive measures?		
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	Under section 50(7) of the Police Force Ordinance (Cap 232) ¹³⁷⁹ , by information on oath before a magistrate, any police officer has the authority to search for and take possession of any articles which are likely to be of value to the investigation of any offence that has been committed, or that is reasonably suspected to have been committed or to be about to be committed or to be intended to be committed.

¹³⁷⁹ Hong Kong, China, Cap 232 Police Force Ordinance', <https://www.elegislation.gov.hk/hk/cap232>

16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	No ¹³⁸⁰	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ¹³⁸¹	
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	No information	
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as	No information	

¹³⁸⁰ Council of Europe, 'Chart of Signature and Ratification of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹³⁸¹ WTO, Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

			a condition to enter the market?		
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹³⁸²	

¹³⁸² Hong Kong, China is a Participant to both ITA (https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm) and ITA Expansion.

INDONESIA

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	1) Making Indonesia 4.0 Roadmap, 2018 ¹³⁸³ 2) E-commerce Roadmap for 2017-2019, 2017 ¹³⁸⁴
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	1) Law No. 11 Concerning Electronic Information and Transactions 2008, 2008, last amended 2016 ¹³⁸⁵ 2) Regulation No. 82 of 2012 Concerning Electronic System

¹³⁸³ Kemenperin Perindustrian, 'Making Indonesia 4.0', <https://www.kemenperin.go.id/download/19347>

¹³⁸⁴ Rajah & Tann Asia, 'Indonesia's E-Commerce Road Map', August 2017, https://eoasis.rajahtann.com/eoasis/lu/pdf/2017-08-Indonesia_E-Commerce.pdf

¹³⁸⁵ Indonesia, 'Law No. 11 Concerning Electronic Information and Transactions 2008', http://www.flevin.com/id/lgo/translations/JICA%20Mirror/english/4846_UU_11_2008_e.html

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					and Transaction Operation, 2012 ¹³⁸⁶ 3) Regulation No. 80 of 2019 on Trading Through Electronic Systems, 2019 ¹³⁸⁷
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	1) Law No. 11 Concerning Electronic Information and Transactions 2008, 2008, last amended 2016 ¹³⁸⁵ 2) Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012 ¹³⁸⁶
3.2	Electronic authentication	Domestic	Is digital identification regulated?	Yes	Presidential Regulation No. 96 on Requirements for

¹³⁸⁶ Flevin, 'Regulation of the Government of the Republic of Indonesia, Number 82 of 2012 concerning Electronic systems and transaction operation', http://www.flevin.com/id/lgsso/translations/JICA%20Mirror/english/4902_PP_82_2012_e.html

¹³⁸⁷ BakerMckenzie, 'Indonesia now has a specific E-Commerce Regulation', December 2019, <https://www.bakermckenzie.com/en-/media/files/insight/publications/2019/12/ma-taxtrad--indonesia-now-has-a-specific-ecommerce-regulation-dece-2019.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Population Registration and Civil Records, 2018 ¹³⁸⁸
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	1) Law No. 11 Concerning Electronic Information and Transactions 2008, 2008, last amended 2016 ¹³⁸⁵ 2) Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012 ¹³⁸⁶
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	1) Law No. 11 Concerning Electronic Information and Transactions 2008, 2008, last amended 2016 ¹³⁸⁵

¹³⁸⁸ Setkab, 'Peraturan Presiden Republik Indonesia Nomor 96 Tahun 2018', <https://setkab.go.id/wp-content/uploads/2018/10/Perpres-Nomor-96-Tahun-2018-2.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2) Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012 ¹³⁸⁶
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	Yes	1) Law No. 11 Concerning Electronic Information and Transactions 2008, 2008, last amended 2016 ¹³⁸⁵ 2) Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012 ¹³⁸⁶
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	No ¹³⁸⁹	
3.7	Electronic authentication	International	Part of United Nations Convention on the	No ¹³⁹⁰	

¹³⁸⁹ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

¹³⁹⁰ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Use of Electronic Communications in International Contracts?		
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	No ¹³⁹¹	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	No ¹³⁹²	
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	Regulation of Central Bank No. 18/40/PBI/2016, 2016 ¹³⁹³
4.2	Electronic payment	Domestic	Are mobile payment, e-money	Yes	Bank Indonesia provides a list of

¹³⁹¹ UNCITRAL, UNCITRAL Model Law on Electronic Signatures (2001) – Status’, https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹³⁹² HCCH, ‘12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents’, Last updated 2019, <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

¹³⁹³ Indonesia National Trade Repository, ‘ Bank Indonesia Regulation Number 18/40/PBI/2016 concerning operation of payment transaction processing’, <https://eservice.insw.go.id/files/ecommerce/7.%20Regulation%20of%20BI%20No%2018.40.PBI.2016%20on%20Concerning%20the%20implementation%20of%20payment%20transaction.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			and/or e-wallets regulated?		licensed electronic money operators ¹³⁹⁴
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	Yes	PADG No. 19/14/PADG/2017 Concerning Financial Technology Regulatory Sandbox, 2017 ¹³⁹⁵
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ¹³⁹⁶	
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	Minister of Finance Regulation (PMK) Number 210/PMK.010/2018, 2018 ¹³⁹⁷

¹³⁹⁴ Bank Indonesia, 'Payment System License Information', Last updated 7 July 2020, <https://www.bi.go.id/en/sistem-pembayaran/informasi-perizinan/ptp/penyelenggara-berizin/Contents/default.aspx>

¹³⁹⁵ Bank Indonesia, 'Teknologi Finansial', <https://www.bi.go.id/id/sistem-pembayaran/fintech/regulatory-sandbox/Contents/default.aspx>

¹³⁹⁶ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

¹³⁹⁷ Thomson Reuters, 'Indonesia Issues Regulation on Taxation of E-Commerce Transactions', Last updated 26 February 2019, <https://tax.thomsonreuters.com/blog/indonesia-issues-regulation-on-taxation-of-e-commerce-transactions/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	Yes	Example include TradeLens Blockchain ¹³⁹⁸
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹³⁹⁹	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹⁴⁰⁰	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	No ¹⁴⁰¹	

¹³⁹⁸ Tradelens, 'Indonesia Customs and Excise to Adopt IBM and Maersk's TradeLens Blockchain', 18 February 2020, <https://www.tradelens.com/press-releases/indonesia-customs-and-excise-to-adopt-ibm-and-maersks-tradelens-blockchain>

¹³⁹⁹ WTO TFA Facility, 'Ratifications', <https://www.tfafacility.org/ratifications>

¹⁴⁰⁰ APEC, 'Paperless Trading Individual Action Plan', <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹⁴⁰¹ UN Treaty Collection, '20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', Last updated 6 October 2020, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	Yes ¹⁴⁰²	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferrable Records?	No ¹⁴⁰³	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	Yes	ASEAN Single Window ¹⁴⁰⁴
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	USD75 ¹⁴⁰⁵	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹⁴⁰⁶

¹⁴⁰² WCO, 'List of the Contracting Parties to the Revised Kyoto Convention', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹⁴⁰³ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) - Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_transferable_records/status

¹⁴⁰⁴ ASEAN, 'ASEAN Single Window', <https://asw.asean.org/>

¹⁴⁰⁵ Global Express Association, 'Overview of de minimis value regimes open to express shipments worldwide', last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

¹⁴⁰⁶ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			custom duties? (e.g. WTO moratorium)		
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	1) Regulation No. 20 of 2016 on Personal Data Protection within Electronic Systems, 2016 ¹⁴⁰⁷ 2) Regulation No. 80 of 2019 on Trading Through Electronic Systems, 2019 ¹³⁸⁷
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	Yes	Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012 ¹³⁸⁶
8.3	Cross border data flows	Domestic	Are there specific requirements for the	Yes	Regulation No. 82 of 2012 Concerning

¹⁴⁰⁷ Makarim, 'New regulations on the protection of personal data: Key provisions', <https://www.makarim.com/en/news/detail/legal-advisory/547/new-regulation-on-the-protection-of-personal-data-key-provisions>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			location of financial computing installations? (e.g. servers, data storage infrastructure)		Electronic System and Transaction Operation, 2012 ¹³⁸⁶
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	No ¹⁴⁰⁸	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹⁴⁰⁹	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Law No. 5 of 1999 on Anti Monopoly Practice and Unfair

¹⁴⁰⁸ CBPRS, 'Government, <http://cbprs.org/government/>

¹⁴⁰⁹ European Commission, 'Adequacy Decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Business Competition ¹⁴¹⁰
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No information	
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	Yes	1) Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012 ¹³⁸⁶ 2) Law No. 36 of 1999 Regarding Telecommunications, 1999 ¹⁴¹¹
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking	Yes	1) Law No. 11 Concerning Electronic Information and Transactions 2008, 2008, last amended 2016 ¹³⁸⁵

¹⁴¹⁰ Komisi Pengawas Persaingan Usaha, 'Competition Law', <http://eng.kppu.go.id/competition-law/>

¹⁴¹¹ Directorate General of Post and Telecommunications, 'Law of the Republic Indonesia No.36 of 1999 regarding telecommunications', <https://www.postel.go.id/content/EN/regulasi/telecommunication/uu/law36-1999.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			content or websites)?		2) Law No. 36 of 1999 Regarding Telecommunications, 1999 ¹⁴¹¹ 3) Law No. 28 of 2014 on Copyright, 2014 ¹⁴¹²
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	Yes	Regulation No. 80 of 2019 on Trading Through Electronic Systems, 2019 ¹³⁸⁷
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	Yes	1) Law No. 11 Concerning Electronic Information and Transactions 2008, last amended 2016 ¹³⁸⁵ 2) Law No. 28 of 2014 on Copyright ¹⁴¹² 3) Regulation No. 19 of 2014 on

¹⁴¹² Kementerian Hukum dan Hak Asasi Manusia Republik Indonesia, 'Law of the Republic of Indonesia Number 28 on Copyrights', <http://ditjenpp.kemenkumham.go.id/arsip/terjemahan/37.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Controlling Internet Websites Containing Negative Content ¹⁴¹³
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	Yes	1) Law No. 28 of 2014 on Copyright ¹⁴¹² 2) Regulation No. 19 of 2014 on Controlling Internet Websites Containing Negative Content ¹⁴¹³
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹⁴¹⁴	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	Satu Data Indonesia (data.go.id) (Note: This is not a law/regulation) ¹⁴¹⁵
12.2	Open data	International	Part of the Open Data Charter?	No ¹⁴¹⁶	

¹⁴¹³ Thomsom Reuters, 'Digital business in Indonesia: overview', Last updated 1 June 2020, [https://uk.practicallaw.thomsonreuters.com/5-621-1310?transitionType=Default&contextData=\(sc.Default\)](https://uk.practicallaw.thomsonreuters.com/5-621-1310?transitionType=Default&contextData=(sc.Default))

¹⁴¹⁴ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹⁴¹⁵ Satu Data Indonesia, 'Data Indonesia Dalam Satu Portal', <https://data.go.id/>

¹⁴¹⁶ Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	<p>1) Law on Consumers' Protection 1999, 1999¹⁴¹⁷</p> <p>2) Law No. 11 Concerning Electronic Information and Transactions 2008, 2008, last amended 2016¹³⁸⁵</p> <p>3) Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012¹³⁸⁶</p> <p>4) Regulation No. 80 of 2019 on Trading Through Electronic Systems, 2019¹³⁸⁷</p>
13.2	Consumer protection	International	Is the economy member of the	No ¹⁴¹⁸	

¹⁴¹⁷ ASEAN Consumer, 'Law of the Republic of Indonesia Number 8 year 1999 concerning Consumer Protection', https://aseanconsumer.org/file/pdf_file/04%20Law-No.-8-Concerning-Consumer-Protection.pdf

¹⁴¹⁸ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			International Consumer Protection Enforcement Network (ICPEN)?		
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	Yes	Examples include: 1) ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) 2016 – 2025 ¹⁴¹⁹ 2) ASEAN Online Business Code of Conduct ¹⁴²⁰
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	No	However, Article 26(1) of the Law on Information and Electronic Transactions indicated that unless provided otherwise by Rules, use of any

¹⁴¹⁹ ASEAN Consumer, 'The ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) 2016-2025: Meeting the Challenges of a People'Centered ASEAN Beyond 2015', https://aseanconsumer.org/file/post_image/The%20ASEAN%20Strategic%20Action%20Plan%20For%20Consumer%20Protection%202016_2025%20Meeting%20The%20Challenges%20of%20A%20People%20Centered%20ASEAN%20Beyond%202015.pdf

¹⁴²⁰ ASEAN Consumer, 'ASEAN Online Business Code of Conduct', [https://aseanconsumer.org/file/post_image/2020-02-26%20ASEAN%20COC%20\(fin\).pdf](https://aseanconsumer.org/file/post_image/2020-02-26%20ASEAN%20COC%20(fin).pdf)

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					information through electronic media that involves personal data of a Person must be made with the consent of the Person concerned. Furthermore, Article 26(2) states that Any Person whose rights are infringed as intended by paragraph (1) may lodge a claim for damages incurred under this Law.
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	1) Regulation No. 20 of 2016 on Personal Data Protection within Electronic Systems, 2016 ¹⁴⁰⁷ 2) Law No. 11 Concerning Electronic Information and Transactions 2008,

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2008, last amended 2016 ¹³⁸⁵ 3) Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012 ¹³⁸⁶
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	1) Regulation No. 20 of 2016 on Personal Data Protection within Electronic Systems, 2016 ¹⁴⁰⁷ 2) Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012 ¹³⁸⁶
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	However, it should be noted that the existing regulations have mentioned Minister and/or officials, but do not explicitly mention specific data protection authority,

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					particularly at economy-wide level. As an example, the Indonesian Financial Services Authority has the authority to act as the regulator of data privacy in the capital markets sector (since Dec 2012) and with regard to banks' customer data privacy issues (since Dec 2013) ¹⁴²¹
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	Yes	Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012 ¹³⁸⁶
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	1) Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012 ¹³⁸⁶

¹⁴²¹ ICLG.com, 'Indonesia: Data Protection Laws and Regulations 2020', <https://iclg.com/practice-areas/data-protection-laws-and-regulations/indonesia>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2) Regulation No. 20 of 2016 on Personal Data Protection within Electronic Systems, 2016 ¹⁴⁰⁷
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/ network security	Domestic	Are there laws/ regulations on cybercrime and cybersecurity?	Yes	1) Law No. 11 Concerning Electronic Information and Transactions 2008, 2008, last amended 2016 ¹³⁸⁵ 2) Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012 ¹³⁸⁶
16.2	Cybersecurity/ network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	Yes	1) Law No. 11 Concerning Electronic Information and Transactions 2008, 2008, last amended 2016 ¹³⁸⁵

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2) Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012 ¹³⁸⁶ 3) Regulation No. 20 of 2016 on Personal Data Protection within Electronic Systems, 2016 ¹⁴⁰⁷
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012 ¹³⁸⁶
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	No ¹⁴²²	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments	Yes ¹⁴²³	

¹⁴²² Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹⁴²³ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			regarding telecommunication services?		
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	Yes	Regulation No. 82 of 2012 Concerning Electronic System and Transaction Operation, 2012 ¹³⁸⁶
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	Yes	Law No. 36 of 1999 Regarding Telecommunications, 1999 ¹⁴¹¹

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹⁴²⁴	

¹⁴²⁴ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

JAPAN

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	Basic Law on the Formation of an Advanced Information and Telecommunications Network Society (Act No. 144 of 6 December 2000), 2000 ¹⁴²⁵
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	Act on Special Provisions to the Civil Code on Electronic Consumer Contracts and Electronic Acceptance Notice (Act No. 95 of 29 June 2001), 2001 ¹⁴²⁵

¹⁴²⁵ Thomson Reuters, 'Digital business in Japan', Last updated 1 May 2020, [https://uk.practicallaw.thomsonreuters.com/5-621-1305?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://uk.practicallaw.thomsonreuters.com/5-621-1305?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1)

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	Law Concerning Electronic Signatures and Certification Services (Law No. 102 of 2000), 2000 ¹⁴²⁶
3.2	Electronic authentication	Domestic	Is digital identification regulated?	Yes	My number programme, 2016 ¹⁴²⁷
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	1) Act on Special Provisions to the Civil Code on Electronic Consumer Contracts and Electronic Acceptance Notice (Act No. 95 of 29 June 2001), 2001 ¹⁴²⁵ 2) Interpretative Guidelines on Electronic Commerce and

¹⁴²⁶ Japan, 'Act on Electronic Signatures and Certification Business', 31 May 2020, <http://www.cas.go.jp/jp/seisaku/hourei/data/aescb.pdf>

¹⁴²⁷ Nippon.com, "'My Number': Portal to a Digital Society", Last updated 16 November 2015, <https://www.nippon.com/en/currents/d00201/my-number-portal-to-a-digital-society.html>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Information Property Trading, 2002, last amended 2018 ¹⁴²⁸
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	No information	
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	No information	
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	No ¹⁴²⁹	
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in	No ¹⁴³⁰	

¹⁴²⁸ Jones Day, 'Japan Legal Update | Vol. 40', <https://www.jonesday.com/en/insights/2018/09/japan-legal-update--vol-40>

¹⁴²⁹ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

¹⁴³⁰ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			International Contracts?		
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	No ¹⁴³¹	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	Yes ¹⁴³²	
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	1) Payment Services Act, 2009, last amended 2017 ¹⁴³³ 2) Banking Act Amendment (Act Partially Amending the Banking Act, Act

¹⁴³¹ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹⁴³² HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', Last updated 2019, <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

¹⁴³³ Thomson Reuters, 'Digital business in Japan: overview', Last update 1 May 2020, [https://uk.practicallaw.thomsonreuters.com/5-621-1305?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://uk.practicallaw.thomsonreuters.com/5-621-1305?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1); ICLG.com, 'Japan: Fintech Laws and Regulations 2020', <https://iclg.com/practice-areas/fintech-laws-and-regulations/japan>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					No 49 of 2017), 2017 ¹⁴³⁴
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	Payment Services Act, 2009, last amended 2017 ¹⁴³³
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	Yes	Payment Services Act, 2009, last amended 2017 ¹⁴³³
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ¹⁴³⁵	
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	No information	
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	No information	

¹⁴³⁴ Japanese Law Translation, 'Banking Act', <http://www.japaneselawtranslation.go.jp/law/detail/?id=3435&vm=04&re=02>

¹⁴³⁵ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹⁴³⁶	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹⁴³⁷	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	No ¹⁴³⁸	
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	Yes ¹⁴³⁹	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic	No ¹⁴⁴⁰	

¹⁴³⁶ WTO TFA Facility, 'Ratifications list', <https://www.tfafacility.org/ratifications>

¹⁴³⁷ APEC, 'Paperless Trading Individual Action Plan', <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹⁴³⁸ UN Treaty Collection, '20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', Last updated 6 October 2020, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

¹⁴³⁹ WCO, 'List of the Contracting Parties to the Revised Kyoto Convention', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹⁴⁴⁰ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/e-commerce/modellaw/electronic_transferable_records/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Transferrable Records?		
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	No information	
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	JPY10,000 ¹⁴⁴¹	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹⁴⁴²
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	Act on the Protection of Personal Information (APPI) (Act No. 57 of

¹⁴⁴¹ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

¹⁴⁴² WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2003), 2003, last amended 2015 ¹⁴⁴³
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	No ¹⁴⁴⁴	
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g. servers, data storage infrastructure)	No	
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	Yes ¹⁴⁴⁵	

¹⁴⁴³ Japan, 'Act on the Protection of Personal Information Act No. 57 of (2003)', <http://www.cas.go.jp/jp/seisaku/hourei/data/APPI.pdf>

¹⁴⁴⁴ OECD, 'Digital Services Trade Restrictiveness Index Simulator', <https://sim.oecd.org/Simulator.ashx?lang=En&ds=DGSTRI&d1c=dg&d2c=jpn>

¹⁴⁴⁵ CBPRs, 'Government', <http://cbprs.org/government/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	Yes	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	Yes ¹⁴⁴⁶	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Act concerning the prohibition of private monopolization and the maintenance of fair trade (Law No. 54 of 14 April 1947) ¹⁴⁴⁷
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No information	

¹⁴⁴⁶ European Commission, 'Adequacy Decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

¹⁴⁴⁷ WIPO, 'Act on Prohibition of Private Monopolization and Maintenance of Fair Trade', <https://www.wipo.int/edocs/lexdocs/laws/en/jp/jp078en.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	Yes	New competition promotion program 2010 ¹⁴⁴⁸
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	No information	
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	Yes	Act on the Limitation of Liability for Damages of Specified Telecommunications Service Providers

¹⁴⁴⁸ Japan - Ministry of Internal Affairs and Communication, 'Report on Network Neutrality', September 2007, https://www.soumu.go.jp/main_sosiki/joho_tsusin/eng/pdf/070900_1.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					and the Right to Demand Disclosure of Identification Information of the Senders (Act No. 137 of 2001), last amended 2013 ¹⁴⁴⁹
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	Yes	Act on the Limitation of Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identification Information of the Senders (Act No. 137 of 2001), last amended 2013 ¹⁴⁴⁹
11.3	Intermediary liability, IP-related	Domestic	Are there laws/guidelines that hold ISPs liable for	No information	

¹⁴⁴⁹ Japanese Law Translation, 'Act on the Limitation of Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identification Information of the Senders', http://www.japaneselawtranslation.go.jp/law/detail_main?re=02&ia=03&vm=02&id=2088

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
	and online content related regulations		non-IP infringement? (e.g. fake news, hate speech, etc.)		
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹⁴⁵⁰	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	Open Government Data Strategy, 2012 ¹⁴⁵¹
12.2	Open data	International	Part of the Open Data Charter?	No ¹⁴⁵²	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) Specific Commercial Transaction Act (Act No 57 of June 4, 1976), last amended 2016 ¹⁴⁵³

¹⁴⁵⁰ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹⁴⁵¹ Kantei, 'Japan Open Data Charter Action Plan', October 2013, http://japan.kantei.go.jp/policy/it/2013/1029_fulltext.pdf

¹⁴⁵² Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

¹⁴⁵³ Library of Congress, 'Japan: Act on Specified Commercial Transactions Amended', 2016, <https://www.loc.gov/law/foreign-news/article/japan-act-on-specified-commercial-transactions-amended/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					<p>2) Problems and Points of Concern under the Premiums and Representations Act Concerning Representations in Business-to-Consumer E-Commerce (Guidelines)¹⁴⁵⁴</p> <p>3) Problems and Points of Concern under the Premiums and Representations Act Concerning Advertising Representations in Internet Consumer Transactions (Guidelines)¹⁴⁵⁵</p>
13.2	Consumer protection	International	Is the economy member of the International	Yes ¹⁴⁵⁶	

¹⁴⁵⁴ Lexology, 'e-Commerce', Last accessed 7 October 2020, <https://gettingthedealthrough.com/area/11/jurisdiction/36/e-commerce-japan/>

¹⁴⁵⁵ Lexology, 'e-Commerce', Last accessed 7 October 2020, <https://gettingthedealthrough.com/area/11/jurisdiction/36/e-commerce-japan/>

¹⁴⁵⁶ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Consumer Protection Enforcement Network (ICPEN)?		
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	No information	
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	Yes	Act on Regulation of Transmission of Specified Electronic Mail (Act No. 26 of 17 April 2002), 2002 ¹⁴⁵⁷
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	Act on the Protection of Personal Information (APPI) (Act No. 57 of 2003), 2003, last amended 2015 ¹⁴⁴³
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Act on the Protection of Personal Information (APPI)

¹⁴⁵⁷ Thomson Reuters, 'Digital business in Japan', Last updated 1 May 2020, [https://uk.practicallaw.thomsonreuters.com/5-621-1305?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://uk.practicallaw.thomsonreuters.com/5-621-1305?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1); Library of Congress, 'Online Privacy Law: Japan', <https://www.loc.gov/law/help/online-privacy-law/2017/japan.php>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					(Act No. 57 of 2003), 2003, last amended 2015 ¹⁴⁴³
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	Personal Information Protection Commission
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	No ¹⁴⁵⁸	
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	Act on the Protection of Personal Information (APPI) (Act No. 57 of 2003), 2003, last amended 2015 ¹⁴⁴³
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/network security	Domestic	Are there laws/regulations on cybercrime and cybersecurity?	Yes	1) Basic Cybersecurity Act, 2014 ¹⁴⁵⁹ 2) Act on the Protection of

¹⁴⁵⁸ DLA Piper, 'Data Protection Laws of the World – Japan', Last updated 14 Jan 2020, <https://www.dlapiperdataprotection.com/index.html?t=breach-notification&c=JP>

¹⁴⁵⁹ Japanese Law Translation, 'The Basic Act on Cybersecurity', <http://www.japaneselawtranslation.go.jp/law/detail/?printID=&re=02&vm=02&id=2760&lvm=01>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Unauthorized Computer Access (UCAL), 1999, last amended 2013 ¹⁴⁶⁰
16.2	Cybersecurity/ network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	No	However, the Cybersecurity Management Guidelines require cyberattacks to be notified ¹⁴⁶¹
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	No information	
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	Yes ¹⁴⁶²	
Focus Area E: Infrastructure-related aspects					

¹⁴⁶⁰ Japanese Law Translation, 'Act on Prohibition of Unauthorized Computer Access', Last amended 2013, http://www.japaneselawtranslation.go.jp/law/detail_main?re=02&vm=02&id=2250

¹⁴⁶¹ METI, 'Cybersecurity Management Guidelines Revised', Last updated 16 November 2017, https://www.meti.go.jp/english/press/2017/1116_001.html

¹⁴⁶² Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 July 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ¹⁴⁶³	
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	No information	
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	

¹⁴⁶³ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹⁴⁶⁴	

¹⁴⁶⁴ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

KOREA

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	1) Comprehensive Policies for e-Commerce Development, 2001 ¹⁴⁶⁵ 2) e-Business Initiative in Korea, 2000 ¹⁴⁶⁵
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	Framework Act on Electronic Documents and Transactions, 1999, last amended 2012 ¹⁴⁶⁶
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	Digital Signature Act, 1999, last amended 2020 ¹⁴⁶⁷

¹⁴⁶⁵ Choong Yang Ahn, "E-commerce & ICT Development in South Korea: Prospects & Challenges", https://www.jef.or.jp/journal/pdf/223rd_Cover_Story_04.pdf

¹⁴⁶⁶ Korea, 'Framework Act on Electronic Documents and Transactions', Last updated 26 July 2018, https://elaw.klri.re.kr/eng_service/lawView.do?hseq=45837&lang=ENG

¹⁴⁶⁷ Korea, 'Digital Signature Act', Last amended 2020, https://elaw.klri.re.kr/eng_service/lawView.do?hseq=42625&lang=ENG

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.2	Electronic authentication	Domestic	Is digital identification regulated?	No information	
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	1) Framework Act on Electronic Documents and Transactions, 1999, last amended 2020 ¹⁴⁶⁶ 2) Digital Signature Act, 1999, last amended 2020 ¹⁴⁶⁷
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	Digital Signature Act, 1999, last amended 2020 ¹⁴⁶⁷
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	Yes	Digital Signature Act, 1999, last amended 2020 ¹⁴⁶⁷
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on	Yes ¹⁴⁶⁸	

¹⁴⁶⁸ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Electronic Commerce 1996?		
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	Yes ¹⁴⁶⁹	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	No ¹⁴⁷⁰	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	Yes ¹⁴⁷¹	
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	Electronic Financial Transactions Act,

¹⁴⁶⁹ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹⁴⁷⁰ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹⁴⁷¹ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', Last updated 2019, <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2006, last amended 2020 ¹⁴⁷²
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	Electronic Financial Transactions Act, 2006, last amended 2020 ¹⁴⁷²
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	Yes	Special Act on Assistance to Financial Innovation, 2020 ¹⁴⁷³
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ¹⁴⁷⁴	
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	Electronic Tax Invoice System (e-Tax), 2011 ¹⁴⁷⁵

¹⁴⁷² Financial Services Commission, ‘Electronic Financial Transactions Act’, <https://www.fsc.go.kr/downloadManager?bbsid=BBS0085&no=106341#::~text=The%20purpose%20of%20this%20Act,sound%20development%20of%20electronic%20financial>

¹⁴⁷³ IFLR, ‘South Korea: unpacking the sandbox’, April 18 2019, <https://www.iflr.com/article/b1lmccs6mpb66/south-korea-unpacking-the-sandbox>

¹⁴⁷⁴ WTO, ‘Schedules of specific commitments and lists of Article II exemptions’, https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

¹⁴⁷⁵ National Tax Service, ‘National Tax Service of Korea’, 2013, https://www.nts.go.kr/wtsnts_skin/board_skin/mdl/mdlFileDown.asp?minfoKey=MINF7420080211211649&key=271932

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	Yes	Example: 1) Development Plan for Digital Trade, 2019 ¹⁴⁷⁶ 2) A pilot project on blockchain-based clearance platform as a part of 'SMART CUSTOMS' initiative. ¹⁴⁷⁷
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹⁴⁷⁸	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹⁴⁷⁹	

¹⁴⁷⁶ MOEF, 'Held the 4th Innovation Growth Strategy Meeting (establishment of Digital Trade Base) (Translated), Last updated 14 October 2019, http://www.moef.go.kr/nw/nes/detailNesDtaView.do?searchBbsId1=MOSFBBS_000000000028&searchNttId1=MOSF_000000000030235&menuNo=4010100

¹⁴⁷⁷ WCO, 'Korea pilots blockchain technology as it prepares for the future', <https://mag.wcoomd.org/magazine/wco-news-88/korea-pilots-blockchain-technology-as-it-prepares-for-the-future/>

¹⁴⁷⁸ WTO TFA Facility, 'Ratification list', <https://www.tfafacility.org/ratifications>

¹⁴⁷⁹ APEC, 'Paperless Trading Individual Action Plan', <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	No ¹⁴⁸⁰	
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	Yes ¹⁴⁸¹	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferable Records?	No ¹⁴⁸²	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	No information	

¹⁴⁸⁰ UN Treaty Collection, '20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', Last updated 6 October 2020, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

¹⁴⁸¹ WCO, 'List of the Contracting Parties to the Revised Kyoto Convention', last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹⁴⁸² UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/e-commerce/modellaw/electronic_transferable_records/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	USD150 ¹⁴⁸³	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹⁴⁸⁴
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	1) Personal Information Protection Act, 2011, last amended 2020 ¹⁴⁸⁵ 2) Medical Service Act, 1951, last amended 2020 ¹⁴⁸⁶
8.2	Cross border data flows	Domestic	Are there requirements about	No	Exceptions: Medical Service Act, 1951,

¹⁴⁸³ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

¹⁴⁸⁴ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

¹⁴⁸⁵ Korea – Personal Information Protection Commission, 'Personal Information Protection Act', Last amended 2016, http://www.pipc.go.kr/cmm/fms/FileDown.do?atchFileId=FILE_000000000500301&fileSn=2

¹⁴⁸⁶ Korea, 'Medical Service Act', Last amended 2020, https://elaw.klri.re.kr/eng_service/lawView.do?hseq=40970&lang=ENG

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?		last amended 2020 ¹⁴⁸⁶
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g. servers, data storage infrastructure)	Yes	Regulations on supervision of electronic financial transactions 2011, last amended 2016 ¹⁴⁸⁷
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	Yes ¹⁴⁸⁸	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	Yes	Korea Internet & Security Agency ¹⁴⁸⁹
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy	No	

¹⁴⁸⁷ Information provided by Korea.

¹⁴⁸⁸ CBPRs, 'Government', <http://cbprs.org/government/>

¹⁴⁸⁹ Korea Internet & Security Agency, <https://www.kisa.or.kr/eng/main.jsp>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Recognition for Processors) system		
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹⁴⁹⁰	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Monopoly Regulation and Fair Trade Act (Fair Trade Act), 1980, last amended 2016 ¹⁴⁹¹
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	Yes	Credit Information use and Protection Act, 1995, last amended 2020 ¹⁴⁹²
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic	Yes	1) Guidelines on Network Neutrality and Internet Traffic Management, 2011 ¹⁴⁹³

¹⁴⁹⁰ European Commission, 'Adequacy Decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

¹⁴⁹¹ Korea, 'Monopoly Regulation and Fair Trade Act', Last amended 2016, http://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=41658&type=sogan&key=38

¹⁴⁹² Korea, 'Credit Information Use and Protection Act', Last amended 2020 http://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=4435&type=part&key=23

¹⁴⁹³ Hong Dae-Sik, "Net Neutrality: Korea in Comparison with the EU", February 2019, https://opennet.or.kr/wp-content/uploads/2019/02/%ED%86%A0%EB%A1%A0%EB%AC%B8_%ED%99%8D%EB%8C%80%EC%8B%9D-%EA%B5%90%EC%88%98%EC%84%9C%EA%B0%95%EB%8C%80-%EB%B0%A5%ED%95%99%EC%A0%84%EB%AC%B8%EB%8C%80%ED%95%99%EC%9B%90.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			management, network neutrality)?		2) Guideline for proper management and use of the network and the transparent management of the traffic, 2013 ¹⁴⁹³
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	Yes	1) Juvenile Protection Act (Act on the Protection of Children and Juveniles against sexual offense), 1997, last amended 2020 ¹⁴⁹⁴ 2) Telecommunications Business Act, 2008, last amended 2020 ¹⁴⁹⁵ 3) Act on the Establishment and Operation of the Korea

¹⁴⁹⁴ ILO, 'Republic of Korea', http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=86772&p_country=KOR&p_count=145

¹⁴⁹⁵ Korea, 'Telecommunications Business Act', Last amended 2020, http://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=25944&type=new&key=

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Communications Commission (AKCC), 2009, last amended 2020 ¹⁴⁹⁶ 4) Act on Promotion of Information and Communications Network Utilization and Information Protection, 1987, last amended 2020 ¹⁴⁹⁷
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	Yes	Copyright Act, 1957, last amended 2020 ¹⁴⁹⁸
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP	Yes	Copyright Act, 1957, last amended 2020 ¹⁴⁹⁸

¹⁴⁹⁶ Korea, 'Act on the Establishment and Operation of Korea Communications Commission', Last amended 2020, https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=33740&type=part&key=17

¹⁴⁹⁷ Korea, 'Act on Promotion of information and communication network utilization and information protection, etc', https://elaw.klri.re.kr/eng_service/lawView.do?hseq=38422&lang=ENG

¹⁴⁹⁸ Korea, 'Copyright Act', https://elaw.klri.re.kr/eng_service/lawView.do?hseq=42726&lang=ENG

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			infringing content/websites?		
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	Yes	1) Act on Promotion of Information and Communications Network Utilization and Information Protection, 1987, last amended 2020 ¹⁴⁹⁷ 2) Criminal Act, 1953, last amended 2017 ¹⁴⁹⁹
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹⁵⁰⁰	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	1) Act on the Provision and Use of Public Data, 2013, last amended 2017 ¹⁵⁰¹

¹⁴⁹⁹ Korea, 'Criminal Act', Last amended 2017, https://elaw.klri.re.kr/eng_service/lawView.do?hseq=28627&lang=ENG

¹⁵⁰⁰ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹⁵⁰¹ Korea, 'Act on the Promotion of Provision and Use of Public Data', Last amended 2017, <http://www.law.go.kr/lsEfInfoP.do?lsiSeq=142444#>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2) Data.go.kr ¹⁵⁰²
12.2	Open data	International	Part of the Open Data Charter?	Yes ¹⁵⁰³	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) Framework Act on Consumers, 2006, last amended 2017 ¹⁵⁰⁴ 2) Act on the Consumer Protection in Electronic Commerce, 2002, last amended 2016 ¹⁵⁰⁵ 3) Electrical Appliances and Consumer Products

¹⁵⁰² Data.go.kr, <https://www.data.go.kr/>

¹⁵⁰³ Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

¹⁵⁰⁴ Korea, 'Framework Act on Consumers', https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=25571&type=part&key=19

¹⁵⁰⁵ Korea, 'Act on the Consumer Protection in Electronic Commerce', Last amended 2016, https://elaw.klri.re.kr/eng_service/lawView.do?hseq=38513&lang=ENG

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Safety Control Act, 2017 ¹⁵⁰⁶
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	Yes ¹⁵⁰⁷	
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	No information	
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	Yes	Act on Promotion of Information and Communications Network Utilization and Information Protection, 1987, last amended 2020 ¹⁴⁹⁷
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	1) Personal Information Protection Act,

¹⁵⁰⁶ Korea, Electrical Appliances and Consumer Products Safety Control Act', https://elaw.klri.re.kr/kor_service/lawView.do?hseq=46477&lang=ENG

¹⁵⁰⁷ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2011, last amended 2020 ¹⁴⁸⁵ 2) Credit Information Use and Protection Act 1995, last amended 2020 ¹⁵⁰⁸ 3) Act on Real Name Financial Transactions and Confidentiality 1997, last amended 2020 ¹⁵⁰⁹
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	1) Personal Information Protection Act, 2011, last amended 2020 ¹⁴⁸⁵ 2) Credit Information Use and Protection Act 1995, last amended 2020 ¹⁵⁰⁸

¹⁵⁰⁸ Korea, 'Credit Information Use and Protection Act', Last amended 2020, http://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=46276&type=lawname&key=credit

¹⁵⁰⁹ Korea, 'Act on Real Name Financial Transactions and Confidentiality', https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=49510&type=part&key=23

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	Personal Information Protection Commission
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	Yes	1) Personal Information Protection Act, 2011, last amended 2020 ¹⁴⁸⁵ 2) Credit Information Use and Protection Act 1995, last amended 2020 ¹⁵⁰⁸
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	While the Personal Information Protection Act does not prescribe specific penalties, the Ministry of the Interior and Safety has on 4 occasions levied fines for data breaches ¹⁵¹⁰

¹⁵¹⁰ Korea, 'Cases of Administrative Penalties', https://www.privacy.go.kr/eng/enforcement_02.do

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/ network security	Domestic	Are there laws/ regulations on cybercrime and cybersecurity?	Yes	1) Act on Promotion of Information and Communications Network Utilisation and Data Protection, 1987, last amended 2020 ¹⁴⁹⁷ 2) Personal Information Protection Act, 2011, last amended 2020 ¹⁴⁸⁵
16.2	Cybersecurity/ network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	Yes	National Cybersecurity Strategy, 2019 ¹⁵¹¹
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	1) Act on Promotion of Information and Communications Network Utilisation and Data Protection,

¹⁵¹¹ National Security Office, 'National Cybersecurity Strategy', https://www.krcert.or.kr/filedownload.do?attach_file_seq=2162&attach_file_id=EpF2162.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					1987, last amended 2019 ¹⁴⁹⁷ 2) Personal Information Protection Act, 2011, last amended 2020 ¹⁴⁸⁵ 3) Act on Real Name Financial Transactions and Confidentiality 1997, last amended 2020 ¹⁵⁰⁹
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	No ¹⁵¹²	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding	Yes ¹⁵¹³	

¹⁵¹² Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹⁵¹³ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			telecommunication services?		
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	No ¹⁵¹⁴	
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No ¹⁵¹⁴	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	Yes	Framework Act on Electronic Documents and Transactions, 1999,

¹⁵¹⁴ Information provided by Korea.

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					last amended 2020 ¹⁵¹⁵
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹⁵¹⁶	

¹⁵¹⁵ Korea, 'Framework Act on Electronic Documents and Transactions', Last amended 2020, https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=38782&type=part&key=28

¹⁵¹⁶ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

MALAYSIA

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	Malaysia advances its digital agenda through its agency, the Malaysia Digital Economy Corporation Sdn. Bhd. (MDEC) which was established in 1996 ¹⁵¹⁷
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	1) Electronic Commerce Act, 2006 ¹⁵¹⁸ 2) Digital Signature Act, 1997, last

¹⁵¹⁷ MDEC, 'Advancing the Nation's Digital Agenda', <https://mdec.my/digital-economy-initiatives/for-the-investors/malaysia-digital-economy/digital-inclusivity/>

¹⁵¹⁸ Malaysia, 'Act 658 Electronic Commerce Act 2006', Last updated 1 November 2012, <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20658.pdf>

					amended 2007 ¹⁵¹⁹ 3) Digital Signature Regulations, 1998 ¹⁵²⁰ 4) Electronic Government Activities Act, 2007 ¹⁵²¹
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	1) Electronic Commerce Act, 2006 ¹⁵¹⁸ 2) Digital Signature Act, 1997, last amended 2007 ¹⁵¹⁹ 3) Electronic Government Activities Act, 2007 ¹⁵²¹
3.2	Electronic authentication	Domestic	Is digital identification regulated?	No	However, Malaysia has its National Digital

¹⁵¹⁹ Malaysia, 'Act 562 Digital Signature Act 1997', Last updated 1 January 2006, <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20562.pdf>

¹⁵²⁰ POS Digicert, 'Act 562 Digital Signature Regulation 1998', Last amended 2007, https://www.posdigicert.com.my/public/uploads/files/Digital_Signature_Regulations_1998.pdf

¹⁵²¹ Malaysia, 'Act 680 Electronic Government Activities Act 2007', Last updated April 2013, <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20680%20-%20Electronic%20Government%20Activities%20Act%202007.pdf>

					<p>Identity Initiative, which is a verifiable platform of trust whose objective is to verify the identity on the internet or individual virtual identity.</p> <p>Malaysia Communication and Multimedia Commission (MCMC)'s proposal regarding the implementation of the National Digital Identity has been brought to Cabinet Meetings and the bill passed in May 2019. Proof of Concept (PoP) session for Digital Identity is</p>
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					currently being carried out ¹⁵²²
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	1) Electronic Commerce Act, 2006 ¹⁵¹⁸ 2) Electronic Government Activities Act, 2007 ¹⁵²¹
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	1) Electronic Commerce Act, 2006 ¹⁵¹⁸ 2) Electronic Government Activities Act, 2007 ¹⁵²¹
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	Yes	1) Digital Signature Act, 1997 ¹⁵¹⁹ 2) Digital Signature Regulations, 1998 ¹⁵²⁰
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on	Yes ¹⁵²³	

¹⁵²² Malaysia, 'National Digital Identity Initiative', <https://www.malaysia.gov.my/portal/content/30592>

¹⁵²³ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

			Electronic Commerce 1996?		
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	No ¹⁵²⁴	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	No ¹⁵²⁵	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	No ¹⁵²⁶	
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	1) Payment Systems Act, 2003 ¹⁵²⁷ 2) Central Bank Guideline on Electronic

¹⁵²⁴ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹⁵²⁵ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹⁵²⁶ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

¹⁵²⁷ Bank Negara Malaysia, 'Act 627 Payment Systems Act 2003', https://www.bnm.gov.my/documents/act/en_payment_act.pdf

					Money (E-money) ¹⁵²⁸
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	Central Bank Guideline on Electronic Money (E-money) ¹⁵²⁸
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	Yes	Financial Technology Regulatory Sandbox Framework, 2016 ¹⁵²⁹
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ¹⁵³⁰	
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	Goods and Services Tax Act, 2014 ¹⁵³¹

¹⁵²⁸ Bank Negara Malaysia, 'Guideline on Electronic Money (E-Money)', https://www.bnm.gov.my/microsite/ps/gl_016_3.pdf

¹⁵²⁹ Bank Negara Malaysia, 'Financial Technology Regulatory Sandbox Framework', 2016, <https://www.bnm.gov.my/index.php?ch=57&pg=137&ac=533&bb=file>

¹⁵³⁰ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

¹⁵³¹ Malaysia Customs, 'Act 762 Goods and Services Act 2014', http://gst.customs.gov.my/en/rg/SiteAssets/gst_actw/GOODS_AND_SERVICES_TAX_ACT_2014v1.pdf

6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	No information	
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹⁵³²	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹⁵³³	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	No ¹⁵³⁴	
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	Yes ¹⁵³⁵	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic	No ¹⁵³⁶	

¹⁵³² WTO – TFA Facility, ‘Ratifications list’, Last updated 10 August 2020, <https://www.tfafacility.org/ratifications>

¹⁵³³ APEC, ‘Paperless Trading Individual Action Plan’, Last accessed 7 October 2020, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹⁵³⁴ UN Treaty Collection, ‘20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific’, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

¹⁵³⁵ WCO, ‘List of the Contracting Parties to the Revised Kyoto Convention’, Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹⁵³⁶ UNCITRAL, ‘UNCITRAL Model Law on Electronic Transferable Records (2017) – Status’, https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_transferable_records/status

			Transferrable Records?		
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	Yes	ASEAN Single Window ¹⁵³⁷
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	MYR500 ¹⁵³⁸	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹⁵³⁹
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	Personal Data Protection Act, 2010 ¹⁵⁴⁰
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities -	No information	

¹⁵³⁷ ASEAN, 'ASEAN Single Window', <https://asw.asean.org/>

¹⁵³⁸ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

¹⁵³⁹ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

¹⁵⁴⁰ Malaysia, 'Act 709 Personal Data Protection Act 2010', <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20709%2014%206%202016.pdf>

			Are sellers /e-commerce platforms required to store personal data locally?		
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g. servers, data storage infrastructure)	No information	
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	No ¹⁵⁴¹	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹⁵⁴²	

¹⁵⁴¹ CBPRs, 'Government', <http://cbprs.org/government/>

¹⁵⁴² European Commission, 'Adequacy Decision', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

9.1	Competition	Domestic	Are there competition rules in place?	Yes	Communications and Multimedia Act, 1998, last amended 2004 ¹⁵⁴³
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No	Malaysia is currently exploring the possibility of adding data portability provision in the amendment to the Personal Data Protection Act 2010, and has included this possibility in the public consultation paper No. 01/2020 on review of personal data protection act 2010 ¹⁵⁴⁴

¹⁵⁴³ Malaysia, 'Act 588 Communications and Multimedia Act 1988', Last amended 2004, <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20588.pdf>

¹⁵⁴⁴ Malaysia – Personal Data Protection, 'Review of Act 709 Personal Data Protection Act 2010', https://www.pdp.gov.my/jpdpv2/assets/2020/02/Public-Consultation-Paper-on-Review-of-Act-709_V4.pdf

10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	Yes	Communications and Multimedia Act, 1998, last amended 2004 ¹⁵⁴³
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	Yes	Communications and Multimedia Act, 1998, last amended 2004 ¹⁵⁴³
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	Yes	Copyright Act, 1987, last amended 2012 ¹⁵⁴⁵
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP	Yes	Copyright Act, 1987, last amended 2012 ¹⁵⁴⁵

¹⁵⁴⁵ Malaysia, 'Act 332 Copyright Act 1987', <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20332%20-%20Copyright%20Act%201987%20Cetakan%20Semula%202013.pdf>

1987', <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20332%20-%20Copyright%20Act%201987%20Cetakan%20Semula%202013.pdf>

			infringing content/ websites?		
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	Yes	Communications and Multimedia Act, 1998, last amended 2004 ¹⁵⁴³
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹⁵⁴⁶	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	Data.gov.my ¹⁵⁴⁷
12.2	Open data	International	Part of the Open Data Charter?	No ¹⁵⁴⁸	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) Consumer Protection Act, 1999, last amended 2016 ¹⁵⁴⁹

¹⁵⁴⁶ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹⁵⁴⁷ Data.gov.my, <http://www.data.gov.my/>

¹⁵⁴⁸ Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

¹⁵⁴⁹ Malaysia, 'Act 599 Consumer Protection Act 1999', Last amended 2016, <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20599%20-%2029.08.2016.pdf>

					2) Consumer Protection (Electronic Trade Transactions) Regulations, 2012 ¹⁵⁵⁰ 3) Communications and Multimedia Act, 1998 ¹⁵⁴³ 4) Central Bank Guideline on Electronic Money (E-money) ¹⁵²⁸
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	No ¹⁵⁵¹	
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	Yes	Examples include: 1) ASEAN Strategic Action Plan for

¹⁵⁵⁰ Malaysia, 'Consumer Protection (Electronic Trade Transactions) Regulations 2012', [http://www.federalgazette.agc.gov.my/output/pua_20121221_P.U.%20\(A\)%20458%20-%20Peraturan-Peraturan%20Pelindungan%20Pengguna%20\(Urus%20Niaga%20Perdagangan%20Elektronik\)%202012.pdf](http://www.federalgazette.agc.gov.my/output/pua_20121221_P.U.%20(A)%20458%20-%20Peraturan-Peraturan%20Pelindungan%20Pengguna%20(Urus%20Niaga%20Perdagangan%20Elektronik)%202012.pdf)

¹⁵⁵¹ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

					Consumer Protection (ASAPCP) 2016 – 2025 ¹⁵⁵² 2) ASEAN Online Business Code of Conduct ¹⁵⁵³
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	No	However, PDP Commissioner released a public consultation paper (No. 01/2014) titled Guide in Dealing With Direct Marketing Under PDPA 2010. The consultation paper indicated that a data user is not allowed to use electronic communications for direct

¹⁵⁵² ASEAN, 'The ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) 2016-2025: Meeting the challenges of a people-centered ASEAN beyond 2015', https://aseanconsumer.org/file/post_image/The%20ASEAN%20Strategic%20Action%20Plan%20For%20Consumer%20Protection%202016_2025%20Meeting%20The%20Challenges%20of%20A%20People%20Centered%20ASEAN%20Beyond%202015.pdf

¹⁵⁵³ ASEAN Consumer, 'ASEAN Online Business Code of Conduct', [https://aseanconsumer.org/file/post_image/2020-02-26%20ASEAN%20COC%20\(fin\).pdf](https://aseanconsumer.org/file/post_image/2020-02-26%20ASEAN%20COC%20(fin).pdf)

					marketing except in certain situations. To date, it has not come into legal effect. In addition, section 43 of the current PDPA allows data subject to write to data user to cease or not to begin processing his/her personal data for purposes of direct marketing ¹⁵⁵⁴
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	1) Personal Data Protection Act, 2010 ¹⁵⁴⁰ 2) Central Bank Guideline on Electronic Money (E-money) ¹⁵²⁸

¹⁵⁵⁴ ICLG.com, 'Malaysia: Data Protection Laws and Regulations 2020', <https://iclg.com/practice-areas/data-protection-laws-and-regulations/malaysia>

15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Personal Data Protection Act, 2010 ¹⁵⁴⁰
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	Personal Data Protection Commissioner
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	No	There is nothing in the Personal Data Protection Act on this. Malaysia is currently exploring the possibility of adding provision requiring data user to report data breach incident to the Commissioner in the amendment to the Personal Data Protection Act 2010, and has included this possibility in the public consultation paper No.

					01/2020 on review of personal data protection act 2010 ¹⁵⁵⁵
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	Personal Data Protection Act, 2010 ¹⁵⁴⁰
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/network security	Domestic	Are there laws/regulations on cybercrime and cybersecurity?	Yes	Computer Crimes Act, 1997 ¹⁵⁵⁶
16.2	Cybersecurity/network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	Yes	Personal Data Protection Act, 2010 ¹⁵⁴⁰
16.3	Cybersecurity/network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	1) Digital Signature Act, 1997, last amended 2001 ¹⁵¹⁹ 2) Communications and Multimedia

¹⁵⁵⁵ Malaysia – Personal Data Protection, ‘Review of Personal Data Protection Act 2010 (Act 709)’, https://www.pdp.gov.my/jpdpv2/assets/2020/02/Public-Consultation-Paper-on-Review-of-Act-709_V4.pdf

¹⁵⁵⁶ Malaysia, ‘Act 563 Computer Crimes Act 1997’, Last updated 2006, <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%20563.pdf>

					Act, 1998 ¹⁵⁴³ 3) Copyright Act, 1987 ¹⁵⁴³ 4) Personal Data Protection Act, 2010 ¹⁵⁴⁰ 5) Computer Crimes Act, 1997 ¹⁵⁵⁶
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	No ¹⁵⁵⁷	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ¹⁵⁵⁸	
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					

¹⁵⁵⁷ Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹⁵⁵⁸ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	No information	
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹⁵⁵⁹	

¹⁵⁵⁹ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

MEXICO

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	Estrategia Digital Nacional, 2013 ¹⁵⁶⁰
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	Commercial code (Código de Comercio), Second title, 1889, last amended 2018 ¹⁵⁶¹
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	1) Law of the advanced electronic signature (Ley de firma electrónica avanzada), 2012 ¹⁵⁶² 2) Commercial code (Código de

¹⁵⁶⁰ Mexico, 'Digitaliza Tu Empresa', <https://www.gob.mx/tuempresa?tab=Digitaliza>; Mexico – Secretaria de Economía, 'Centro de Innovación Industrial', <https://prosoft.economia.gob.mx/industria4-0.aspx>

¹⁵⁶¹ Thomson Reuters, 'Digital business in Mexico: overview', Last updated 1 March 2020, [https://uk.practicallaw.thomsonreuters.com/w-012-0309?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://uk.practicallaw.thomsonreuters.com/w-012-0309?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1)

¹⁵⁶² Cámara de Diputados, 'Ley de Firma Electrónica Avanzada', <http://www.diputados.gob.mx/LeyesBiblio/pdf/LFEA.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Comercio), Second title, 1889, last amended 2018 ¹⁵⁶³
3.2	Electronic authentication	Domestic	Is digital identification regulated?	Yes	Clave Única de Registro de Población (CURP) or Unique Population Registry Code is a registration number assigned to Mexican citizens and residents ¹⁵⁶⁴
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	Commercial code (Código de Comercio), Second title, 1889, last amended 2018 ¹⁵⁶³
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	Law of the advanced electronic signature (Ley de firma electrónica avanzada), 2012 ¹⁵⁶² ¹⁵⁶²

¹⁵⁶³ Camara de Diputados, 'Codigo de Comercio', Last updated 30 December 2019, <http://www.diputados.gob.mx/LeyesBiblio/ref/ccom.htm>

¹⁵⁶⁴ World Bank, 'ID4D Country Diagnostic: Mexico', <http://documents.worldbank.org/curated/en/886301524689452577/ID4D-Country-Diagnostic-Mexico.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	Yes	Law of the advanced electronic signature (Ley de firma electrónica avanzada), 2012 ¹⁵⁶²
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	Yes ¹⁵⁶⁵	
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	No ¹⁵⁶⁶	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	Yes ¹⁵⁶⁷	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the	Yes ¹⁵⁶⁸	

¹⁵⁶⁵ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

¹⁵⁶⁶ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹⁵⁶⁷ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹⁵⁶⁸ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Requirement of Legislation for Foreign Public Documents?		
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	Law to Regulate Financial Technology Institutions, 2018 ¹⁵⁶⁹
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	Mexican Central Bank Circular 12/2018 ¹⁵⁷⁰
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	Yes	Law to Regulate Financial Technology Institutions, 2018 ¹⁵⁶⁹
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ¹⁵⁷¹	

¹⁵⁶⁹ Camara de Diputados, 'Ley Para Regular las Instituciones de Tecnología Financiera', http://www.diputados.gob.mx/LeyesBiblio/pdf/LRITF_090318.pdf

¹⁵⁷⁰ Banco de Mexico, 'Circular 12/2018', <https://www.banxico.org.mx/marco-normativo/normativa-emitida-por-el-banco-de-mexico/circular-12-2018/%7BA6023AE0-8135-44ED-04DA-2068117ED5FD%7D.pdf>; Whitecase, 'Mexican Fintech Law Secondary Regulation Becomes Effective', Last updated 22 October 2019, <https://www.whitecase.com/publications/alert/mexican-fintech-law-secondary-regulation-becomes-effective>

¹⁵⁷¹ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	E-invoicing in Mexico ('Comprobante Fiscal Digital por Internet') exists since 2004 ¹⁵⁷²
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	No information	
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹⁵⁷³	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹⁵⁷⁴	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on	No ¹⁵⁷⁵	

¹⁵⁷² Guia de Implementacion de la Facilitacion del Comercio, 'Ejemplos de Factura Electrónica en Distintos Países', <http://tfig.itcilo.org/SP/contents/country-examples-e-invoicing.htm>

¹⁵⁷³ WTO – TFA Facility, 'Ratifications list', Last updated 10 August 2020, <https://www.tfafacility.org/ratifications>

¹⁵⁷⁴ APEC, 'Paperless Trading Individual Action Plan', Last accessed 7 October 2020, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹⁵⁷⁵ UN Treaty Collection, '20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Facilitation of Cross-Border Paperless Trade?		
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	No ¹⁵⁷⁶	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferable Records?	No ¹⁵⁷⁷	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	No information	
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	USD50 (for VAT only)/ USD117 (for custom duties) ¹⁵⁷⁸	

¹⁵⁷⁶ WCO, 'List of the Contracting Parties to the Revised Kyoto Convention', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹⁵⁷⁷ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/e-commerce/modellaw/electronic_transferable_records/status

¹⁵⁷⁸ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹⁵⁷⁹
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	Federal Law on the Protection of Personal Data held by Private Parties (Ley Federal de Protección de Datos Personales en Posesión de los Particulares), 2010 ¹⁵⁸⁰
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-	No information	

¹⁵⁷⁹ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

¹⁵⁸⁰ Camara de Diputados, 'Ley Federal de Protección de Datos Personales En Posesión de Los Particulares', 2010, <http://www.diputados.gob.mx/LeyesBiblio/pdf/LFPDPPP.pdf>; ICLG.com, 'Data Protection Laws and Regulations 2020', <https://iclg.com/practice-areas/data-protection-laws-and-regulations>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			commerce platforms required to store personal data locally?		
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g. servers, data storage infrastructure)	No information	
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	Yes ¹⁵⁸¹	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	

¹⁵⁸¹ CBPRs, 'Government', <http://cbprs.org/government/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹⁵⁸²	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Mexican Federal Economic Competition Act (Ley Federal de Competencia Económica), 2014, last amended 2017 ¹⁵⁸³
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No information	
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	Yes	Federal Law on Telecommunications and Broadcasting, 2014 ¹⁵⁸⁴

¹⁵⁸² European Commission, 'Adequacy decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

¹⁵⁸³ Camara de Diputados, 'Ley Federal de Competencia Economica', Last amended 2017, http://www.diputados.gob.mx/LeyesBiblio/pdf/LFCE_270117.pdf; OECD, 'OECD Peer Reviews of Competition Law and Policy: Mexico 2020', <http://www.oecd.org/daf/competition/Mexico-Peer-Reviews-of-Competition-Law-and-Policy-en.pdf>

¹⁵⁸⁴ Lexology, 'The new Mexican Federal Telecommunications and Broadcasting Law', 10 September 2014, <https://www.lexology.com/library/detail.aspx?g=c883b1e3-d614-468f-ba3d-045b14110fec>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	No information	
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	No information	
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	No information	
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g.	No information	

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			fake news, hate speech, etc.)		
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹⁵⁸⁵	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	1) Open Data Policy ¹⁵⁸⁶ 2) Datos.gob.mx ¹⁵⁸⁷
12.2	Open data	International	Part of the Open Data Charter?	Yes ¹⁵⁸⁸	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	Mexican Consumer Protection Law (Ley Federal de Protección al Consumidor), 1992,

¹⁵⁸⁵ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹⁵⁸⁶ Mexico – Diario Oficial de la Federación, 'GUÍA de Implementación de la Política de Datos Abiertos', http://www.dof.gob.mx/nota_detalle.php?codigo=5507476&fecha=12/12/2017

¹⁵⁸⁷ Mexico, <https://datos.gob.mx/>

¹⁵⁸⁸ Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					last amended 2019 ¹⁵⁸⁹
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	Yes ¹⁵⁹⁰	
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	No information	
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	No	However, the Federal Bureau for Consumer Protection operated a call blocking registry called REPEP ¹⁵⁹¹
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	Federal Law on the Protection of Personal Data held

¹⁵⁸⁹ Mexico, 'Federal Consumer Protection Law', https://www.profeco.gob.mx/juridico/pdf/1_lfpc_06062006_ingles.pdf; Camara de Diputados, 'Ley Federal de Protección Al Consumidor', http://www.diputados.gob.mx/LeyesBiblio/pdf/113_261219.pdf

¹⁵⁹⁰ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

¹⁵⁹¹ ICLG.com, 'Mexico: Data Protection Laws and Regulations 2020', <https://iclg.com/practice-areas/data-protection-laws-and-regulations/mexico>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					by Private Parties (Ley Federal de Protección de Datos Personales en Posesión de los Particulares), 2010 ¹⁵⁸⁰
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Federal Law on the Protection of Personal Data held by Private Parties (Ley Federal de Protección de Datos Personales en Posesión de los Particulares), 2010 ¹⁵⁸⁰
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	The National Institute of Transparency for Access to Information and Personal Data Protection (Instituto Nacional de Transparencia,

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Acceso a la Información y Protección de Datos Personales) (INAI) and the Ministry of Economy (Secretaría de Economía) ¹⁵⁹²
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	Yes	Federal Law on the Protection of Personal Data held by Private Parties (Ley Federal de Protección de Datos Personales en Posesión de los Particulares), 2010 ¹⁵⁸⁰
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	Federal Law on the Protection of Personal Data held by Private Parties (Ley Federal de Protección de Datos Personales en

¹⁵⁹² DLA Piper, 'Data Protection Laws of the World: Mexico', <https://www.dlapiperdataprotection.com/index.html?t=authority&c=MX>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Posesión de los Particulares), 2010 ¹⁵⁸⁰
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/network security	Domestic	Are there laws/regulations on cybercrime and cybersecurity?	Yes	Mexican Penal Code, 1931, last amended 2018 ¹⁵⁹³
16.2	Cybersecurity/network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	No information	
16.3	Cybersecurity/network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	Federal Telecommunications and Broadcasting Law, 2014 ¹⁵⁹⁴

¹⁵⁹³ El Economista, 'Un cibercrimen es un delito es un cibercrimen', 25 April 2018, <https://www.eleconomista.com.mx/gestion/Un-cibercrimen-es-un-delito-es-un-cibercrimen-20180425-0060.html>; ICLG.com, 'Cybersecurity Laws and Regulations 2020', <https://iclg.com/practice-areas/cybersecurity-laws-and-regulations>

¹⁵⁹⁴ The Mexican Congress, 'Federal Telecommunications and Broadcasting Law', <http://www.ift.org.mx/sites/default/files/contenidogeneral/asuntos-internacionales/federaltelecommunicationsandbroadcastinglawmexico.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	No ¹⁵⁹⁵	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ¹⁵⁹⁶	
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	No information	

¹⁵⁹⁵ Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹⁵⁹⁶ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	No ¹⁵⁹⁷	

¹⁵⁹⁷ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

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Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	E-commerce Vision 2000 ¹⁵⁹⁸
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	Contract and Commercial Law Act 2017 ¹⁵⁹⁹
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	Contract and Commercial Law Act 2017 ¹⁵⁹⁹
3.2	Electronic authentication	Domestic	Is digital identification regulated?	Yes	Electronic Identity Verification Act 2021 ¹⁶⁰⁰ In July 2020, NZ Cabinet agreed to

¹⁵⁹⁸ Beehive.govt.nz, 'The government's e-commerce strategy', 2000, <https://www.beehive.govt.nz/speech/governments-e-commerce-strategy>

¹⁵⁹⁹ New Zealand, 'Contract and Commercial Law Act 2017', <http://www.legislation.govt.nz/act/public/2017/0005/21.0/DLM6844033.html>

¹⁶⁰⁰ New Zealand, 'Electronic Identity Verification Act 2012', <http://www.legislation.govt.nz/act/public/2012/0123/latest/whole.html>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					establish a Digital Identity Trust Framework. This will be introduced to Parliament in 2021. ¹⁶⁰¹
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	Contract and Commercial Law Act 2017 ¹⁵⁹⁹
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	Contract and Commercial Law Act 2017 ¹⁵⁹⁹
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	No information	
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	Yes ¹⁶⁰²	

¹⁶⁰¹ Digital.govt.nz, 'Development of Digital Identity Trust Framework confirmed', <https://www.digital.govt.nz/news/development-of-digital-identity-trust-framework-confirmed/>

¹⁶⁰² UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	No ¹⁶⁰³	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	No ¹⁶⁰⁴	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	Yes ¹⁶⁰⁵	
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	1) Cheques Act 1960, last amended 1989 ¹⁶⁰⁶

¹⁶⁰³ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹⁶⁰⁴ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹⁶⁰⁵ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

¹⁶⁰⁶ New Zealand, 'Cheques Act 1960', <http://www.legislation.govt.nz/act/public/1960/0017/latest/whole.html>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2) Reserve Bank of New Zealand Act 1989, last amended 2012 ¹⁶⁰⁷
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	1) Cheques Act 1960, last amended 1989 ¹⁶⁰⁶ 2) Reserve Bank of New Zealand Act 1989, last amended 2012 ¹⁶⁰⁷
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	No	New Zealand's financial regulation is technology-neutral and can accommodate fintech without the need for specific enabling legislation and concessions ¹⁶⁰⁸
4.4	Electronic payment	International	Has the economy made GATS commitments	Yes ¹⁶⁰⁹	

¹⁶⁰⁷ New Zealand, 'Reserve Bank of New Zealand Act 1989', <http://www.legislation.govt.nz/act/public/1989/0157/latest/DLM199370.html>

¹⁶⁰⁸ ICLG.com, 'New Zealand: Fintech Laws and Regulations 2020', <https://iclg.com/practice-areas/fintech-laws-and-regulations/new-zealand>

¹⁶⁰⁹ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			regarding financial services – banking and other financial services?		
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	Pan European Public Procurement On-Line (PEPPOL) e-invoicing standard ¹⁶¹⁰
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	Yes	Example: TradeWindow, an initiative led by the private sector ¹⁶¹¹ (Note: This is separate to the NZ Customs Trade Single Window)
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹⁶¹²	

¹⁶¹⁰ Peppol, 'New Zealand – Country Profile', <https://peppol.eu/what-is-peppol/peppol-country-profiles/new-zealand-country-profile/>

¹⁶¹¹ Scoop NZ, 'TradeWindow successfully raises NZ\$2.67m', <https://www.scoop.co.nz/stories/BU1912/S00318/tradewindow-successfully-raises-nz267m.htm>

¹⁶¹² WTO – TFA Facility, 'Ratifications list', Last updated 10 August 2020, <https://www.tfafacility.org/ratifications>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	No ¹⁶¹³	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	No ¹⁶¹⁴	
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	Yes ¹⁶¹⁵	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferable Records?	No ¹⁶¹⁶	

¹⁶¹³ APEC, 'Paperless Trading Individual Action Plan', Last accessed 7 October 2020, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹⁶¹⁴ UN Treaty Collection, '20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

¹⁶¹⁵ WCO, 'List of the Contracting Parties to the Revised Kyoto Convention', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹⁶¹⁶ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/e-commerce/modellaw/electronic_transferable_records/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	No information	
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	NZD1,000 ¹⁶¹⁷	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹⁶¹⁸
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	Privacy Act 2020 ¹⁶¹⁹
8.2	Cross border data flows	Domestic	Are there requirements about	No information	

¹⁶¹⁷ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

¹⁶¹⁸ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

¹⁶¹⁹ New Zealand, 'Privacy Act 2020', <http://www.legislation.govt.nz/act/public/2020/0031/latest/whole.html#LMS23223>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?		
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g. servers, data storage infrastructure)	No information	
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	No ¹⁶²⁰	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy	No	

¹⁶²⁰ CBPRs, 'Government', <http://cbprs.org/government/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Recognition for Processors) system		
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	Yes ¹⁶²¹	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Commerce Act 1986, last amended 2019 ¹⁶²²
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No information	
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	No information	
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer	No information	

¹⁶²¹ European Commission, 'Adequacy decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

¹⁶²² New Zealand, 'Commerce Act 1986', <http://www.legislation.govt.nz/act/public/1986/0005/latest/versions.aspx>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			services (e.g. web filtering, upload filtering, blocking content or websites)?		
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	No information	
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	No information	
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	No information	

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹⁶²³	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	1) Declaration on Open and Transparent Government, 2011 ¹⁶²⁴ 2) Open Data Action Plan, 2017 ¹⁶²⁴
12.2	Open data	International	Part of the Open Data Charter?	Yes ¹⁶²⁵	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	Consumer Guarantees Act 1993, last amended 2013 ¹⁶²⁶

¹⁶²³ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹⁶²⁴ Digital.govt.nz, 'Open data', <https://www.digital.govt.nz/standards-and-guidance/data-2/open-data/>

¹⁶²⁵ Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

¹⁶²⁶ New Zealand, 'Consumer Guarantees Act 1993', <http://www.legislation.govt.nz/act/public/1993/0091/latest/DLM5840602.html>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Fair Trading Act 1986, last amended 2019 ¹⁶²⁷
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	Yes ¹⁶²⁸	
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	No information	
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	Yes	Unsolicited Electronic Messages Act 2007, last amended 2018 ¹⁶²⁹
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	Privacy Act 2020 ¹⁶³⁰

¹⁶²⁷ New Zealand, 'Fair Trading Act 1986', <http://www.legislation.govt.nz/act/public/1986/0121/latest/whole.html>

¹⁶²⁸ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

¹⁶²⁹ New Zealand, 'Unsolicited Electronic Messages Act 2007', <http://www.legislation.govt.nz/act/public/2007/0007/latest/DLM405134.html>

¹⁶³⁰ New Zealand, 'Privacy Act 2020', <http://www.legislation.govt.nz/act/public/2020/0031/latest/whole.html#LMS23223>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Privacy Act 2020 ¹⁶³⁰
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	Office of the New Zealand Privacy Commissioner
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	Yes	Part 6 of the Privacy Act 2020 ¹⁶³⁰
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	However, via the Human Rights Review Tribunal ¹⁶³¹
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/network security	Domestic	Are there laws/regulations on cybercrime and cybersecurity?	Yes	Crimes Act 1961, last amended 2019 ¹⁶³²
16.2	Cybersecurity/network security	Domestic	Are there regulations regarding contingency measures against attacks/ or	Yes	1) Protective Security Requirements, last updated 2020 ¹⁶³³ (Note: This is a

¹⁶³¹ DLA Piper, 'Data Protection Laws of the World – New Zealand', Last updated 14 January 2020 <https://www.dlapiperdataprotection.com/index.html?t=enforcement&c=NZ>

¹⁶³² New Zealand, 'Crimes Act 1961', <http://www.legislation.govt.nz/act/public/1961/0043/latest/DLM327382.html>

¹⁶³³ New Zealand, 'Protective Security Requirements', Last updated March 2020, <https://protectivesecurity.govt.nz/welcome/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			preventive measures?		guideline document, not a law/regulation) 2) New Zealand Information Security Manual, last updated 2020 ¹⁶³⁴ (Note: This is a guideline document, not a law/regulation)
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	1) Search and Surveillance Act 2012, last amended 2020 ¹⁶³⁵ 2) Telecommunications (Interception Capability and Security) Act 2013, last amended 2018 ¹⁶³⁶

¹⁶³⁴ New Zealand Information Security Manual, 'About information security', <https://www.nzism.gcsb.govt.nz/ism-document/>

¹⁶³⁵ New Zealand, 'Search and Surveillance Act 2012', <http://www.legislation.govt.nz/act/public/2012/0024/latest/DLM2136536.html>

¹⁶³⁶ New Zealand, 'Telecommunications (Interception Capability and Security) Act 2013', <http://www.legislation.govt.nz/act/public/2013/0091/latest/DLM5177923.html>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	No ¹⁶³⁷	However, NZ is taking steps to accede ¹⁶³⁸
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ¹⁶³⁹	
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as	No information	

¹⁶³⁷ Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹⁶³⁸ Information provided by New Zealand.

¹⁶³⁹ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			a condition to enter the market?		
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹⁶⁴⁰	

¹⁶⁴⁰ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

PAPUA NEW GUINEA

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	Digital Transformation Policy, August 2020 ¹⁶⁴¹
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	No	However, there is an E-commerce Transaction Bill that is currently under review before it is tabled in parliament ¹⁶⁴¹
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	No information	
3.2	Electronic authentication	Domestic	Is digital identification regulated?	No	However, there exist a Regulatory Sandbox within the Bank of Papua New Guinea that

¹⁶⁴¹ Information provided by Papua New Guinea.

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					permit the testing of new solutions for use in enhancing financial inclusion in PNG ¹⁶⁴¹
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	No information	
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	No information	
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	No information	
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	No ¹⁶⁴²	

¹⁶⁴² UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	No ¹⁶⁴³	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	No ¹⁶⁴⁴	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	No ¹⁶⁴⁵	
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	1) National Payments System Act 2013, 2013 ¹⁶⁴⁶

¹⁶⁴³ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹⁶⁴⁴ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹⁶⁴⁵ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

¹⁶⁴⁶ Bank of Papua New Guinea, 'National Payments Systems Act 2013', <https://www.bankpng.gov.pg/wp-content/uploads/2015/07/NPSA-2013-as-enacted-and-certified.docx.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2) Directive on Electronic Fund Transfers 02/2019, 2019 ¹⁶⁴⁷ 3) Directive on Oversight, 2019 ¹⁶⁴⁸ 4) Directive on Retail Payment Instruments, 2019 ¹⁶⁴⁹
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	1) Directive on Electronic Fund Transfers 02/2019, 2019 ¹⁶⁴⁷ 2) Directive on Oversight, 2019 ¹⁶⁴⁸ 3) Directive on Retail Payment Instruments, 2019 ¹⁶⁴⁹

¹⁶⁴⁷ Bank of Papua New Guinea, 'Directive on Electronic Fund Transfers 02/2019' <https://www.bankpng.gov.pg/wp-content/uploads/2019/04/Directive-on-Electronic-Funds-Transfer.pdf>

¹⁶⁴⁸ Bank of Papua New Guinea, 'Directive of Oversight 01/2019', <https://www.bankpng.gov.pg/wp-content/uploads/2019/04/Directive-on-Oversight.pdf>

¹⁶⁴⁹ Bank of Papua New Guinea, 'Directive on Retail Payment Instruments 04/2019', <https://www.bankpng.gov.pg/wp-content/uploads/2019/04/Directive-on-Payment-Instruments.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	No information	
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ¹⁶⁵⁰	
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	No information	
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	No information	
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹⁶⁵¹	
6.3	Trade facilitation	International	Part of APEC Paperless Trading	No ¹⁶⁵²	

¹⁶⁵⁰ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

¹⁶⁵¹ WTO – TFA Facility, 'Ratifications list', Last updated 10 August 2020, <https://www.tfafacility.org/ratifications>

¹⁶⁵² APEC, 'Paperless Trading Individual Action Plan', Last accessed 7 October 2020, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Individual Action Plan?		
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	No ¹⁶⁵³	
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	Yes ¹⁶⁵⁴	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferrable Records?	No ¹⁶⁵⁵	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	No information	

¹⁶⁵³ UN Treaty Collection, '20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

¹⁶⁵⁴ WCO, 'List of the Contracting Parties to the Revised Kyoto Convention;', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹⁶⁵⁵ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/e-commerce/modellaw/electronic_transferable_records/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	PGK25 ¹⁶⁵⁶	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹⁶⁵⁷
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	No information	
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	No information	

¹⁶⁵⁶ Fulfillrite, 'Customs Duty de Minimis: Important info for International Shipping', 7th October 2019, <https://fulfillrite.com/blog/customs-duty-de-minimis-important-info-for-international-shipping>

¹⁶⁵⁷ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g. servers, data storage infrastructure)	No information	
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	No ¹⁶⁵⁸	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹⁶⁵⁹	
9.1	Competition	Domestic	Are there competition rules in place?	No information	

¹⁶⁵⁸ CBPRs, 'Government', <http://cbprs.org/government/>

¹⁶⁵⁹ European Commission, 'Adequacy decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No information	
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	Yes	National Information and Communication Technology Act, 2009 ¹⁶⁶⁰
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	Yes	1) National Cybercrime Code Act, 2016 ¹⁶⁶¹ 2) National Information and Communication Technology Act, 2009 ¹⁶⁶⁰
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary	Yes	1) National Cybercrime Code Act 2016 ¹⁶⁶¹

¹⁶⁶⁰ UNODC, 'National Information and Communications Technology Act 2009', https://sherloc.unodc.org/res/cld/document/png/2009/national_information_and_communications_technology_act__html/NICTA_Act_2009.pdf

¹⁶⁶¹ Papua New Guinea, 'Cybercrime Code Act 2016', http://www.parliament.gov.pg/uploads/acts/16A_35.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			liability rules or safe harbors?		2) Cybercrime Policy 2014 ¹⁶⁶²
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	No information	
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	Yes	1) National Cybercrime Code Act 2016 ¹⁶⁶¹ 2) Cybercrime Policy 2014 ¹⁶⁶²
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	No ¹⁶⁶³	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	Open Government Partnership National Action

¹⁶⁶² Papua New Guinea, 'Cybercrime Policy 2014', <https://www.nicta.gov.pg/download/cybercrime-policy-2014/>

¹⁶⁶³ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Plan August 2018-August 2020 ¹⁶⁶⁴
12.2	Open data	International	Part of the Open Data Charter?	No ¹⁶⁶⁵	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) National Cybercrime Code Act, 2016 ¹⁶⁶¹ 2) Directive on Electronic Fund Transfers 02/2019, 2019 ¹⁶⁴⁷ 3) NICTA is currently establishing the Quality of Services (QoS) Regulatory Framework for ICT Services. One of the

¹⁶⁶⁴ Opengovpartnership, 'National Action Plan August 2018 – August 2020', https://www.opengovpartnership.org/wp-content/uploads/2018/11/Papua-New-Guinea_Action-Plan_2018-2020.pdf

¹⁶⁶⁵ Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					objective of the QoS is to help consumers understand any QoS differences that may exist between different ICT service providers ¹⁶⁴¹
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	Yes ¹⁶⁶⁶	
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	No information	
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	Yes	National Cybercrime Code Act, 2016 ¹⁶⁶¹

¹⁶⁶⁶ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	No	However, the National Cybercrime Code Act 2016 and National Information and Communication Technology Act 2009 provide some privacy protection
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	National Cybercrime Code Act, 2016 ¹⁶⁶¹
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	No information	
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	No information	
15.5	Data protection and privacy	Domestic	Are there sanctions available?	No information	
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/ network security	Domestic	Are there laws/ regulations on cybercrime and cybersecurity?	Yes	1) National Cybercrime Code Act, 2016 ¹⁶⁶¹ 2) National

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Information and Communication Technology Act, 2009 ¹⁶⁶⁰
16.2	Cybersecurity/ network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	No information	
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	National Cybercrime Code Act, 2016 ¹⁶⁶¹
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	No ¹⁶⁶⁷	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding	Yes ¹⁶⁶⁸	

¹⁶⁶⁷ Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹⁶⁶⁸ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			telecommunication services?		
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	No information	
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	No ¹⁶⁶⁹	

¹⁶⁶⁹ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

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Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	E-commerce program, 2018 ¹⁶⁷⁰
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	Law 27291 (Law that modifies the Civil Code allowing the use of electronic means for the communication of the manifestation of will and the use of the electronic signature), 2000 ¹⁶⁷¹
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	1) Digital Signatures and Certificates Law

¹⁶⁷⁰ Prom Peru, 'Programa de Comercio Electronico', <https://ecommerce.promperu.gob.pe/>

¹⁶⁷¹ Justia Peru, 'Ley N 27291 Ley Que Modifica elCodigo Civil Permitiendo la Utilizacio de los Medios Electronicos Para la Comunicacio de la Manifesacion de Voluntad y la Utilizacion de la firma electronica', <https://peru.justia.com/federales/leyes/27291-jun-23-2000/gdoc/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					<p>(Law 27269), 2000¹⁶⁷²</p> <p>2) Regulation of the Law of Digital Signatures and Certificates (Supreme Decree N 052-2008-PCM), 2008¹⁶⁷³</p> <p>3) Supreme Decree 026-2016-PCM (which approves measures for the strengthening of the electronic signature infrastructure and progressive implementation of digital signatures in the public and private sector), 2016¹⁶⁷⁴</p>

¹⁶⁷² Peru, 'Ley de Firmas y Certificados Digitales', <https://www.minjus.gob.pe/wp-content/uploads/2014/03/Ley27269.pdf>

¹⁶⁷³ Indecopi, 'Reglamento de la Ley de Firmas y Certificados Digitales', <https://www.indecopi.gob.pe/documents/99221/224510/DecretoSupremo052-2008-PCM.pdf/8d5a307b-4ba8-45eb-b4a9-3ad82958bea1>

¹⁶⁷⁴ Peru, 'Decreto Supremo N 026-2016-PCM', 2016, <https://www.gob.pe/institucion/pcm/normas-legales/292321-026-2016-pcm>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					4) Law 27291 (Law that modifies the Civil Code allowing the use of electronic means for the communication of the manifestation of will and the use of the electronic signature), 2000 ¹⁶⁷¹
3.2	Electronic authentication	Domestic	Is digital identification regulated?	Yes	Legislative Decree 1412, which approves the law on digital government, 2018 ¹⁶⁷⁵
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	Law 27269 (Digital signatures and certificates law), Supreme Decree 052-20008-PCM, 2008 ¹⁶⁷²
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different	Yes	1) Law 27269 (Digital signatures

¹⁶⁷⁵ Peru, 'Dereto Legislativo N 1412', <https://cdn.www.gob.pe/uploads/document/file/353216/decreto-legislativo-que-aprueba-la-ley-de-gobierno-digital-decreto-legislativo-n-1412-1691026-1.pdf>; Gestion, 'Reniec pone en marcha Sistema para firma de contratos on DNI electronico, como funciona?', <https://gestion.pe/peru/reniec-pone-marcha-sistema-firma-contratos-dni-electronico-funciona-230758-noticia/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			types of authentication methods)?		and certificates law), Supreme Decree 052-20008-PCM, 2008 ¹⁶⁷²
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	Yes	2) Supreme Decree 070-2011-PCM, which modifies Art. 11 of the Digital Signatures and Certificates Law (Law 27269, in force since 29 May 2000), 2011 ¹⁶⁷⁶
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	No ¹⁶⁷⁷	
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	No ¹⁶⁷⁸	

¹⁶⁷⁶ Peru, 'Decreto Supremo N 070-2011-PCM', 2011, <https://www.gob.pe/institucion/pcm/normas-legales/292341-070-2011-pcm>

¹⁶⁷⁷ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

¹⁶⁷⁸ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	Yes ¹⁶⁷⁹	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	Yes ¹⁶⁸⁰	
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	Law 29985 on electronic money, approved January 17, 2013 ¹⁶⁸¹
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	1) Law 29985 on electronic money as an instrument of financial inclusion (2013) ¹⁶⁸¹

¹⁶⁷⁹ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹⁶⁸⁰ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

¹⁶⁸¹ Banco Central de Reserva del Peru, 'Ley N 29985 Ley que regula las características básicas del dinero electrónico como instrumento de inclusión financiera' <http://www.bcrp.gob.pe/docs/Transparencia/Normas-Legales/ley-29985.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2) Supreme Decree 09-2013-EF (implements Law 29985), 2013 ¹⁶⁸² 3) 2015 National Strategy for Financial Inclusion (which allows financial institutions, telcos, the regulator, and different government actors to work together), 2015 ¹⁶⁸³
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	No information	
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial	Yes ¹⁶⁸⁴	

¹⁶⁸² Peru - Ministerio de Economía y Finanzas, 'Reglamento de la Ley N° 29985, Ley que regula las características básicas del dinero electrónico como instrumento de inclusión financiera', <https://www.mef.gob.pe/es/por-instrumento/decreto-supremo/9970-decreto-supremo-n-090-2013-ef/file>

¹⁶⁸³ Peru - Ministerio de Economía y Finanzas, 'Estrategia Nacional de Inclusión Financiera', <https://www.mef.gob.pe/contenidos/archivos-descarga/ENIF.pdf>

¹⁶⁸⁴ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			services – banking and other financial services?		
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	Tax Administration Resolution N. 279-2019/SUNAT, 2019 ¹⁶⁸⁵
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	No information	
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹⁶⁸⁶	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹⁶⁸⁷	
6.4	Trade facilitation	International	Part of UNESCAP Framework	No ¹⁶⁸⁸	

¹⁶⁸⁵ El Peruano, 'Designan emisores electrónicos del Sistema de Emisión Electrónica', <https://busquedas.elperuano.pe/normaslegales/designan-emisores-electronicos-del-sistema-de-emision-electr-resolucion-n-279-2019sunat-1841703-1/>

¹⁶⁸⁶ WTO – TFA Facility, 'Ratifications list', Last updated 10 August 2020, <https://www.tfafacility.org/ratifications>

¹⁶⁸⁷ APEC, 'Paperless Trading Individual Action Plan', Last accessed 7 October 2020, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹⁶⁸⁸ UN Treaty Collection, '20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Agreement on Facilitation of Cross-Border Paperless Trade?		
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	No ¹⁶⁸⁹	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferable Records?	No ¹⁶⁹⁰	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	Yes	VUCE (Ventanilla Única de Comercio Exterior) ¹⁶⁹¹
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	USD200 ¹⁶⁹²	

¹⁶⁸⁹ WCO, 'List of the Contracting Parties to the Revised Kyoto Convention;', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹⁶⁹⁰ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/e-commerce/modellaw/electronic_transferable_records/status

¹⁶⁹¹ BID, 'Así conectó la Alianza del Pacífico sus Ventanillas Únicas de Comercio Exterior', 2019, <https://blogs.iadb.org/integracion-comercio/es/conecto-alianza-del-pacifico-ventanillas-unicas-comercio/>

¹⁶⁹² Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹⁶⁹³
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	Data Protection Law (Law 29733), 2011 ¹⁶⁹⁴
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	No information	
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing	No information	

¹⁶⁹³ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

¹⁶⁹⁴ El Peruano, 'Ley N 29733 Ley de protección de datos personales', http://www.pcm.gob.pe/transparencia/Resol_ministeriales/2011/ley-29733.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			installations? (e.g. servers, data storage infrastructure)		
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	No ¹⁶⁹⁵	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹⁶⁹⁶	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Peruvian Competition Act, the Legislative Decree 1034 (amended by

¹⁶⁹⁵ CBPRs, 'Government', <http://cbprs.org/government/>

¹⁶⁹⁶ European Commission, 'Adequacy decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Supreme Decree 030-2019-PCM), 2008, last amended 2019 ¹⁶⁹⁷
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No information	
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	Yes	Ley de promoción de la banda ancha y construcción de la red dorsal nacional de fibra óptica” (“Act for Broadband Promotion and National Optical Fiber Backbone Network Construction”), 2012 ¹⁶⁹⁸
10.2	Principles on access to and use of the	Domestic	Are there laws / regulations	Yes	Regulation implementing law

¹⁶⁹⁷ Indecopi, ‘Decreto Supremo que aprueba el Texto Único Ordenado de la Ley de Represión de Conductas Anticompetitivas’, 2019, <https://indecopi.gob.pe/documents/51771/196578/TUO+Decreto+Legislativo+1034/c9050e5d-9b91-62d2-81ca-e500664a8ff9>

¹⁶⁹⁸ Telegeography, ‘Osipitel implements new rules for net neutrality and biometric verification’, <https://www.telegeography.com/products/commsupdate/articles/2017/01/05/osipitel-implements-new-rules-for-net-neutrality-and-biometric-verification/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
	internet for digital trade		preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?		30254 on the safe and responsible use of information and communication technologies by children and teenagers, 2019 ¹⁶⁹⁹
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	No information	
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	No information	
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement?	No information	

¹⁶⁹⁹ Peru, 'Regulation implementing law 30254 on the safe and responsible use of information and communication technologies by children and teenagers', <https://busquedas.elperuano.pe/normaslegales/aprueban-el-reglamento-de-la-ley-n-30254-ley-de-promocion-decreto-supremo-n-093-2019-pcm-1768942-2/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			(e.g. fake news, hate speech, etc.)		
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹⁷⁰⁰	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	1) Transparency and access to public information law, 2002 ¹⁷⁰¹ 2) Open government strategy 2017-2021 ¹⁷⁰²
12.2	Open data	International	Part of the Open Data Charter?	No ¹⁷⁰³	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) Consumer Protection Act (Ley 29571 - Código de

¹⁷⁰⁰ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹⁷⁰¹ Peru, 'LEY N° 27806.- Ley de Transparencia y Acceso a la Información Pública', https://www.peru.gob.pe/normas/docs/LEY_27806.pdf

¹⁷⁰² Peru, 'Estrategia Nacional de Datos Abiertos Gubernamentales del Perú 2017-2021', <https://www.peru.gob.pe/estrategia.pdf>

¹⁷⁰³ Open Data Charter, 'Government Adopters', <https://opendatacharter.net/government-adopters/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Protección y Defensa del Consumidor), 2010 ¹⁷⁰⁴ 2) Guidelines for digital advertisement of influencers, 2019 (released for comments) ¹⁷⁰⁵
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	Yes ¹⁷⁰⁶	
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	No information	

¹⁷⁰⁴ Indecopi, 'Ley N 29571 Código de Protección y Defensa del Consumidor', <https://www.indecopi.gob.pe/documents/20195/177451/CodigoDProteccionyDefensaDelConsumidor%5B1%5D.pdf/934ea9ef-fcc9-48b8-9679-3e8e2493354e>

¹⁷⁰⁵ Indecopi, 'Guía de Publicidad para Influencers', 2019, <https://www.indecopi.gob.pe/documents/1902049/3749438/Publicidad+Digital+2.pdf/bf30b6cb-8736-eacb-ec34-e4176b33d9b6>

¹⁷⁰⁶ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	Yes	Law that regulates the use of unsolicited commercial e-mail (Law 28493), 2005 ¹⁷⁰⁷
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	1) Data Protection Law (Law 29733), 2011 ¹⁶⁹⁴ 2) Regulation of the Law (Supreme Decree N 003-2013-JUS), 2013 ¹⁷⁰⁸
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	1) Data Protection Law (Law 29733), 2011 ¹⁶⁹⁴ 2) Regulation of the Law (Supreme Decree N 003-2013-JUS), 2013 ¹⁷⁰⁸

¹⁷⁰⁷ Peru, 'Ley N° 28493', <https://www.gob.pe/institucion/pcm/normas-legales/292140-28493>

¹⁷⁰⁸ Hiperderecho, 'Aprueban Reglamento de la Ley N° 29733, Ley de Protección de Datos Personales', https://hiperderecho.org/wp-content/uploads/2019/04/Reglamento_Ley_PDP.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	The Directorate for the Protection of personal data (which is part of the General Directorate of Transparency, Access to Public Information and Protection of Personal Data (NDPA)) is the primary agency in charge of enforcing data protection matters ¹⁷⁰⁹
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	No ¹⁷¹⁰	
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	Data Protection Law (Law 29733), 2011 ¹⁶⁹⁴
Focus Area D: Cybersecurity/network security					

¹⁷⁰⁹ DLA Piper, 'Data Protection Laws of the World – Peru', Last updated 14 January 2020, <https://www.dlapiperdataprotection.com/index.html?t=authority&c=PE>

¹⁷¹⁰ DLA Piper, 'Data Protection Laws of the World – Peru', Last updated 14 January 2020 <https://www.dlapiperdataprotection.com/index.html?t=breach-notification&c=PE>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
16.1	Cybersecurity/ network security	Domestic	Are there laws/ regulations on cybercrime and cybersecurity?	Yes	Law 30096 on Computer Crimes, 2013 ¹⁷¹¹
16.2	Cybersecurity/ network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	No information	
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	Legislative Decree 1182 that regulates the use of data derived from telecommunications for the identification, location and geolocalization of communication equipment in the fight against crime

¹⁷¹¹ El Peruano, 'Ley Que Incorpora los Delitos Informaticos alCodigo Penal', 2000, https://cdn.www.gob.pe/uploads/document/file/356824/NORMA_1887_Ley_27309.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					and organized crime, 2015 ¹⁷¹²
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	Yes ¹⁷¹³	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ¹⁷¹⁴	
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure	No information	

¹⁷¹² El Peruano, 'N 1182 Legislative Decree that regulates the use of data derived from telecommunications for the identification, location and geolocation of communication equipment, in the fight against crime and organized crime', <https://busquedas.elperuano.pe/normaslegales/decreto-legislativo-que-regula-el-uso-de-los-datos-derivados-decreto-legislativo-n-1182-1268121-1/>

¹⁷¹³ Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹⁷¹⁴ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			of IP (i.e. source code, algorithms) as a condition to enter the market?		
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹⁷¹⁵	

¹⁷¹⁵ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

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Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	Philippines Government Department of Trade and Industry E-commerce Roadmap 2016-2020, 2016 ¹⁷¹⁶
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	Electronic Commerce Act of 2000 (Republic Act No. 8792), 2000 ¹⁷¹⁷
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	1) Institutionalizing the Certification Scheme for Digital Signatures and Directing the Application of Digital Signatures in

¹⁷¹⁶ Department of Trade and Industry, 'Philippine E-commerce Roadmap', <https://drive.google.com/file/d/0B3y-JKx0du39NVVFbWITODlwZ2c/view>

¹⁷¹⁷ Bangko Sentral ng Pilipinas, 'Republic Act No. 8792 Electronic Commerce Act of 2000', <http://www.bsp.gov.ph/downloads/laws/RA8792.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					E-Government Services (Executive Order No. 810, s. 2009), 2009 ¹⁷¹⁸ 2) Electronic Commerce Act of 2000 (Republic Act No. 8792), 2000 ¹⁷¹⁷ 3) Implementing Rules and Regulations of the Electronic Commerce Act ¹⁷¹⁹
3.2	Electronic authentication	Domestic	Is digital identification regulated?	Yes	An Act Establishing The Philippine Identification System (Republic Act No 11055), 2018 ¹⁷²⁰
3.3	Electronic authentication	Domestic	Are electronic / digital	Yes	Electronic Commerce Act of

¹⁷¹⁸ The Philippines, 'Executive Order No 810, s.2009 Institutionalizing the Certification Scheme for Digital Signatures and Directing the Application of Digital Signatures in E-Government Services', <https://www.officialgazette.gov.ph/2009/06/15/executive-order-no-810-s-2009/>

¹⁷¹⁹ WIPO, 'Implementing rules and regulations of the Electronic Commerce Act', <https://www.wipo.int/edocs/lexdocs/laws/en/ph/ph028en.pdf>

¹⁷²⁰ The Philippines, 'Republic Act No 11055 An act establishing the Philippine Identification System', https://psa.gov.ph/system/files/kmcd/RA11055_PhilSys.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			contracts/certificates regulated?		2000 (Republic Act No. 8792), 2000 ¹⁷¹⁷
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	1) Institutionalizing the Certification Scheme for Digital Signatures and Directing the Application of Digital Signatures in E-Government Services (Executive Order No. 810, s. 2009), 2009 ¹⁷¹⁸ 2) Implementing Rules and Regulations of the Electronic Commerce Act ¹⁷¹⁹
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	Yes	1) Electronic Commerce Act of 2000 (Republic Act No. 8792), 2000 ¹⁷¹⁷ 2) Implementing Rules and

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Regulations of the Electronic Commerce Act ¹⁷¹⁹
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	Yes ¹⁷²¹	
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	Yes ¹⁷²²	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	No ¹⁷²³	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for	Yes ¹⁷²⁴	

¹⁷²¹ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

¹⁷²² UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹⁷²³ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹⁷²⁴ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Foreign Public Documents?		
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	1) The National Payment Act (Republic Act No 11127), 2018 ¹⁷²⁵ 2) Manual for Regulation for non-bank financial institutions; Amendments to Regulations on Electronic Banking Services and other Electronic Operations, 2017, last amended 2019 ¹⁷²⁶
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	1) The National Payment Act (Republic Act No

¹⁷²⁵ The Philippines, 'Republic Act no 11127 An act providing for the regulation and supervision of payment systems', <https://www.officialgazette.gov.ph/downloads/2018/10oct/20181030-RA-11127-RRD.pdf>

¹⁷²⁶ Bangko Sentral ng Pilipinas, 'Manual of Regulations – For non-bank financial institutions Volume 1', <http://www.bsp.gov.ph/downloads/regulations/mornbfi.pdf>; Bangko Sentral ng Pilipinas, 'Manual of Regulations – For non-bank financial institutions Volume 2', <http://www.bsp.gov.ph/downloads/Regulations/MORB/Sep2017MORNBFI2.pdf>; Bangko Sentral ng Pilipinas, 'Circular No. 1033 Amendments to Regulations on Electronic Banking Services and Other Electronic Operators', <http://www.bsp.gov.ph/downloads/regulations/attachments/2019/c1033.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					11127), 2018 ¹⁷²⁵ 2) Circular No. 649 - Guidelines Governing the Issuance of Electronic Money (E-Money) and the Operations of Electronic Money Issuers (EMI), 2009 ¹⁷²⁷
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	Yes	1) Amendment to Section 4511N of the Manual of Regulations for Non-Bank Financial Institutions Circular No.942, 2017 ¹⁷²⁸ 2) Guidelines for Virtual Currency

¹⁷²⁷ Bangko Sentral ng Pilipinas, 'Circular No 649', <https://dfsobservatory.com/sites/default/files/Central%20Bank%20of%20Philippines%20-%20Circular%20No.%20649%20-%20Guidelines%20Governing%20the%20Issuance%20of%20Electronic%20Money%20%28E-Money%29%20and%20the%20Operations%20of%20Electronic%20Money%20Issuers%20%28EMI%29.pdf>

¹⁷²⁸ Bangko Sentral ng Pilipinas, 'Circular No 942 Amendment to Section 4511N of the Manual of Regulations for Non-Bank Financial Institutions', <http://www.bsp.gov.ph/downloads/regulations/attachments/2017/c942.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					(VC) Exchanges, 2017 ¹⁷²⁹
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ¹⁷³⁰	
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	Tax Reform for Acceleration and Inclusion (TRAIN) Act ¹⁷³¹
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	No information	
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹⁷³²	

¹⁷²⁹ Bangko Sentral ng Pilipinas, 'Circular No 944 Guidelines for Virtual Currency (VC) exchanges', <http://www.bsp.gov.ph/downloads/regulations/attachments/2017/c944.pdf>

¹⁷³⁰ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

¹⁷³¹ National Tax Research Center, 'Tax changes you need to know Republic Act No. 10963', <http://www.ntrc.gov.ph/images/Publications/train/tax-changes-you-need-to-know.pdf>

¹⁷³² WTO – TFA Facility, 'Ratifications list', Last updated 10 August 2020, <https://www.tfafacility.org/ratifications>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹⁷³³	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	No ¹⁷³⁴	
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	Yes ¹⁷³⁵	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferrable Records?	No ¹⁷³⁶	

¹⁷³³ APEC, 'Paperless Trading Individual Action Plan', Last accessed 7 October 2020, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹⁷³⁴ UN Treaty Collection, '20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

¹⁷³⁵ WCO, 'List of the Contracting Parties to the Revised Kyoto Convention;', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹⁷³⁶ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/e-commerce/modellaw/electronic_transferable_records/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	Yes	ASEAN Single Window ¹⁷³⁷
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	PHP10,000 ¹⁷³⁸	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹⁷³⁹
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	An Act Protecting Individual Personal Information In Information And Communications Systems In The Government And The Private Sector,

¹⁷³⁷ ASEAN, 'ASEAN Single Window', <https://asw.asean.org/>

¹⁷³⁸ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

¹⁷³⁹ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Creating For This Purpose A National Privacy Commission, And For Other Purposes (Republic Act No. 10173), 2012 ¹⁷⁴⁰
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	No information	
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g.	Yes	Enhanced Guidelines on Information Security Management

¹⁷⁴⁰ The Philippines, 'Republic Act No 10173 An Act Protecting Individual Personal Information In Information And Communications Systems In The Government And The Private Sector, Creating For This Purpose A National Privacy Commission, And For Other Purposes', 2012, <https://www.officialgazette.gov.ph/downloads/2012/08aug/20120815-RA-10173-BSA.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			servers, data storage infrastructure)		Circular No.982, 2017 ¹⁷⁴¹
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	Yes ¹⁷⁴²	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹⁷⁴³	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	An Act Providing for a National Competition Policy Prohibiting Anti-Competitive Agreements, Abuse

¹⁷⁴¹ Bangko Sentral ng Pilipinas, 'Circular No 982 Enhanced Guidelines on Information Security Management', 2017, <http://www.bsp.gov.ph/downloads/regulations/attachments/2017/c982.pdf>

¹⁷⁴² CBPRs, 'Government', <http://cbprs.org/government/>

¹⁷⁴³ European Commission, 'Adequacy decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					of Dominant Position and Anti-Competitive Mergers and Acquisitions, Establishing the Philippine Competition Commission and Appropriating Funds Thereof (Republic Act No 10667), 2014 ¹⁷⁴⁴
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	Yes	1) An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for This Purpose a National

¹⁷⁴⁴ The Philippines, 'Republic Act No 10667 An Act Providing for a National Competition Policy Prohibiting Anti-Competitive Agreements, Abuse of Dominant Position and Anti-Competitive Mergers and Acquisitions, Establishing the Philippine Competition Commission and Appropriating Funds Thereof;', 2014, https://docs.google.com/viewerng/viewer?url=https://phcc.gov.ph/wp-content/uploads/2019/02/Philippine-Competition-Act-PCA-1.pdf&hl=en_US

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Privacy Commission, and for Other Purposes (Republic Act No. 10173), 2012 ¹⁷⁴⁵ 2) Rules and Regulations Implementing Republic Act No. 11202 (Mobile Number Portability Act), 2019 ¹⁷⁴⁶
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	Yes	1) Public Telecommunications Policy Act of the Philippines (Republic Act No. 7925), 1995 ¹⁷⁴⁷

¹⁷⁴⁵ The Philippines, 'Republic Act No 10173 An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for This Purpose a National Privacy Commission, and for Other Purposes, 2012, <https://www.officialgazette.gov.ph/downloads/2012/08aug/20120815-RA-10173-BSA.pdf>

¹⁷⁴⁶ The LawPhil Project, 'Republic Act No 11202 An Act Requiring Mobile Service Providers to Provide Nationwide Mobile Number Portability to Subscribers', 2018, https://lawphil.net/statutes/repacts/ra2019/ra_11202_2019.html

¹⁷⁴⁷ Philippines Board of Investments, 'RA 7925 – 'Public Telecommunications Policy Act of the Philippines', 2018, http://boi.gov.ph/sdm_downloads/ra-7925-public-telecommunications-policy-act-of-the-philippines/

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2) Implementing Rules And Regulations (IRR) For The Interconnection Of Authorized Public Telecommunication Entities, 2000 ¹⁷⁴⁸
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	Yes	Anti-Child Pornography Act (Republic Act No. 9775), 2009 ¹⁷⁴⁹
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary	No information	

¹⁷⁴⁸ The Philippines – National Telecommunications Commission, ‘Implementing rules and regulations for the interconnection of authorized public telecommunications entities’, <http://ntc.gov.ph/wp-content/uploads/2015/10/LawsRulesRegulations/MemoCirculars/MC2000/MC-14-07-2000.pdf>

¹⁷⁴⁹ The Philippines, ‘Republic Act No 9775 An Act defining the crime of child pornography, prescribing penalties therefor and for other purposes’, 2009, <https://www.officialgazette.gov.ph/2009/11/17/republic-act-no-9775-s-2009/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			liability rules or safe harbors?		
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	No information	
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	Yes	An Act Defining Cybercrime, Providing for the Prevention, Investigation, Suppression and the Imposition of Penalties Therefor and for Other Purposes (Republic Act No. 10175), 2012 ¹⁷⁵⁰
11.4	Intermediary liability, IP-related	International	WIPO Copyright Treaty	Yes ¹⁷⁵¹	

¹⁷⁵⁰ The Philippines, 'Republic Act No. 10175 An Act Defining Cybercrime, Providing for the Prevention, Investigation, Suppression and the Imposition of Penalties Therefor and for Other Purposes', 2011, An <https://www.officialgazette.gov.ph/downloads/2012/09sep/20120912-RA-10175-BSA.pdf>

¹⁷⁵¹ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
	and online content related regulations				
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	Data.gov.ph ¹⁷⁵²
12.2	Open data	International	Part of the Open Data Charter?	Yes ¹⁷⁵³	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) The Consumer Act of the Philippines (Republic Act No. 7394), 1992 ¹⁷⁵⁴ 2) Rules and regulations for consumer protection in a transaction covered by the Consumer Act of the Philippines (R.A. 7394) through

¹⁷⁵² Data.gov.ph, 'Open Data Philippines', data.gov.ph

¹⁷⁵³ Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

¹⁷⁵⁴ The Law Phil Project, 'The Consumer Act of the Philippines', 1992, https://www.lawphil.net/statutes/repacts/ra1992/ra_7394_1992.html

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					electronic means under the E-Commerce Act (R.A. 8792) ¹⁷⁵⁵ 3) Electronic Commerce Act of 2000 (Republic Act No. 8792), 2000 ¹⁷¹⁷
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	Yes ¹⁷⁵⁶	
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	Yes	Examples include: 1) Global Privacy Enforcement Network ¹⁷⁵⁷ 2) ASEAN Strategic Action Plan for

¹⁷⁵⁵ WIPO, 'Rules and regulations for consumer protection in a transaction covered by the Consumer Act of the Philippines (R.A. 7394) through electronic means under the E-Commerce Act (R.A. 8792)', <https://www.wipo.int/edocs/lexdocs/laws/en/ph/ph157en.pdf>

¹⁷⁵⁶ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

¹⁷⁵⁷ Global Privacy Enforcement Network, <https://www.privacyenforcement.net/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Consumer Protection (ASAPCP) 2016 – 2025 ¹⁷⁵⁸ 3) ASEAN Online Business Code of Conduct ¹⁷⁵⁹
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	Yes	An Act Defining Cybercrime, Providing for the Prevention, Investigation, Suppression and the Imposition of Penalties Therefor and for Other Purposes (Republic Act No. 10175), 2012 ¹⁷⁶⁰

¹⁷⁵⁸ ASEAN, 'The ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) 2016-2025: Meeting the challenges of a people-centered ASEAN beyond 2015', https://aseanconsumer.org/file/post_image/The%20ASEAN%20Strategic%20Action%20Plan%20For%20Consumer%20Protection%202016_2025%20Meeting%20The%20Challenges%20of%20A%20People%20Centered%20ASEAN%20Beyond%202015.pdf

¹⁷⁵⁹ ASEAN Consumer, 'ASEAN Online Business Code of Conduct', [https://aseanconsumer.org/file/post_image/2020-02-26%20ASEAN%20COC%20\(fin\).pdf](https://aseanconsumer.org/file/post_image/2020-02-26%20ASEAN%20COC%20(fin).pdf)

¹⁷⁶⁰ The Philippines, 'House Bill No 3629 An Act Defining Cybercrime, Providing for the Prevention, Investigation, Suppression and the Imposition of Penalties Therefor and for Other Purposes', 2016, http://www.congress.gov.ph/legisdocs/basic_17/HB03629.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for This Purpose a National Privacy Commission, and for Other Purposes (Republic Act No. 10173), 2012 ¹⁷⁴⁵
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for This Purpose a National Privacy

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Commission, and for Other Purposes (Republic Act No. 10173), 2012 ¹⁷⁴⁵
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	Data Privacy Commission
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	Yes	An Act Protecting Individual Personal Information in Information and Communications Systems in the Government and the Private Sector, Creating for This Purpose a National Privacy Commission, and for Other Purposes (Republic Act No. 10173), 2012 ¹⁷⁴⁵
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	An Act Protecting Individual Personal Information in Information and

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Communications Systems in the Government and the Private Sector, Creating for This Purpose a National Privacy Commission, and for Other Purposes (Republic Act No. 10173), 2012 ¹⁷⁴⁵
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/ network security	Domestic	Are there laws/ regulations on cybercrime and cybersecurity?	Yes	An Act Defining Cybercrime, Providing for the Prevention, Investigation, Suppression and the Imposition of Penalties Therefor and for Other Purposes (Republic Act No. 10175), 2012 ¹⁷⁶⁰

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
16.2	Cybersecurity/ network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	Yes	National Cybersecurity Plan 2022, 2019 ¹⁷⁶¹
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	An Act Defining Cybercrime, Providing for the Prevention, Investigation, Suppression and the Imposition of Penalties Therefor and for Other Purposes (Republic Act No. 10175), 2012 ¹⁷⁶⁰

¹⁷⁶¹ The Philippines – Cybercrime investigation and coordination center, ‘National Cybersecurity Plan 2022’, <https://dict.gov.ph/wp-content/uploads/2019/07/NCSP2022-rev01Jul2019.pdf>; The Philippines – Department of Information and Communications Technology, ‘National Cybersecurity Plan 2022’, <https://dict.gov.ph/national-cybersecurity-plan-2022/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	Yes ¹⁷⁶²	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ¹⁷⁶³	
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	No information	

¹⁷⁶² Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹⁷⁶³ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹⁷⁶⁴	

¹⁷⁶⁴ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

RUSSIA

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	1) Federal Programme on “Digital Economy in the Russian Federation 2017-2024” ¹⁷⁶⁵ 2) Federal Programme on “Information society 2011-2020” of 15.04.2014 ¹⁷⁶⁶
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	1) Federal Law No. 34-FZ ‘On Amendments to Parts One, Two and Article 1124 of Part Three of the Civil Code of the Russian Federation’ (Law on

¹⁷⁶⁵ TASS, ‘Russian government allocates \$53.14 mln for ‘Digital Economy’ program’, 2018, <https://tass.com/economy/997051>

¹⁷⁶⁶ Russia – Institute of the Information Society, ‘Digital economy country assessment for Russia’, 2018, <http://www.iis.ru/docs/DECARussia2018eng.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Digital Rights), 2019 ¹⁷⁶⁷ 2) Federal Law No. 63-FZ 'On Electronic Signatures', 2011 ¹⁷⁶⁸
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	Federal Law No. 63-FZ 'On Electronic Signatures', 2011 ¹⁷⁶⁸
3.2	Electronic authentication	Domestic	Is digital identification regulated?	No information	
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	1) Federal Law No. 34-FZ 'On Amendments to Parts One, Two and Article 1124 of Part Three of the Civil Code of the Russian Federation' (Law on Digital Rights), 2019 ¹⁷⁶⁷

¹⁷⁶⁷CMS, 'New law established conditions for digital rights in Russia', 2019, https://www.cms-lawnow.com/ealerts/2019/05/new-law-establishes-conditions-for-digital-rights-in-russia?cc_lang=en; Russia, 'Federal Law of 18.03.2019 No. 34-FZ "On Amendments to Parts One, Two and Article 1124 of Part Three of the Civil Code of the Russian Federation', 2019, <http://publication.pravo.gov.ru/Document/View/0001201903180027>

¹⁷⁶⁸ Russia, 'The Federal Law on Electronic Signature', <https://afyonluoglu.org/PublicWebFiles/e-imza/int-legislation/Russia-Federal%20Law%20on%20e-Signatures.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2) Federal Law No. 63-FZ ‘On Electronic Signatures’, 2011 ¹⁷⁶⁸
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	1) Federal Law No. 34-FZ ‘On Amendments to Parts One, Two and Article 1124 of Part Three of the Civil Code of the Russian Federation’ (Law on Digital Rights), 2019 ¹⁷⁶⁷ 2) Federal Law No. 63-FZ ‘On Electronic Signatures’, 2011 ¹⁷⁶⁸
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	Yes	Federal Law No. 63-FZ ‘On Electronic Signatures’, 2011 ¹⁷⁶⁸
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on	No ¹⁷⁶⁹	

¹⁷⁶⁹ UNCITRAL, ‘UNCITRAL Model Law on Electronic Commerce (1996) – Status’, https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Electronic Commerce 1996?		
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	Yes ¹⁷⁷⁰	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	No ¹⁷⁷¹	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	Yes ¹⁷⁷²	
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	Federal Law No. 161-FZ 'On National Payment System',

¹⁷⁷⁰ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹⁷⁷¹ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹⁷⁷² HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2011, last amended 2018 ¹⁷⁷³
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	Federal Law No. 161-FZ ‘On National Payment System’, 2011, last amended 2018 ¹⁷⁷³
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	No	A new bill which creates regulatory sandboxes to test “digital innovation” technologies such as artificial intelligence and distributed ledgers are still under review by the Russian Parliament ¹⁷⁷⁴
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking	Yes ¹⁷⁷⁵	

¹⁷⁷³ Central Bank of Russia, ‘The Russian Federal Law on the National Payment System’, 2011, http://www.cbr.ru/content/document/file/16997/161-fz_e.pdf

¹⁷⁷⁴ Fintech Futures, ‘Russia’s PM introduces new bill for fintech sandboxes’, 2020, <https://www.fintechfutures.com/2020/03/russias-pm-introduces-new-bill-for-fintech-sandboxes/>

¹⁷⁷⁵ WTO, ‘Schedules of specific commitments and lists of Article II exemptions’, https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			and other financial services?		
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	1) Federal Law No. 229-FZ “About changes in Tax Code about e-invoices”, 2007 ¹⁷⁷⁶ 2) Directive of Ministry of Finance No. 50n “About exchanging of e-invoices”, 2011 ¹⁷⁷⁶
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	Yes	Example: TradeLens ¹⁷⁷⁷
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹⁷⁷⁸	

¹⁷⁷⁶ Marina Pekshieva, ‘Invoice process in Russia. Case company: Ruukki Rus LLC’, 2013, https://www.theseus.fi/bitstream/handle/10024/69934/Thesis_Pekshieva_Marina_publication.pdf?sequence=1

¹⁷⁷⁷ MAERSK, ‘TradeLens to launch in Russia with pilot in St. Petersburg’, 2019, <https://www.maersk.com/news/articles/2019/06/06/tradelens-to-launch-in-russia-with-pilot-in-st-petersburg>

¹⁷⁷⁸ WTO – TFA Facility, ‘Ratifications list’, Last updated 10 August 2020, <https://www.tfafacility.org/ratifications>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	No ¹⁷⁷⁹	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	No ¹⁷⁸⁰	
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	Yes ¹⁷⁸¹	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferrable Records?	No ¹⁷⁸²	
6.7	Trade facilitation	Regional	Part of Single Window System?	No information	

¹⁷⁷⁹ APEC, 'Paperless Trading Individual Action Plan', Last accessed 7 October 2020, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹⁷⁸⁰ UN Treaty Collection, '20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

¹⁷⁸¹ WCO, 'List of the Contracting Parties to the Revised Kyoto Convention;', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹⁷⁸² UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/e-commerce/modellaw/electronic_transferable_records/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			(e.g. ASEAN Single Window)		
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	EUR500 ¹⁷⁸³	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹⁷⁸⁴
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	Federal Law No. 152-FZ 'On Personal Data', 2006 ¹⁷⁸⁵
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-	Yes	Federal Law No. 242-FZ of July 21, 2014 on Amending Some Legislative Acts of the Russian

¹⁷⁸³ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

¹⁷⁸⁴ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

¹⁷⁸⁵ Russia, 'Federal Law of 27 July 2006 N 152-FZ on Personal Data', <https://pd.rkn.gov.ru/authority/p146/p164/>; Russia, 'Russian Federation Federal Law on Personal Data', 2009, https://iapp.org/media/pdf/knowledge_center/Russian_Federal_Law_on_Personal_Data.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			commerce platforms required to store personal data locally?		Federation in as Much as It Concerns Updating the Procedure for Personal Data Processing in Information-Telecommunication Networks (with Amendments and Additions) ¹⁷⁸⁶
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g. servers, data storage infrastructure)	Yes	Federal Law “On Banks and Banking Activities”, 1990, last amended 2018 ¹⁷⁸⁷
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	No ¹⁷⁸⁸	

¹⁷⁸⁶ Russia, ‘Federal Law No. 242-FZ of July 21, 2014 on Amending Some Legislative Acts of the Russian Federation in as Much as It Concerns Updating the Procedure for Personal Data Processing in Information-Telecommunication Networks (with Amendments and Additions’, <https://pd.rkn.gov.ru/authority/p146/p191/>

¹⁷⁸⁷ Central Bank of Russia, ‘Russian Federation Federal Law on Banks and Banking Activities’, http://cbr.ru/Content/Document/File/37344/law_banks_e.pdf

¹⁷⁸⁸ CBPRs, ‘Government’, <http://cbprs.org/government/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹⁷⁸⁹	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Executive Order of the President of the Russian Federation "On State Competition Policy Guidelines" (Order of 21 December 2017 No. 618), 2017 ¹⁷⁹⁰
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No information	

¹⁷⁸⁹ European Commission, 'Adequacy decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

¹⁷⁹⁰ Federal Antimonopoly Service of the Russian Federation, 'Executive Order of the President of the Russian Federation "On State Competition Policy Guidelines" (Order of 21 December 2017 No. 618)', 2018, <http://en.fas.gov.ru/documents/documentdetails.html?id=15342>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	No information	
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	Yes	Federal Act No. 149-FZ “On Information, Technologies and Protection of Information”, 2006, last amended 2013 ¹⁷⁹¹
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	Yes	Federal Law No. 364-FZ, on Amending Legislative Acts of the Russian Federation Concerning the Protection of

¹⁷⁹¹ Russia, ‘Russian Federation Federal Law on information, information technologies and about the protection of information’, http://www.consultant.ru/document/cons_doc_LAW_61798/

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Intellectual Rights in Information and Telecommunications Networks (“Anti-Piracy Law”), 2013 ¹⁷⁹²
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	Yes	Federal Law No. 364-FZ, on Amending Legislative Acts of the Russian Federation Concerning the Protection of Intellectual Rights in Information and Telecommunications Networks (“Anti-Piracy Law”), 2013 ¹⁷⁹²
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement?	Yes	Federal Act No. 149-FZ “On Information, Information Technologies and

¹⁷⁹² RGRU, ‘Federal Law of July 2, 2013 N 187-FZ Moscow On Amendments to Certain Legislative Acts of the Russian Federation on the Protection of Intellectual Property Rights in Information and Telecommunication Networks’, 2013, <https://rg.ru/2013/07/10/pravo-internet-dok.html>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			(e.g. fake news, hate speech, etc.)		Protection of Information”, 2006, last amended 2013 ¹⁷⁹¹
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹⁷⁹³	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	Federal Act No. 149-FZ “On Information, Information Technologies and Protection of Information”, 2006, last amended 2013 ¹⁷⁹¹
12.2	Open data	International	Part of the Open Data Charter?	No ¹⁷⁹⁴	
Focus Area C: Consumer Protection and Privacy Issues					

¹⁷⁹³ WIPO, ‘WIPO-Administered Treaties’, https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹⁷⁹⁴ Open data charter, ‘Government adopters’, <https://opendatacharter.net/government-adopters/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) Russian Consumer Protection Act, 1992, last amended 2020 ¹⁷⁹⁵ 2) Overview of the Court Practice related to Protection of Consumer Rights with regard to Sale of Goods and Services, 2018 ¹⁷⁹⁶
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	No ¹⁷⁹⁷	
13.3	Consumer protection	International	Is the economy member of another consumer protection	No information	

¹⁷⁹⁵ CIS – Legislation, ‘Law of the Russian Federation on Consumer Protection’, Last amended 2020, <https://cis-legislation.com/document.fwx?rgn=1600>

¹⁷⁹⁶ Mondaq, ‘Russian Federation: Recent Developments In Russian Consumer Protection Law, 2019, <https://www.mondaq.com/russianfederation/Consumer-Protection/773812/Recent-Developments-In-Russian-Consumer-Protection-Law>

¹⁷⁹⁷ ICPEN, ‘Who we are’, <https://www.icpen.org/who-we-are>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			cooperation framework?		
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	No information	
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	Federal Law No. 152-FZ 'On Personal Data', 2006 ¹⁷⁸⁵
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Federal Law No. 152-FZ 'On Personal Data', 2006 ¹⁷⁸⁵
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	Federal Service for Supervision of Communications, Information Technologies and Mass Media (Roscomnadzor) ¹⁷⁹⁸
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	No information	

¹⁷⁹⁸ Russia, 'The government of the Russian Federation Regulation on the Federal Service for Supervision of Communications, Information Technology and Mass Media', 2009, https://eng.rkn.gov.ru/about/statute_of_roskomnadzor/

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	Federal Law "On the Introduction of Amendments to the Administrative Offenses Code of the Russian Federation" (No.405-FZ), 2019 ¹⁷⁹⁹
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/ network security	Domestic	Are there laws/ regulations on cybercrime and cybersecurity?	Yes	Criminal Code, 1996, last amended 2016 ¹⁸⁰⁰
16.2	Cybersecurity/ network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	No information	
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law	Yes	Federal Law 375-FZ "On Amendments to the Criminal Code of the Russian

¹⁷⁹⁹ The National Law Review, 'Russia Increases Fines for Violation of its Data Localization Law', 2020, <https://www.natlawreview.com/article/russia-increases-fines-violation-its-data-localization-law>

¹⁸⁰⁰ Russia, 'The Criminal Code of the Russian Federation', 1996, https://www.legislationline.org/download/id/4247/file/RF_CC_1996_am03.2012_en.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			enforcement agencies?		Federation and the Code of Criminal Procedure of the Russian Federation regarding the establishment of additional measures to counter terrorism and ensure public safety", 2016 ¹⁸⁰¹
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	No ¹⁸⁰²	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ¹⁸⁰³	

¹⁸⁰¹ Russia, 'Federal Law No. 375-FZ dated 06.07.2016 "On Amendments to the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation in terms of establishing additional measures to counter terrorism and ensure public safety', 2016, <http://publication.pravo.gov.ru/Document/View/0001201607070042>

¹⁸⁰² Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹⁸⁰³ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	No information	
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	Yes	Law of the Russian Federation No. 2300-1 on the Protection of the Consumers' Rights, to be amended by Federal Law "On Introducing Amendments into Article 4 of the Law on Protection of

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Consumer Rights” No.425-FZ, 2020 ¹⁸⁰⁴
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	Yes	1) Federal Law No. 128-FZ “On Licensing Specific Types of Activity”, 2011 ¹⁸⁰⁵ 2) Federal Law No. 149-FZ “On Information, Information Technologies and Protection of Information”, 2006 ¹⁸⁰⁶
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹⁸⁰⁷	

¹⁸⁰⁴ <https://globalcompliancenews.com/russia-mandates-pre-installation-of-russian-software-on-electronic-devices/>

¹⁸⁰⁵ WTO, ‘Federal Law No 128-FZ of August 8, 2001 on Licensing Specific Types of Activity’, https://www.wto.org/english/thewto_e/acc_e/rus_e/WTACCRUS58_LEG_37.pdf

¹⁸⁰⁶ WIPO, ‘Federal Law No 149 of July 27, 2006 on Information, Informational Technologies and the Protection of information’, <https://www.wipo.int/edocs/lexdocs/laws/en/ru/ru126en.pdf>

¹⁸⁰⁷ WTO, ‘Schedules of concessions’, https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

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Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	1) Retail Industry Transformation Map, 2017 ¹⁸⁰⁸ 2) Retail Industry Digital Plan, 2017 ¹⁸⁰⁹ 3) Digital Economy Framework for Action, 2018 ¹⁸¹⁰
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	Electronic Transactions Act 1998, last amended 2010 ¹⁸¹¹ (and is currently under review)

¹⁸⁰⁸ EDB Singapore, 'Singapore industry initiative for e-commerce', 2018, <https://www.edb.gov.sg/en/news-and-events/insights/innovation/singapore-industry-initiatives-for-e-commerce.html>

¹⁸⁰⁹ Opengovasia, 'IMDA Singapore announces new innovative initiatives under Retail ITM and launches the Retail Industry Digital Plan, 2017, <https://www.opengovasia.com/imda-singapore-announces-new-innovative-initiatives-under-retail-itm-and-launches-the-retail-industry-digital-plan/>

¹⁸¹⁰ IMDA, 'Digital Economy Framework for Action', <https://www.imda.gov.sg/infocomm-media-landscape/SGDigital/Digital-Economy-Framework-for-Action>

¹⁸¹¹ Singapore, 'Electronic Transaction Act Chapter 88', 2011, Last updated 7 October 2020, <https://sso.agc.gov.sg/Act/ETA2010#pr18->

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	Electronic Transactions Act 1998, last amended 2010 ¹⁸¹¹ (and is currently under review)
3.2	Electronic authentication	Domestic	Is digital identification regulated?	No	Digital ID would only be operational in 2020 ¹⁸¹²
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	Electronic Transactions Act 1998, last amended 2010 ¹⁸¹¹ (and is currently under review)
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	Electronic Transactions Act 1998, last amended 2010 ¹⁸¹¹ (and is

¹⁸¹² GIP Digital Watch, 'Singapore rolling out a national digital identification programme', 2019, <https://dig.watch/updates/singapore-rolling-out-national-digital-identification-programme>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					currently under review)
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	Yes	Electronic Transactions Act 1998, last amended 2010 ¹⁸¹¹ (and is currently under review)
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	Yes ¹⁸¹³	
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	Yes ¹⁸¹⁴	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	No ¹⁸¹⁵	

¹⁸¹³ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

¹⁸¹⁴ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹⁸¹⁵ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	No ¹⁸¹⁶	
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	Payments Services Act 2019 ¹⁸¹⁷
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	Payments Services Act 2019 ¹⁸¹⁷
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	Yes	Payments Services Act 2019 ¹⁸¹⁷
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking	Yes ¹⁸¹⁸	

¹⁸¹⁶ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

¹⁸¹⁷ Singapore, 'Payment Services Act 2019', <https://sso.agc.gov.sg/Acts-Supp/2-2019/Published/20190220?DocDate=20190220&ViewType=Within>

¹⁸¹⁸ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			and other financial services?		
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	No	However, Singapore has frameworks for businesses to adopt such as: 1) Nationwide E-invoicing Framework, 2019 ¹⁸¹⁹ 2) Pan European Public Procurement On-Line (PEPPOL) e-invoicing standard ¹⁸²⁰
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	Yes	Example: TradeTrust ¹⁸²¹

¹⁸¹⁹ IMDA Singapore, 'Nationwide e-invoicing initiative', <https://www.imda.gov.sg/programme-listing/nationwide-e-invoicing-framework>

¹⁸²⁰ Peppol, 'Nationwide e-invoicing framework in Singapore', <https://peppol.eu/what-is-peppol/peppol-country-profiles/singapore-country-profile/>

¹⁸²¹ IMDA Singapore, 'Trade Trust', <https://www.imda.gov.sg/programme-listing/international-trade-and-logistics/tradetrust>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹⁸²²	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹⁸²³	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	No ¹⁸²⁴	
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	No ¹⁸²⁵	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic	Yes ¹⁸²⁶	

¹⁸²² WTO – TFA Facility, ‘Ratifications list’, Last updated 10 August 2020, <https://www.tfafacility.org/ratifications>

¹⁸²³ APEC, ‘Paperless Trading Individual Action Plan’, Last accessed 7 October 2020, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹⁸²⁴ UN Treaty Collection, ‘20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific’, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

¹⁸²⁵ WCO, ‘List of the Contracting Parties to the Revised Kyoto Convention’, Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹⁸²⁶ UNCITRAL, ‘UNCITRAL Model Law on Electronic Transferable Records (2017) – Status’, https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_transferable_records/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Transferrable Records?		
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	Yes	ASEAN Single Window ¹⁸²⁷
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	SGD400 ¹⁸²⁸	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹⁸²⁹
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	1) Personal Data Protection Act, 2012, last amended 2018 ¹⁸³⁰

¹⁸²⁷ ASEAN, 'ASEAN Single Window', <https://asw.asean.org/>

¹⁸²⁸ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

¹⁸²⁹ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

¹⁸³⁰ Singapore, 'Personal Data Protection Act 2012', last Updated 7 October 2020, <https://sso.agc.gov.sg/Act/DPDA2012>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2) Advisory Guidelines on Key Concepts in the Personal Data Protection Act, 2013, last revised 2019 ¹⁸³¹
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	No information	
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g.	No ¹⁸³²	

¹⁸³¹ Personal Data Protection Commission Singapore, 'Advisory Guidelines on Key Concepts in the Personal Data Protection Act', <https://www.pdpc.gov.sg/guidelines-and-consultation/2020/03/advisory-guidelines-on-key-concepts-in-the-personal-data-protection-act>

¹⁸³² Monetary Authority of Singapore, 'United States-Singapore Joint Statement on Financial Services Data Connectivity', 2020, <https://www.mas.gov.sg/news/media-releases/2020/united-states-singapore-joint-statement-on-financial-services-data-connectivity>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			servers, data storage infrastructure)		
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	Yes ¹⁸³³	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	Yes	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	Yes	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹⁸³⁴	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Competition Act, 2004, last amended 2018 ¹⁸³⁵
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No	However, Singapore is proposing to introduce a Data

¹⁸³³ CBPRs, 'Government', <http://cbprs.org/government/>

¹⁸³⁴ European Commission, 'Adequacy decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

¹⁸³⁵ Singapore, 'Competition Act', Last updated 7 October 2020, <https://sso.agc.gov.sg/Act/CA2004>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Portability Obligation which is part of the online public consultation for Personal Data Protection (Amendment) Bill launched on 14 May 2020. A process of consultations with stakeholders has recently (January 2020) concluded and it is possible that a data portability right could be adopted this year ¹⁸³⁶

¹⁸³⁶ Personal Data Protection Commission Singapore, 'Public consultation on review of the Personal Data Protection Act 2012- Proposed Data Portability and Data innovation Provisions', 2019, [https://www.pdpc.gov.sg/-/media/Files/PDPC/PDF-Files/Legislation-and-Guidelines/PDPC-Public-Consultation-Paper-on-Data-Portability-and-Data-Innovation-Provisions-\(220519\).pdf?la=en](https://www.pdpc.gov.sg/-/media/Files/PDPC/PDF-Files/Legislation-and-Guidelines/PDPC-Public-Consultation-Paper-on-Data-Portability-and-Data-Innovation-Provisions-(220519).pdf?la=en); Personal Data Protection Commission Singapore, 'Response to feedback on the public consultation on proposed Data Portability and Data Innovation provisions', 2020, <https://www.pdpc.gov.sg/-/media/Files/PDPC/PDF-Files/Legislation-and-Guidelines/Response-to-Feedback-for-3rd-Public-Consultation-on-Data-Portability-Innovation-200120.pdf?la=en>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	Yes	Decision issued by the info-communications development authority of Singapore ¹⁸³⁷
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	Yes	Protection from Online Falsehood and Manipulation Act (POFMA), 2019 ¹⁸³⁸
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	Yes	Copyright Act, 1987, last amended 2018 ¹⁸³⁹

¹⁸³⁷ IMDA Singapore, 'Decision issued by the Info-Communications Development Authority of Singapore', 2011, https://www.imda.gov.sg/-/media/imda/files/inner/pcdg/consultations/20101111_netneutrality/netneutralityexplanatorymemo.pdf

¹⁸³⁸ Singapore, 'Protection from Online Falsehoods and Manipulations Act 2019', Last updated 7 October 2020, <https://sso.agc.gov.sg/Act/POFMA2019?ValidDate=20191002>

¹⁸³⁹ Singapore, 'Copyright Act Chapter 63', 2006, Last updated 7 October 2020, <https://sso.agc.gov.sg/Act/CA1987>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	Yes	Copyright Act, 1987, last amended 2018 ¹⁸³⁹
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	Yes	Protection from Online Falsehood and Manipulation Act (POFMA), 2019 ¹⁸³⁸
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹⁸⁴⁰	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	Data.gov.sg ¹⁸⁴¹
12.2	Open data	International	Part of the Open Data Charter?	No ¹⁸⁴²	
Focus Area C: Consumer Protection and Privacy Issues					

¹⁸⁴⁰ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹⁸⁴¹ Data.gov.sg, 'About Us', <https://data.gov.sg/about>

¹⁸⁴² Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) Singapore Code of Advertising Practice ¹⁸⁴³ 2) Consumer Protection (Trade Descriptions and Safety Requirements) Act, 1975, last amended 2013 ¹⁸⁴⁴
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	No ¹⁸⁴⁵	
13.3	Consumer protection	International	Is the economy member of another consumer protection	Yes	Examples include:

¹⁸⁴³ Advertising Standards Authority of Singapore, 'Singapore Code of Advertising Practice', 2008, <https://asas.org.sg/Portals/0/Images/ASAS/docs/SCAP%202008.pdf?ver=2014-05-16-093651-153>

¹⁸⁴⁴ Singapore, 'Consumer Protection (Trade Descriptions and Safety Requirements Act Chapter 53', 2013, Last updated 7 October 2020, <https://sso.agc.gov.sg/Act/CPTDSRA1975?ValidDate=20131031&TransactionDate=20150302&ViewType=Within#:~:text=An%20Act%20to%20make%20provisions,and%20for%20purposes%20connected%20therewith>

¹⁸⁴⁵ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			cooperation framework?		1) ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) 2016 – 2025 ¹⁸⁴⁶ 2) ASEAN Online Business Code of Conduct ¹⁸⁴⁷
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	Yes	Spam Control Act, 2008 ¹⁸⁴⁸
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	Personal Data Protection Act, 2012, last amended 2018

¹⁸⁴⁶ ASEAN Consumer, 'The ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) 2016-2025: Meeting the Challenges of a People-Centered ASEAN Beyond 2015', https://aseanconsumer.org/file/post_image/The%20ASEAN%20Strategic%20Action%20Plan%20For%20Consumer%20Protection%202016_2025%20Meeting%20The%20Challenges%20of%20A%20People%20Centered%20ASEAN%20Beyond%202015.pdf

¹⁸⁴⁷ ASEAN Consumer, 'ASEAN Online Business Code of Conduct', [https://aseanconsumer.org/file/post_image/2020-02-26%20ASEAN%20COC%20\(fin\).pdf](https://aseanconsumer.org/file/post_image/2020-02-26%20ASEAN%20COC%20(fin).pdf)

¹⁸⁴⁸ Singapore, 'Spam Control Act Chapter 311A', 2008, Last updated 7 October 2020, <https://sso.agc.gov.sg/Act/SCA2007?ValidDate=20161001>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Personal Data Protection Act, 2012, last amended 2018
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	Personal Data Protection Commission ¹⁸⁴⁹
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	No	Currently voluntary, but Singapore is planning to introduce a mandatory data breach notification under the amended Data Protection Act ¹⁸⁵⁰
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	Personal Data Protection Act, 2012, last amended 2018
Focus Area D: Cybersecurity/network security					

¹⁸⁴⁹ Personal Data Protection Commission Singapore, <https://www.pdpc.gov.sg/>

¹⁸⁵⁰ Information provided by Singapore.

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
16.1	Cybersecurity/ network security	Domestic	Are there laws/ regulations on cybercrime and cybersecurity?	Yes	Computer Misuse Act, 1993, last amended 2007 ¹⁸⁵¹
16.2	Cybersecurity/ network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	Yes	Cybersecurity Act 2018 ¹⁸⁵²
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	Criminal Procedure Code, 2010, last amended 2020 ¹⁸⁵³
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	No ¹⁸⁵⁴	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS	Yes ¹⁸⁵⁵	

¹⁸⁵¹ Singapore, 'Computer Misuse Act Chapter 50A', 2007, Last updated 77 October 2020, <https://sso.agc.gov.sg/Act/CMA1993>

¹⁸⁵² Singapore, 'Cybersecurity Act 2018', Last updated 7 October 2020, <https://sso.agc.gov.sg/Acts-Supp/9-2018/Published/20180312?DocDate=20180312>

¹⁸⁵³ Singapore, 'Criminal Procedure Code', 2010, <https://sso.agc.gov.sg/Act/CPC2010?ProvIds=legis&ViewType=Advance&Phrase=piratical&WiAl=1#xv->

¹⁸⁵⁴ Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹⁸⁵⁵ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			commitments regarding telecommunication services?		
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	No information	
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹⁸⁵⁶	

¹⁸⁵⁶ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

CHINESE TAIPEI

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	1) Digital Nation & Innovative Economic Development Program (DIGI+) 2017-2025 ¹⁸⁵⁷ 2) Digital Government Master Plans ¹⁸⁵⁸
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	Electronic Signatures Act, 2001 ¹⁸⁵⁹

¹⁸⁵⁷ Chinese Taipei, 'Digi+: Digital Nation and Innovative Economic Development Program', 2019, <https://english.ey.gov.tw/News3/9E5540D592A5FECD/659df63b-dad4-47e3-80ab-c62cb40a62cd>

¹⁸⁵⁸ Chinese Taipei National Development Council, 'Digital Government Master Plans', <https://www.ndc.gov.tw/en/News2.aspx?n=8C362E80B990A55C&sms=1DB6C6A8871CA043>

¹⁸⁵⁹ Chinese Taipei, 'Electronic Signatures Act', 2001, <https://law.moj.gov.tw/ENG/LawClass/LawHistory.aspx?pcode=J0080037>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	Electronic Signatures Act, 2001 ¹⁸⁵⁹
3.2	Electronic authentication	Domestic	Is digital identification regulated?	No	Chinese Taipei plans to rollout digital ID in October 2020 ¹⁸⁶⁰
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	Electronic Signatures Act, 2001 ¹⁸⁵⁹
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	Electronic Signatures Act, 2001 ¹⁸⁵⁹
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	Yes	Electronic Signatures Act, 2001 ¹⁸⁵⁹
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	No ¹⁸⁶¹	

¹⁸⁶⁰ Focus Taiwan, 'New Taiwan digital ID expected to be launched in 2020', 2019, <https://focustaiwan.tw/society/201905160011>

¹⁸⁶¹ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	No ¹⁸⁶²	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	No ¹⁸⁶³	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	No ¹⁸⁶⁴	
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	1) The Act Governing Electronic Payment Institutions, 2015 ¹⁸⁶⁵ 2) Regulations

¹⁸⁶² UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹⁸⁶³ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹⁸⁶⁴ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

¹⁸⁶⁵ Chinese Taipei, 'The Act Governing Electronic Payment Institutions', 2018, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=G0380237>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Governing the Standards for Information System and Security Management of Electronic Payment Institutions, 2015 ¹⁸⁶⁶
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	1)The Act Governing Electronic Payment Institutions, 2015 ¹⁸⁶⁵ 2) Rules Governing the Business of Electronic Stored Value Card Issuers, 2015 ¹⁸⁶⁷ 3) Regulations Governing the Security of Electronic Stored Value Cards, 2009 ¹⁸⁶⁸

¹⁸⁶⁶ Chinese Taipei, 'Regulations governing the standards for information system and security management of electronic payment institutions', 2017, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=G0380243>

¹⁸⁶⁷ Chinese Taipei, 'Rules governing the business of electronic stored value card issuers', 2018, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=G0380210>

¹⁸⁶⁸ Chinese Taipei, 'Act governing issuance of electronic stored value cards', <https://law.moj.gov.tw/ENG/LawClass/LawHistory.aspx?pcode=G0380207>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					4) Act Governing Issuance of Electronic Stored Value Cards, 2009 ¹⁸⁶⁸
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	Yes	Financial Technology Development and Innovative Experimentation Act, 2018 ¹⁸⁶⁹
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ¹⁸⁷⁰	
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	Regulations Governing the Use of Uniform Invoices, 2011 ¹⁸⁷¹

¹⁸⁶⁹ Chinese Taipei, 'Financial Technology Development and Innovative Experimentation Act', 2018, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=G0380254>

¹⁸⁷⁰ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

¹⁸⁷¹ Chinese Taipei, 'Regulations governing the use of uniform invoices', 2019, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=G0340082>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	No ¹⁸⁷²	
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹⁸⁷³	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹⁸⁷⁴	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	No ¹⁸⁷⁵	

¹⁸⁷² Information provided by Chinese Taipei.

¹⁸⁷³ WTO – TFA Facility, ‘Ratifications list’, Last updated 10 August 2020, <https://www.tfafacility.org/ratifications>

¹⁸⁷⁴ APEC, ‘Paperless Trading Individual Action Plan’, Last accessed 7 October 2020, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹⁸⁷⁵ UN Treaty Collection, ‘20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific’, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	No ¹⁸⁷⁶	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferrable Records?	No ¹⁸⁷⁷	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	No ¹⁸⁷²	
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	NTD2,000 ¹⁸⁷⁸	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from	Yes	WTO Moratorium Related to Customs

¹⁸⁷⁶ WCO, 'List of the Contracting Parties to the Revised Kyoto Convention;', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹⁸⁷⁷ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_transferable_records/status

¹⁸⁷⁸ Chinese Taipei – Customs administration Ministry of Finance, 'Directions for Collection of Business Tax by the Customs', https://eweb.customs.gov.tw/News_Content.aspx?n=84902AF6B61258B3&sms=DA0BF68A66989A77&s=51BD7AFAAE700101; Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			custom duties? (e.g. WTO moratorium)		Duties on Electronic Transmissions ¹⁸⁷⁹
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	Personal Data Protection Act, 1995, last amended 2015 ¹⁸⁸⁰
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	No ¹⁸⁷²	
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g.	Yes	Rules Governing the Administration of Electronic Payment

¹⁸⁷⁹ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

¹⁸⁸⁰ Chinese Taipei, 'Personal Data Protection Act', 1995, Last amended 2015, <https://law.moj.gov.tw/Eng/LawClass/LawHistory.aspx?pcode=I0050021>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			servers, data storage infrastructure)		Business, 2015, last amended 2019 ¹⁸⁸¹
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	Yes ¹⁸⁸²	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹⁸⁸³	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	1) Fair Trade Act, 1991, last amended 2017 ¹⁸⁸⁴ 2) Fair Trade Commission

¹⁸⁸¹ Chinese Taipei, 'Rules Governing the Administration of Electronic Payment Business', Last amended 2019, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=G0380245>

¹⁸⁸² CBPRs, 'Government', <http://cbprs.org/government/>

¹⁸⁸³ European Commission, 'Adequacy decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

¹⁸⁸⁴ Chinese Taipei, 'Fair Trade Act', Last amended 2017, <https://law.moj.gov.tw/ENG/LawClass/LawHistory.aspx?pcode=J0150002>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Disposal Directions (Policy Statements) on the Cross-Sector Cooperation among Digital Convergence Related Enterprises, 2002 ¹⁸⁸⁵
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	Yes	Personal Data Protection Act, 1995, last amended 2015 ¹⁸⁸⁰
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	Yes	Telecommunications Act, 1958, last amended 2013 ¹⁸⁸⁶
10.2	Principles on access to and use of the	Domestic	Are there laws / regulations preventing / limiting	Yes	Child and Youth Sexual Exploitation Prevention Act,

¹⁸⁸⁵ APEC Competition Policy and Law Database, 'Fair Trade Commission Disposal Directions Policy Statements) on the Cross-Sector Cooperation among Digital Convergence Related Enterprises, <https://www.apeccp.org.tw/htdocs/doc/Taipei/Decision/2018-09-03.pdf>

¹⁸⁸⁶ Chinese Taipei, 'Telecommunications Act', Last amended 2013, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=K0060001>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
	internet for digital trade		access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?		1995, last amended 2018 ¹⁸⁸⁷
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	Yes	Copyright Act, 1928, last amended 2019 ¹⁸⁸⁸
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	Yes	Copyright Act, 1928, last amended 2019 ¹⁸⁸⁸
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g.	Yes	Copyright Act, 1928, last amended 2019 ¹⁸⁸⁸

¹⁸⁸⁷ Chinese Taipei, 'Child and Youth Sexual Exploitation Prevention Act', Last amended 2018, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0050023>

¹⁸⁸⁸ Chinese Taipei, 'Copyright Act', Last amended 2019, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=J0070017>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			fake news, hate speech, etc.)		
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	No ¹⁸⁸⁹	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	1) The Freedom of Government Information Law, 2005 ¹⁸⁹⁰ 2) Operational Principles of Government Open Data for Executive Yuan's Agencies ¹⁸⁹¹
12.2	Open data	International	Part of the Open Data Charter?	Yes ¹⁸⁹²	
Focus Area C: Consumer Protection and Privacy Issues					

¹⁸⁸⁹ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹⁸⁹⁰ Chinese Taipei, 'The Freedom of Government Information Law', 2005, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=I0020026>

¹⁸⁹¹ Chinese Taipei – National Development Council, 'Open Data', https://www.ndc.gov.tw/en/Content_List.aspx?n=5CA9F5695922B90B

¹⁸⁹² Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) Consumer Protection Act, 1994 ¹⁸⁹³ 2) The Regulations on Reasonable Matters as Exceptions to Rescind the Distance Sales, 2016 ¹⁸⁹⁴
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	No ¹⁸⁹⁵	
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	Yes	Example: Unsolicited Communications Enforcement Network ¹⁸⁹⁶
14.1	Unsolicited commercial	Domestic	Are there laws on unsolicited	No	However, the PDPA applies to electronic

¹⁸⁹³ Chinese Taipei, 'Consumer Protection Act', Last amended 2015, <https://law.moj.gov.tw/ENG/LawClass/LawHistory.aspx?pcode=J0170001>

¹⁸⁹⁴ Chinese Taipei, 'The Regulations on Reasonable Matters as Exceptions to Rescind the Distance Sales', 2015, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=J0170012>

¹⁸⁹⁵ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

¹⁸⁹⁶ Unsolicited Communications Enforcement Network, <https://www.ucenet.org/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
	electronic messages/ SPAM		(commercial) email (SPAM)?		marketing in the same way as to other marketing. Within the necessary scope of specific purposes of data collection, the data controller may use personal data for marketing. If the data subject refuses the marketing (a right to 'opt out'), the data controller should cease using such personal data for marketing. In addition, when making the first marketing, the data controller should bear the costs to provide the data subject with the

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					means to refuse marketing ¹⁸⁹⁷
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	Personal Data Protection Act, 1995, last amended 2015 ¹⁸⁸⁰
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Personal Data Protection Act, 1995, last amended 2015 ¹⁸⁸⁰
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	However, there is no single data protection authority. Multiple central and local agencies serve as competent authority. The National Development Council (NDC) is the authority that currently in charge of interpreting the PDPA. The NDC

¹⁸⁹⁷ DLA Piper, <https://www.dlapiperdataprotection.com/index.html?t=electronic-marketing&c=TW>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					established a Personal Data Protection Office in July 2018 to perform relevant tasks
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	Yes	Personal Data Protection Act, 1995, last amended 2015 ¹⁸⁸⁰ . The PDPA imposes obligations on government and non-government agencies to notify the data subject in case of data breaches. Also, security control guidelines stipulated by the central competent authorities of certain industries require industries to notify their competent supervisory

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					authorities if such an incident takes place.
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	Personal Data Protection Act, 1995, last amended 2015 ¹⁸⁸⁰
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/network security	Domestic	Are there laws/regulations on cybercrime and cybersecurity?	Yes	1) Cyber Security Management Act, 2019 ¹⁸⁹⁸ 2) The Communication Security and Surveillance Act, 1994 ¹⁸⁹⁹
16.2	Cybersecurity/network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	Yes	Cyber Security Management Act & Related Regulations, 2019 ¹⁸⁹⁸

¹⁸⁹⁸ Chinese Taipei, 'Cyber Security Management Act', 2018, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=A0030297>

¹⁸⁹⁹ Chinese Taipei, 'The Communication Security and Surveillance Act', Last amended 2018, <https://law.moj.gov.tw/ENG/LawClass/LawHistory.aspx?pcode=K0060044>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	No	However, if the police suspect or become aware of a certain crime being conducted in relation to an incident, the police have the power to conduct an investigation into the suspect by requiring the suspect or third party to provide relevant information to the police. If the police intend to seize certain hardware or device, the police would need to prepare all collected evidence for the prosecutor and request the prosecutor to apply with the court for the issuance of a search warrant to seize the

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					hardware or device ¹⁹⁰⁰
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	No ¹⁹⁰¹	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ¹⁹⁰²	
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source	No ¹⁸⁷²	

¹⁹⁰⁰ ICLG.com, 'Taiwan: Cybersecurity Laws and Regulations 2020', <https://iclg.com/practice-areas/cybersecurity-laws-and-regulations/taiwan>

¹⁹⁰¹ Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹⁹⁰² WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			code, algorithms) as a condition to enter the market?		
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No ¹⁸⁷²	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No ¹⁸⁷²	
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹⁹⁰³	

¹⁹⁰³ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

THAILAND

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	1) Thailand Digital Government Development Plan 2017-2021 ¹⁹⁰⁴ 2) Thailand Digital Economy and Society Development Plan ¹⁹⁰⁵
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	Electronic Transactions Act B.E. 2544 (2001), last amended 2019 ¹⁹⁰⁶

¹⁹⁰⁴ European Association for Business and Commerce, 'Thailand Digital Government Development Plan 2017-2021', https://www.eabc-thailand.org/download/fWxaE2FuB9_Ef7mO3K5FvuoBEn-Qz_Mx4xGfJ0VeTcQ.

¹⁹⁰⁵ Office of the National Digital Economy and Society, 'Thailand Digital Economy and Society Development Plan', https://file.onde.go.th/assets/portals/1/ebookcategory/23_Digital_Thailand_pocket_book_EN/

¹⁹⁰⁶ Bank of Thailand, 'Electronic Transactions Act', https://www.bot.or.th/English/PaymentSystems/OversightOfEmoney/RelatedLaw/Documents/et_act_2544_Eng.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	Electronic Transactions Act B.E. 2544 (2001), last amended 2019 ¹⁹⁰⁶
3.2	Electronic authentication	Domestic	Is digital identification regulated?	Yes	Electronic Transactions Act B.E. 2544 (2001), last amended 2019 ¹⁹⁰⁶
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	Electronic Transactions Act B.E. 2544 (2001), last amended 2019 ¹⁹⁰⁶
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	Electronic Transactions Act B.E. 2544 (2001), last amended 2019 ¹⁹⁰⁶
3.5	Electronic authentication	Domestic	Do regulations recognize foreign authentication services?	Yes	Electronic Transactions Act B.E. 2544 (2001), last amended 2019 ¹⁹⁰⁶

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	Yes ¹⁹⁰⁷	The Electronic Transactions Act B.E. 2544 (2001) has used this as one reference ¹⁹⁰⁸
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	No ¹⁹⁰⁹	Despite not being a signatory, the Electronic Transactions Act B.E. 2544 (2001) has used this as one reference ¹⁹⁰⁸
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	Yes ¹⁹¹⁰	The Electronic Transactions Act B.E. 2544 (2001) has used this as one reference ¹⁹⁰⁸
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the	No ¹⁹¹¹	

¹⁹⁰⁷ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

¹⁹⁰⁸ UNESCAP, 'Establishing an enabling cross-border: Legal environment for regional connectivity', <https://www.unescap.org/sites/default/files/4-4-Surangkana-W.pdf>

¹⁹⁰⁹ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹⁹¹⁰ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

¹⁹¹¹ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Requirement of Legislation for Foreign Public Documents?		
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	1) Payment System Act B.E 2560 (2017) ¹⁹¹² 2) Payment Systems Roadmap (2019 - 2021) ¹⁹¹³
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	1) Payment System Act B.E 2560 (2017) ¹⁹¹² 2) Payment Systems Roadmap (2019 - 2021) ¹⁹¹³
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	Yes	1) Regulatory Sandbox, 2017 ¹⁹¹⁴ 2) Royal Decree on the Digital Asset

¹⁹¹² Bank of Thailand, 'Payment Systems Act', https://www.bot.or.th/English/AboutBOT/LawsAndRegulations/SiteAssets/Law_E40_Payment.pdf

¹⁹¹³ Bank of Thailand, 'Payment Systems Roadmap No.4 (2019-2021)', https://www.bot.or.th/English/PaymentSystems/PolicyPS/Documents/PaymentRoadmap_2021.pdf

¹⁹¹⁴ Baker McKenzie, 'A guide to regulatory fintech sandboxes across asia-pacific', https://www.bakermckenzie.com/-/media/files/insight/publications/2018/01/qrg_ap_regulatoryfintech_jan18.pdf?la=en; Bangkok Bank Innohub, 'Regulatory Sandbox', <https://www.bangkokbankinnohub.com/regulatory-sandbox/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Businesses B.E. 2561 (2018)
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ¹⁹¹⁵	
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	Revenue Department Regulations on the preparation, delivery and storage of electronic tax invoices And electronic receipt 2012 ¹⁹¹⁶
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	Yes	Example: The Joint Standing Committee of Commerce, Industry and Banking (JSCCIB)

¹⁹¹⁵ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

¹⁹¹⁶ Thailand – The Revenue Department, 'On the preparation, delivery and storage of electronic tax invoices and electronic receipt (translated)', <http://www.rd.go.th/publish/31224.0.html>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					of Thailand announced recently that it has completed a trial of a trade platform leveraging blockchain technology and developed by a Japanese system integration company ¹⁹¹⁷
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹⁹¹⁸	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹⁹¹⁹	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on	No ¹⁹²⁰	

¹⁹¹⁷ Opengovasia, 'Thailand trials blockchain to boost cross-border trade', 2019, <https://www.opengovasia.com/thailand-trials-blockchain-to-boost-cross-border-trade/>

¹⁹¹⁸ WTO – TFA Facility, 'Ratifications list', Last updated 10 August 2020, <https://www.tfafacility.org/ratifications>

¹⁹¹⁹ APEC, 'Paperless Trading Individual Action Plan', Last accessed 7 October 2020, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹⁹²⁰ UN Treaty Collection, '20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Facilitation of Cross-Border Paperless Trade?		
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	Yes ¹⁹²¹	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferrable Records?	No ¹⁹²²	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	Yes	ASEAN Single Window ¹⁹²³
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	THB1,500 ¹⁹²⁴	

¹⁹²¹ WCO, 'List of the Contracting Parties to the Revised Kyoto Convention;', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

¹⁹²² UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_transferable_records/status

¹⁹²³ ASEAN, 'ASEAN Single Window', <https://asw.asean.org/>

¹⁹²⁴ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹⁹²⁵
Focus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	Personal Data Protection Act, B.E. 2562 (2019) ¹⁹²⁶
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	No	With the exception of the financial sector ¹⁹²⁷

¹⁹²⁵ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

¹⁹²⁶ DLA Piper, 'Thailand Focus: Thailand Personal Data Protection Act', 2019, https://www.dlapiper.com/~media/files/insights/publications/2019/07/dla_piper_thailand_legal_updates_june_2019_pdpa_and_cybersecurity_act.pdf

¹⁹²⁷ Information provided by Thailand.

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g. servers, data storage infrastructure)	Yes	Since 2013, Thailand has required processing in Thailand of all retail domestic debit electronic payment transactions for debit cards issued in Thailand, which means that all suppliers (irrespective of domestic or foreign ownership) wishing to supply such service, are required to establish a local presence and build processing facilities in Thailand. ¹⁹²⁸
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border	No ¹⁹²⁹	

¹⁹²⁸ Information provided by Thailand.

¹⁹²⁹ CBPRs, 'Government', <http://cbprs.org/government/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Privacy Rules) system		
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ¹⁹³⁰	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Trade Competition Act, B.E. 2560 (2017) ¹⁹³¹
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	Yes	Personal Data Protection Act, B.E. 2562 (2019) ¹⁹²⁶
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management	Yes	Notification of the National Telecommunications Commission

¹⁹³⁰ European Commission, 'Adequacy decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

¹⁹³¹ Rajah & Tann Asia, 'Client update: Thailand', 2017, <https://th.rajahtannasia.com/media/2894/2017-08-new-thai-trade-competition-law.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			practices (i.e. traffic management, network neutrality)?		Re: Telecommunications Network Access and Interconnection, B.E. 2549 (2006) ¹⁹³²
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	Yes	1) Computer-Related Crime Act B.E. 2550 (2007) as amended by the Computer-related Crime Act (No. 2) B.E. 2560 (2017) ¹⁹³³ 2) Copyright Act B.E. 2558 (2015) ¹⁹³⁴
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	Yes	Computer-Related Crime Act B.E. 2550 (2007) as amended by the Computer-related Crime Act (No. 2) B.E. 2560 (2017) ¹⁹³³

¹⁹³² Thailand – Office of NBTC, ‘Notification of the National Telecommunications Commission’, [http://ic.nbt.go.th/getattachment/ReqAnnounce/NewReqAnnounce/234/NTC-Notification-Re-Telecom-Network-Access-and-Interconnection-B-E-2549-\(2006\).pdf.aspx](http://ic.nbt.go.th/getattachment/ReqAnnounce/NewReqAnnounce/234/NTC-Notification-Re-Telecom-Network-Access-and-Interconnection-B-E-2549-(2006).pdf.aspx)

¹⁹³³ Thainetizen, ‘Thailand’s Cybercrime Act amendment draft (26 April 2016)’, <https://thainetizen.org/docs/cybercrime-amendment-20160426-th-en/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	Yes	1) Copyright Act (No. 2), 2015 ¹⁹³⁴ 2) Computer-Related Crime Act B.E. 2550 (2007) as amended by the Computer-related Crime Act (No. 2) B.E. 2560 (2017) ¹⁹³³
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	Yes	Computer-Related Crime Act B.E. 2550 (2007) as amended by the Computer-related Crime Act (No. 2) B.E. 2560 (2017) ¹⁹³³
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	No ¹⁹³⁵	

¹⁹³⁴ Tilleke & Gibbins, 'Thailand's New Law for Combating Online IP Infringement', 2017, [https://www.tilleke.com/resources/thailand%E2%80%99s-new-law-combating-online-ip-infringement#:~:text=The%20amended%20Thai%20Copyright%20Act%20\(No.&text=If%20all%20required%20information%20is,within%20a%20specified%20time%20period.](https://www.tilleke.com/resources/thailand%E2%80%99s-new-law-combating-online-ip-infringement#:~:text=The%20amended%20Thai%20Copyright%20Act%20(No.&text=If%20all%20required%20information%20is,within%20a%20specified%20time%20period.)

¹⁹³⁵ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	1) Data.go.th ¹⁹³⁶ 2) Digital Government Administration and Services Act B.E. 2562 (2019) ¹⁹³⁷
12.2	Open data	International	Part of the Open Data Charter?	No ¹⁹³⁸	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) Consumer Protection Act B.E. 2522 (1979) ¹⁹³⁹ 2) Computer-Related Crime Act B.E. 2550 (2007) as amended by the Computer-related Crime Act (No. 2) B.E. 2560 (2017) ¹⁹³³

¹⁹³⁶ Data.go.th, 'Open Government Data of Thailand', <https://data.go.th/>

¹⁹³⁷ Thailand, 'Digital Government Administration and Services Act', 2019, https://data.opendevlopmentmyanmar.net/laws_record/digital-government-administration-and-services-act-b-e-2562-2019

¹⁹³⁸ Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

¹⁹³⁹ Australasian Legal Information Institute, 'Consumer Protection Act', http://www2.austlii.edu.au/~graham/AsianLII/Thai_Translation/Consumer%20Protection%20Act.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					3) Thailand's Cyber Security Act B.E. 2562 (2019) ¹⁹⁴⁰ 4) Unfair Contract Terms Act B.E. 2540 (1997) ¹⁹⁴¹
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	No ¹⁹⁴²	
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	Yes	Examples include: 1) ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) 2016 – 2025 ¹⁹⁴³

¹⁹⁴⁰ Chandler MHM, 'Thailand's Cyber Security Act', 2019, [https://www.chandlermhm.com/content/files/00000283/Thailand%20Cyber%20Security%20Act%20B.E.%202562%20\(2019\).pdf](https://www.chandlermhm.com/content/files/00000283/Thailand%20Cyber%20Security%20Act%20B.E.%202562%20(2019).pdf)

¹⁹⁴¹ Thailand – Office of the Council of State, 'Unfair Contract Terms Act', 1997, http://web.krisdika.go.th/data//document/ext810/810062_0001.pdf

¹⁹⁴² ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

¹⁹⁴³ ASEAN Consumer, 'The ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) 2016-2025: Meeting the Challenges of a People-Centered ASEAN Beyond 2015', https://aseanconsumer.org/file/post_image/The%20ASEAN%20Strategic%20Action%20Plan%20For%20Consumer%20Protection%202016_2025%20Meeting%20The%20Challenges%20of%20A%20People%20Centered%20ASEAN%20Beyond%202015.pdf

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					2) ASEAN Online Business Code of Conduct ¹⁹⁴⁴
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	Yes	Computer-Related Crime Act B.E. 2550 (2007) as amended by the Computer-related Crime Act (No. 2) B.E. 2560 (2017) ¹⁹³³
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	Personal Data Protection Act, B.E. 2562 (2019) ¹⁹²⁶
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Personal Data Protection Act, B.E. 2562 (2019) ¹⁹²⁶
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	Personal Data Protection Act, B.E. 2562 (2019) ¹⁹²⁶ . Ministry of Digital Economy and Society; Personal Data Protection

¹⁹⁴⁴ ASEAN Consumer, 'ASEAN Online Business Code of Conduct', [https://aseanconsumer.org/file/post_image/2020-02-26%20ASEAN%20COC%20\(fin\).pdf](https://aseanconsumer.org/file/post_image/2020-02-26%20ASEAN%20COC%20(fin).pdf)

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Commission (To be set up in 2020) ¹⁹⁴⁵
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	Yes	Personal Data Protection Act, B.E. 2562 (2019) ¹⁹²⁶
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	Personal Data Protection Act, B.E. 2562 (2019) ¹⁹²⁶
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/network security	Domestic	Are there laws/regulations on cybercrime and cybersecurity?	Yes	1) Computer-Related Crime Act B.E. 2550 (2007) as amended by the Computer-related Crime Act (No. 2) B.E. 2560 (2017) ¹⁹³³ 2) Thailand Cyber Security Act (2019) ¹⁹⁴⁶
16.2	Cybersecurity/network security	Domestic	Are there regulations regarding contingency measures against	Yes	Thailand Cyber Security Act (2019) ¹⁹⁴⁶

¹⁹⁴⁵ DLA Piper, 'Data Protection Laws of the World – Thailand', <https://www.dlapiperdataprotection.com/index.html?t=authority&c=TH>

¹⁹⁴⁶ Thai Netizen, 'Cybersecurity Act', 2019, <https://thainetizen.org/wp-content/uploads/2019/11/thailand-cybersecuti-y-act-2019-en.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			attacks/ or preventive measures?		
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	1) Computer-Related Crime Act B.E. 2550 (2007) as amended by the Computer-related Crime Act (No. 2) B.E. 2560 (2017) ¹⁹³³ 2) Thailand Cyber Security Act (2019) ¹⁹⁴⁶
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	No ¹⁹⁴⁷	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding	Yes ¹⁹⁴⁸	

¹⁹⁴⁷ Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

¹⁹⁴⁸ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			telecommunication services?		
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	No information	
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ¹⁹⁴⁹	

¹⁹⁴⁹ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

UNITED STATES

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	Yes	Department of Commerce's new Digital Economy Agenda, 2015 ¹⁹⁵⁰
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	No information	
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	Electronic Records and Signatures in Commerce Act (Originally, the Electronic Signatures in Global and National Commerce Act (15 U.S. Code

¹⁹⁵⁰ U.S. Department of Commerce, 'Digital Economy', <https://www.commerce.gov/tags/digital-economy>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Subchapter I - Public law 106-229, June 30, 2000)
3.2	Electronic authentication	Domestic	Is digital identification regulated?	No information	
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	No information	
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	Electronic Records and Signatures in Commerce Act (Originally, the Electronic Signatures in Global and National Commerce Act (15 U.S. Code Subchapter I - Public law 106-229, June 30, 2000)
3.5	Electronic authentication	Domestic	Do regulations recognize foreign	Yes	Electronic Records and Signatures in Commerce Act

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			authentication services?		(Originally, the Electronic Signatures in Global and National Commerce Act (15 U.S. Code Subchapter I - Public law 106-229, June 30, 2000)
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	Yes ¹⁹⁵¹	
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	No ¹⁹⁵²	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on	No ¹⁹⁵³	

¹⁹⁵¹ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

¹⁹⁵² UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

¹⁹⁵³ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Electronic Signature (MLES)?		
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	Yes ¹⁹⁵⁴	
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	Patchwork of regulations, including the Electronic Fund Transfer Act (P.L. 95-630, 1978) ¹⁹⁵⁵
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	Regulation E, Electronic Fund Transfer Act, 12 C.F.R. 1005 (2009) ¹⁹⁵⁶

¹⁹⁵⁴ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

¹⁹⁵⁵ Kenton, Will, 'Electronic Funds Transfer Act (AFTA)', <https://www.investopedia.com/terms/e/electronic-funds-transfer-act.asp>

¹⁹⁵⁶ United States, 'Regulation E - Electronic Fund Transfer Act', <https://www.federalreserve.gov/boarddocs/supmanual/cch/efita.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	No	There is no fintech-specific regulatory framework in the US. Rather, regulation will depend on the activities of the fintech company, and this will vary among state levels ¹⁹⁵⁷
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ¹⁹⁵⁸	
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	No information	Pan European Public Procurement On-Line (PEPPOL) e-invoicing standard, 2019 ¹⁹⁵⁹

¹⁹⁵⁷ ICLG, 'USA: Fintech Laws and Regulations 2020', <https://iclg.com/practice-areas/fintech-laws-and-regulations/usa>

¹⁹⁵⁸ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

¹⁹⁵⁹ Peppol, 'Peppol Reach and Country Profiles', <https://peppol.eu/what-is-peppol/peppol-country-profiles/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	No information	
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ¹⁹⁶⁰	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ¹⁹⁶¹	
6.4	Trade facilitation	International	Part of UNESCAP Framework Agreement on Facilitation of Cross-Border Paperless Trade?	No ¹⁹⁶²	
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	Yes ¹⁹⁶³	

¹⁹⁶⁰ WTO – TFA Facility, ‘Ratifications list’, Last updated 10 August 2020, <https://www.tfafacility.org/ratifications>

¹⁹⁶¹ APEC, ‘Paperless Trading Individual Action Plan’, Last accessed 7 October 2020, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

¹⁹⁶² UN Treaty Collection, ‘20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific’, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

¹⁹⁶³ WCO, ‘List of the Contracting Parties to the Revised Kyoto Convention’, Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferrable Records?	No ¹⁹⁶⁴	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	No information	
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	USD800 ¹⁹⁶⁵	
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ¹⁹⁶⁶
Focus Area B: Openness and cross-border related issues					

¹⁹⁶⁴ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_transferable_records/status

¹⁹⁶⁵ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

¹⁹⁶⁶ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	No ¹⁹⁶⁷	
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	No ¹⁹⁶⁸	
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing installations? (e.g. servers, data storage infrastructure)	No	

¹⁹⁶⁷ There are generally no regulations at the federal level that restrict cross-border data transfers. However, certain sectoral legislation may establish higher levels of protection for certain data, which could impact transfers. This is the case of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), <https://www.govinfo.gov/content/pkg/PLAW-104publ191/pdf/PLAW-104publ191.pdf>

¹⁹⁶⁸ OECD, 'Digital Services Trade Restrictiveness Index Simulator', <https://sim.oecd.org/Simulator.ashx?lang=En&ds=DGSTRI&d1c=dg&d2c=usa>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	Yes ¹⁹⁶⁹	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	Yes	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	Yes	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	Yes ¹⁹⁷⁰	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Sherman Act, 1890 ¹⁹⁷¹
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No information	
10.1	Principles on access to and use of the	Domestic	Are there laws to ensure transparency	No information	

¹⁹⁶⁹ CBPRs, 'Government', <http://cbprs.org/government/>

¹⁹⁷⁰ European Commission, 'Adequacy decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

¹⁹⁷¹ Federal Trade Commission, 'The Antitrust Laws', <https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/antitrust-laws>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
	internet for digital trade		in network management practices (i.e. traffic management, network neutrality)?		
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	Yes	Communication Decency Act 1996 ¹⁹⁷²
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary liability rules or safe harbors?	Yes	Communication Decency Act 1996 ¹⁹⁷²
11.2	Intermediary liability, IP-related	Domestic	Are there laws / regulations requiring the take-down or	Yes	Digital Millennium Copyright Act 1998 ¹⁹⁷³

¹⁹⁷² NCSL, 'Laws Relating to Filtering, Blocking and Usage Policies in Schools and Libraries', <http://www.ncsl.org/research/telecommunications-and-information-technology/state-internet-filtering-laws.aspx>

¹⁹⁷³ Copyright.gov, 'Section 512 study', <https://www.copyright.gov/policy/section512/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
	and online content related regulations		removal of illegal, IP infringing content/ websites?		
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	No ¹⁹⁷⁴	
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	Yes ¹⁹⁷⁵	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	Foundations for Evidence-Based Policymaking Act of 2018 (Public Law 115-435) ¹⁹⁷⁶
12.2	Open data	International	Part of the Open Data Charter?	No ¹⁹⁷⁷	

¹⁹⁷⁴ Ponyter, 'A guide to anti-misinformation actions around the world', <https://www.poynter.org/ifcn/anti-misinformation-actions/#us>

¹⁹⁷⁵ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

¹⁹⁷⁶ Data.gov, 'Open Government', <https://www.data.gov/open-gov/>; United States, 'Foundations for Evidence-Based Policymaking Act of 2018', <https://www.congress.gov/bill/115th-congress/house-bill/4174/text>

¹⁹⁷⁷ Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) FTC Act, 1914, last amended 2012 ¹⁹⁷⁸ 2) Consumer Review Fairness Act (15 U.S.C. § 45b), 2016 ¹⁹⁷⁹ 3) FTC Policy Statement on Deception, 1983 ¹⁹⁸⁰ 4) FTC Policy Statement Regarding Advertising Substantiation, 1984 ¹⁹⁸¹ 5) FTC guide for social media

¹⁹⁷⁸ United States, 'Federal Trade Commission Act', <https://www.ftc.gov/enforcement/statutes/federal-trade-commission-act>

¹⁹⁷⁹ United States, 'Consumer Review Fairness Act', <https://www.ftc.gov/enforcement/statutes/consumer-review-fairness-act>

¹⁹⁸⁰ Federal Trade Commission, 'FTC Policy Statement on Deception', https://www.ftc.gov/system/files/documents/public_statements/410531/831014deceptionstmt.pdf

¹⁹⁸¹ Federal Trade Commission, 'FTC Policy Statement Regarding Advertising Substantiation', <https://www.ftc.gov/public-statements/1984/11/ftc-policy-statement-regarding-advertising-substantiation>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					influencers, 2019 ¹⁹⁸² 6) There are also state- and city-level regulations. Example of state-level regulation is Florida's Regulation of Trade, Commerce, Investments and Solicitations, Chapter 501 ¹⁹⁸³ , while example of city-level regulation is New York City's Consumer Protection Law ¹⁹⁸⁴
13.2	Consumer protection	International	Is the economy member of the	Yes ¹⁹⁸⁵	

¹⁹⁸² Yi Po, 'FTC Issues Disclosures Guide for Social Media Influencers', <https://www.manatt.com/Insights/Newsletters/Advertising-Law/FTC-Issues-Disclosures-Guide-for-Social-Media>

¹⁹⁸³ State of Florida, 'Regulation of Trade, Commerce, Investments, and Solicitations - Ch.494-560', http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Index&Title_Request=XXXIII#TitleXXXIII

¹⁹⁸⁴ New York City, 'Consumer Protection Law', <https://www1.nyc.gov/assets/dca/downloads/pdf/about/ConsumerProtectionLawPacket.pdf>

¹⁹⁸⁵ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			International Consumer Protection Enforcement Network (ICPEN)?		
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	No information	
14.1	Unsolicited commercial electronic messages/ SPAM	Domestic	Are there laws on unsolicited (commercial) email (SPAM)?	Yes	Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (CAN-SPAM Act) (15 U.S.C. §§ 7701-7713), 2003 ¹⁹⁸⁶
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	1) Privacy Act, 1974 ¹⁹⁸⁷ 2) There are different laws at the

¹⁹⁸⁶ United States, 'Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003', <https://www.ftc.gov/sites/default/files/documents/cases/2007/11/canspam.pdf>

¹⁹⁸⁷ United States, 'The Privacy Act of 1974', <https://www.justice.gov/opcl/file/631151/download>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					state level such as the California Consumer Privacy Act of 2018 (CCPA) ¹⁹⁸⁸
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Vary between states ¹⁹⁸⁹
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	There is no single authority. The Federal Trade Commission (FTC) has jurisdiction over most commercial entities and enforces the FTC Act as well as specific privacy regulations (e.g. telemarketing, SPAM, children's privacy) ¹⁹⁹⁰

¹⁹⁸⁸ DLA Piper, 'Data Protection Laws of the World – United States', <https://www.dlapiperdataprotection.com/?t=law&c=US>

¹⁹⁸⁹ DLA Piper, 'Data Protection Laws of the World – United States: Definitions', <https://www.dlapiperdataprotection.com/index.html?t=definitions&c=US>

¹⁹⁹⁰ DLA Piper, 'Data Protection Laws of the World – United States: Authority', <https://www.dlapiperdataprotection.com/index.html?t=authority&c=US>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	Yes	1) Gramm-Leach-Bliley (“GLB”) Act, Public Law 106-102, 1999 ¹⁹⁹¹ 2) Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191 ¹⁹⁹² 3) There are also state level regulations such as New York City Cybersecurity requirements for financial services companies ¹⁹⁹³
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	1) Health Insurance Portability and

¹⁹⁹¹ DLA Piper, ‘Data Protection Laws of the World – United States: Breach Notifications’, <https://www.dlapiperdataprotection.com/index.html?t=breach-notification&c=US>; ICLG, ‘USA: Data Protection Laws and Regulations 2020’, <https://iclg.com/practice-areas/data-protection-laws-and-regulations/usa>

¹⁹⁹² DLA Piper, ‘Data Protection Laws of the World – United States: Breach Notifications’, <https://www.dlapiperdataprotection.com/index.html?t=breach-notification&c=US>; ICLG, ‘USA: Data Protection Laws and Regulations 2020’, <https://iclg.com/practice-areas/data-protection-laws-and-regulations/usa>

¹⁹⁹³ State of New York, ‘Cybersecurity Requirements for Financial Services Companies’, [https://govt.westlaw.com/nycrr/Document/I60c61d250d5f11e79781d30ba488e782?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Document/I60c61d250d5f11e79781d30ba488e782?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					<p>Accountability Act of 1996 (HIPAA), Public Law 104-191¹⁹⁹²</p> <p>2) Children's Online Privacy Protection Rule, 1998¹⁹⁹⁴</p> <p>3) Fair Credit Reporting Act, 1970¹⁹⁹⁵</p> <p>4) Gramm-Leach-Bliley Act, 1999, Public Law 106-102¹⁹⁹⁶</p> <p>5) Federal Trade Commission Act, Amended 2006¹⁹⁹⁷</p>
Focus Area D: Cybersecurity/network security					

¹⁹⁹⁴ United States, 'Children's Online Privacy Protection Rule', <https://www.ecfr.gov/cgi-bin/text-idx?SID=4939e77c77a1a1a08c1cbf905fc4b409&node=16%3A1.0.1.3.36&rgn=div5>

¹⁹⁹⁵ United States, 'Fair Credit Reporting Act', https://www.ftc.gov/system/files/documents/statutes/fair-credit-reporting-act/545a_fair-credit-reporting-act-0918.pdf

¹⁹⁹⁶ United States, 'Gramm-Leach-Bliley Act', <https://www.congress.gov/106/plaws/publ102/PLAW-106publ102.htm>

¹⁹⁹⁷ United States, 'Federal Trade Commission Act', <https://www.ftc.gov/enforcement/statutes/federal-trade-commission-act>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
16.1	Cybersecurity/ network security	Domestic	Are there laws/ regulations on cybercrime and cybersecurity?	Yes	Federal Computer Fraud and Abuse Act (CFAA), 1984 ¹⁹⁹⁸
16.2	Cybersecurity/ network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	Yes	1) The National Cyber Incident Response Plan (NCIRP) ¹⁹⁹⁹ 2) National Cyber Strategy, 2018 ²⁰⁰⁰ 3) Executive Order (EO) 13800, Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure ²⁰⁰¹
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by	Yes	Clarifying Lawful Overseas Use of Data Act (Cloud

¹⁹⁹⁸ ICLG, 'USA: Cybersecurity Laws and Regulations 2020', <https://iclg.com/practice-areas/cybersecurity-laws-and-regulations/usa>

¹⁹⁹⁹ U.S. Department of Homeland Security, 'National Cyber Incident Response Plan', https://www.us-cert.gov/sites/default/files/ncirp/National_Cyber_Incident_Response_Plan.pdf

²⁰⁰⁰ United States, 'National Cyber Strategy of the United States of America', <https://www.whitehouse.gov/wp-content/uploads/2018/09/National-Cyber-Strategy.pdf>

²⁰⁰¹ United States National Security Council, 'Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure', <https://www.whitehouse.gov/articles/strengthening-the-cybersecurity-of-federal-networks-and-critical-infrastructure/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			law enforcement agencies?		Act), Public Law 115-141 ²⁰⁰²
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	Yes ²⁰⁰³	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ²⁰⁰⁴	
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source	No information	

²⁰⁰² United States, 'Clarifying Lawful Overseas Use of Data Act', <https://www.congress.gov/bill/115th-congress/house-bill/4943/text>

²⁰⁰³ Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

²⁰⁰⁴ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			code, algorithms) as a condition to enter the market?		
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	No information	
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ²⁰⁰⁵	

²⁰⁰⁵ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm

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Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
Focus Area A: Electronic Transactions Framework					
1.1	Digital	Domestic	Is there a domestic digital strategy / domestic electronic commerce strategy	No information	
2.1	Electronic commerce	Domestic	Is there an electronic commerce act (or section within Civil Code) and/or electronic transactions law?	Yes	1) Law on E-Transactions, 2005 ²⁰⁰⁶ 2) Decree No. 52/2013/ND-CP on E-Commerce (implementing the Law on E-Transactions), 2013 ²⁰⁰⁷
3.1	Electronic authentication	Domestic	Are electronic / digital signatures regulated?	Yes	1) Law on E-Transactions, 2005 ²⁰⁰⁶ 2) Decree No. 52/2013/ND-CP

²⁰⁰⁶ Viet Nam, 'Law on E-Transactions', https://www.wto.org/english/thewto_e/acc_e/vnm_e/WTACCVNM43_LEG_5.pdf

²⁰⁰⁷ Viet Nam, 'Decree No. 52/2013/ND-CP on E-Commerce', <https://vietnamlawenglish.blogspot.com/2013/05/vietnam-decree-no-522013nd-cp-on-e.html>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					on E-Commerce (implementing the Law on E-Transactions), 2013 ²⁰⁰⁷
3.2	Electronic authentication	Domestic	Is digital identification regulated?	No information	
3.3	Electronic authentication	Domestic	Are electronic / digital contracts/certificates regulated?	Yes	1) Law on E-Transactions, 2005 ²⁰⁰⁶ 2) Decree No. 52/2013/ND-CP on E-Commerce (implementing the Law on E-Transactions), 2013 ²⁰⁰⁷
3.4	Electronic authentication	Domestic	Is the law neutral (i.e., allow different types of authentication methods)?	Yes	Law on E-Transactions, 2005 ²⁰⁰⁶
3.5	Electronic authentication	Domestic	Do regulations recognize foreign	Yes	Law on E-Transactions, 2005 ²⁰⁰⁶

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			authentication services?		
3.6	Electronic authentication	International	Part of UNCITRAL Model Law on Electronic Commerce 1996?	Yes ²⁰⁰⁸	
3.7	Electronic authentication	International	Part of United Nations Convention on the Use of Electronic Communications in International Contracts?	No ²⁰⁰⁹	
3.8	Electronic authentication	International	Adopted UNCITRAL Model Law on Electronic Signature (MLES)?	Yes ²⁰¹⁰	
3.9	Electronic authentication	International	Part of the Hague Convention Abolishing the Requirement of Legislation for Foreign Public Documents?	Yes ²⁰¹¹	

²⁰⁰⁸ UNCITRAL, 'UNCITRAL Model Law on Electronic Commerce (1996) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_commerce/status

²⁰⁰⁹ UNCITRAL, 'Status: United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)', https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications/status

²⁰¹⁰ UNCITRAL, 'UNCITRAL Model Law on Electronic Signatures (2001) – Status', https://uncitral.un.org/en/texts/ecommerce/modellaw/electronic_signatures/status

²⁰¹¹ HCCH, '12: Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents', <https://www.hcch.net/en/instruments/conventions/status-table/?cid=41>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
4.1	Electronic payment	Domestic	Are electronic payments regulated?	Yes	1) Law on E-Transactions, 2005 ²⁰⁰⁶ 2) Decree No. 35/2007/ND-CP on electronic transactions in banking activities, 2007 ²⁰¹² 3) Decree No. 27/2007/ND-CP on electronic transactions in financial activities, 2007 ²⁰¹³
4.2	Electronic payment	Domestic	Are mobile payment, e-money and/or e-wallets regulated?	Yes	1) Law on E-Transactions, 2005 ²⁰⁰⁶ 2) Decree No. 27/2007/ND-CP on electronic transactions in

²⁰¹² Viet Nam, 'Decree No. 35/2007/ND-CP on electronic transactions in banking activities', <https://thuvienphapluat.vn/van-ban/thuong-mai/Nghi-dinh-35-2007-ND-CP-giao-dich-dien-tu-trong-hoat-dong-ngan-hang-16969.aspx>

²⁰¹³ Viet Nam, 'Decree No. 27/2007/ND-CP on electronic transactions in financial activities', <https://vanbanphapluat.co/decreed-of-government-no-27-2007-nd-cp-of-february-23-2007-on-e-transactions-in-financial-activities>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					financial activities, 2007 ²⁰¹³
4.3	Electronic payment	Domestic	Are there Fintech laws / regulations in place?	No information	
4.4	Electronic payment	International	Has the economy made GATS commitments regarding financial services – banking and other financial services?	Yes ²⁰¹⁴	
5.1	Electronic invoicing	Domestic/regional	Are there electronic invoicing regulations?	Yes	1) Decree 119/2018/ND-CP (Prescribing electronic invoices for sale of goods and provision of services), 2018 ²⁰¹⁵ 2) Circular 68/2019/TT-BTC (Guidance on

²⁰¹⁴ WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

²⁰¹⁵ Viet Nam, 'Decree 119/2018/ND-CP (Prescribing electronic invoices for sale of goods and provision of services)', https://doc.aasc.com.vn/ND_119_2018_ND-CP_EN

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					implementation of articles of the government's decree no.119/2018/ND-CP on electronic invoices), 2019 ²⁰¹⁶
6.1	Trade facilitation	Domestic	Are there initiatives to apply blockchain to trade facilitation?	No information	
6.2	Trade facilitation	International	Part of the WTO Trade Facilitation Agreement?	Yes ²⁰¹⁷	
6.3	Trade facilitation	International	Part of APEC Paperless Trading Individual Action Plan?	Yes ²⁰¹⁸	
6.4	Trade facilitation	International	Part of UNESCAP Framework	No ²⁰¹⁹	

²⁰¹⁶ BakerMcKenzie, 'Vietnam: New Circular 68 Guiding the Implementation of E-Invoicing', 2019, <https://www.bakermckenzie.com/en/insight/publications/2019/11/circular-guiding-the-implementation-of-e-invoicing>

²⁰¹⁷ WTO – TFA Facility, 'Ratifications list', Last updated 10 August 2020, <https://www.tfafacility.org/ratifications>

²⁰¹⁸ APEC, 'Paperless Trading Individual Action Plan', Last accessed 7 October 2020, <https://www.apec.org/Groups/Committee-on-Trade-and-Investment/Digital-Economy-Steering-Group/Paperless-Trading-Individual-Action-Plan>

²⁰¹⁹ UN Treaty Collection, '20. Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific', https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=X-20&chapter=10&clang=_en

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			Agreement on Facilitation of Cross-Border Paperless Trade?		
6.5	Trade facilitation	International	Part of revised Kyoto Convention (WCO)?	Yes ²⁰²⁰	
6.6	Trade facilitation	International	Part of UNCITRAL Model Law on Electronic Transferrable Records?	No ²⁰²¹	
6.7	Trade facilitation	Regional	Part of Single Window System? (e.g. ASEAN Single Window)	Yes	ASEAN Single Window ²⁰²²
7.1	Taxation and custom duties	Domestic	What is the current de minimis value / threshold?	VND1,000,000 ²⁰²³	

²⁰²⁰ WCO, 'List of the Contracting Parties to the Revised Kyoto Convention;', Last updated 19 May 2020, http://www.wcoomd.org/en/Topics/Facilitation/Instrument%20and%20Tools/Conventions/pf_revised_kyoto_conv/Instruments

²⁰²¹ UNCITRAL, 'UNCITRAL Model Law on Electronic Transferable Records (2017) – Status', https://uncitral.un.org/en/texts/e-commerce/modellaw/electronic_transferable_records/status

²⁰²² ASEAN, 'ASEAN Single Window', <https://asw.asean.org/>

²⁰²³ Global Express Association, 'Overview of de minimis value regimes open to express shipments world wide', Last updated 15 October 2019, <https://global-express.org/assets/files/Customs%20Committee/de-minimis/GEA%20De%20Minimis%20Country%20information%20as%20of%2015%20October%202019.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
7.2	Taxation and custom duties	International	Is there a current practice to exempt electronic transmissions from custom duties? (e.g. WTO moratorium)	Yes	WTO Moratorium Related to Customs Duties on Electronic Transmissions ²⁰²⁴
coFocus Area B: Openness and cross-border related issues					
8.1	Cross border data flows	Domestic	Are there requirements for cross-border transfers of personal data?	Yes	Law on Cybersecurity, No. 24/2018/QH14 ²⁰²⁵
8.2	Cross border data flows	Domestic	Are there requirements about the location of computer facilities - Are sellers /e-commerce platforms required to store personal data locally?	Yes	Law on Cybersecurity, No. 24/2018/QH14 ²⁰²⁵
8.3	Cross border data flows	Domestic	Are there specific requirements for the location of financial computing	Yes	Law on Cybersecurity, No. 24/2018/QH14 ²⁰²⁵

²⁰²⁴ WTO, 'WTO members agree to extend e-commerce, non-violation moratoriums', Last updated 10 December 2019, https://www.wto.org/english/news_e/news19_e/gc_10dec19_e.htm

²⁰²⁵ Viet Nam, 'Law on Cybersecurity', <https://www.economica.vn/Content/files/LAW%20%26%20REG/Law%20on%20Cyber%20Security%202018.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			installations? (e.g. servers, data storage infrastructure)		
8.4	Cross border data flows	Regional	Participation in CBPR (Cross Border Privacy Rules) system	No ²⁰²⁶	
8.5	Cross border data flows	Regional	Is there an Accountability Agent appointed by the economy?	No	
8.6	Cross border data flows	Regional	Participation in the PRP (Privacy Recognition for Processors) system	No	
8.7	Cross border data flows	Regional	Equivalence status granted by EU?	No ²⁰²⁷	
9.1	Competition	Domestic	Are there competition rules in place?	Yes	Competition Law, No. 23/2018/HQ14 ²⁰²⁸

²⁰²⁶ CBPRs, 'Government', <http://cbprs.org/government/>

²⁰²⁷ European Commission, 'Adequacy decisions', https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/adequacy-decisions_en

²⁰²⁸ Vietnam Briefing, 'Vietnam's Competition Law and its Impact on Foreign Companies', <https://www.vietnam-briefing.com/news/vietnam-competition-law-impact-foreign-companies.html/>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
9.2	Competition	Domestic	Are there regulations/laws on data portability right?	No information	
10.1	Principles on access to and use of the internet for digital trade	Domestic	Are there laws to ensure transparency in network management practices (i.e. traffic management, network neutrality)?	No information	
10.2	Principles on access to and use of the internet for digital trade	Domestic	Are there laws / regulations preventing / limiting access and use of interactive computer services (e.g. web filtering, upload filtering, blocking content or websites)?	Yes	Decree No. 72/2013/ND-CP on the Management, Provision, Use of Internet Services and Information Content Online ²⁰²⁹
11.1	Intermediary liability, IP-related and online content related regulations	Domestic	Are there internet service providers (ISPs) intermediary	Yes	Law on Information technology, No. 67/2006/QH11 ²⁰³⁰

²⁰²⁹ Viet Nam, 'Decree No. 72/2013/ND-CP on the Management, Provision, Use of Internet Services and Information Content Online', http://english.mic.gov.vn/Pages/VanBan/11310/72_2013_ND-CP-.html; <https://vnncic.vn/sites/default/files/vanban/Decree%20No72-2013-ND-CP.PDF>

²⁰³⁰ Viet Nam, 'Law on Information technology', <http://vbpl.vn/TW/Pages/vbpq-toanvan.aspx?ItemID=15066>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
			liability rules or safe harbors?		
11.2	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws / regulations requiring the take-down or removal of illegal, IP infringing content/ websites?	No	Law on Information technology, No. 67/2006/QH11 ²⁰³⁰
11.3	Intermediary liability, IP-related and online content related regulations	Domestic	Are there laws/guidelines that hold ISPs liable for non-IP infringement? (e.g. fake news, hate speech, etc.)	Yes	Decree No. 72/2013/ND-CP on the Management, Provision, Use of Internet Services and Information Content Online ²⁰²⁹
11.4	Intermediary liability, IP-related and online content related regulations	International	WIPO Copyright Treaty	No ²⁰³¹	
12.1	Open data	Domestic	Is there an open data law, regulation, strategy?	Yes	1) Directive No. 16/ CT-TTg, on strengthening the ability to access

²⁰³¹ WIPO, 'WIPO-Administered Treaties', https://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=16

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					the Fourth Industrial Revolution, 2017 ²⁰³² 2) Access to Information Law, 2016 ²⁰³³
12.2	Open data	International	Part of the Open Data Charter?	No ²⁰³⁴	
Focus Area C: Consumer Protection and Privacy Issues					
13.1	Consumer protection	Domestic	Are there consumer protection laws/regulations?	Yes	1) Law on Protection of Consumer Rights, 2010 ²⁰³⁵ 2) Decree No. 52/2013/ND-CP on E-Commerce (implementing the Law on E-

²⁰³² Viet Nam, 'Directive No. 16/ CT-TTg, on strengthening the ability to access the Fourth Industrial Revolution', <https://thuvienphapluat.vn/van-ban/Dau-tu/Directive-16-CT-TTg-strengthening-of-the-ability-to-access-the-Fourth-Industrial-Revolution-361701.aspx>

²⁰³³ Viet Nam, 'Law on Access to Information', https://www.right2info.org/resources/publications/laws-1/laws_vietnam-draft-rti-law-8.7.2015

²⁰³⁴ Open data charter, 'Government adopters', <https://opendatacharter.net/government-adopters/>

²⁰³⁵ Viet Nam, 'Law on Protection of Consumer Rights', [https://www.aseanconsumer.org/file/pdf_file/Vietnam%20Legislation%20-%20Law%20on%20Protection%20of%20Consumer%20\(english\).pdf](https://www.aseanconsumer.org/file/pdf_file/Vietnam%20Legislation%20-%20Law%20on%20Protection%20of%20Consumer%20(english).pdf)

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Transactions), 2013 ²⁰⁰⁷
13.2	Consumer protection	International	Is the economy member of the International Consumer Protection Enforcement Network (ICPEN)?	Yes ²⁰³⁶	
13.3	Consumer protection	International	Is the economy member of another consumer protection cooperation framework?	Yes	Examples include: 1) ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) 2016 – 2025 ²⁰³⁷ 2) ASEAN Online Business Code of Conduct ²⁰³⁸
14.1	Unsolicited commercial	Domestic	Are there laws on unsolicited	Yes	Decree Against Spam (No.

²⁰³⁶ ICPEN, 'Who we are', <https://www.icpen.org/who-we-are>

²⁰³⁷ ASEAN Consumer, 'The ASEAN Strategic Action Plan for Consumer Protection (ASAPCP) 2016-2025: Meeting the Challenges of a People'Centered ASEAN Beyond 2015', https://aseanconsumer.org/file/post_image/The%20ASEAN%20Strategic%20Action%20Plan%20For%20Consumer%20Protection%202016_2025%20Meeting%20The%20Challenges%20of%20A%20People%20%20Centered%20ASEAN%20Beyond%202015.pdf

²⁰³⁸ ASEAN Consumer, 'ASEAN Online Business Code of Conduct', [https://aseanconsumer.org/file/post_image/2020-02-26%20ASEAN%20COC%20\(fin\).pdf](https://aseanconsumer.org/file/post_image/2020-02-26%20ASEAN%20COC%20(fin).pdf)

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
	electronic messages/ SPAM		(commercial) email (SPAM)?		90/2008/ND-CP) ²⁰³⁹
15.1	Data protection and privacy	Domestic	Is there a data privacy law?	Yes	Law on Network Information Security, 2015 ²⁰⁴⁰
15.2	Data protection and privacy	Domestic	Does the law defines what constitutes personal data?	Yes	Law on Network Information Security, 2015 ²⁰⁴⁰
15.3	Data protection and privacy	Domestic	Is there a Data Protection Authority?	Yes	However, Viet Nam does not have a single National Data Protection Authority. The authorities in charge of information and/or data protection would be Ministry of Information and Communication, the Ministry of

²⁰³⁹ Viet Nam, 'Decree Against Spam', https://english.mic.gov.vn/Upload/Store//VanBan/6328/90_2008_ND-CP.doc

²⁰⁴⁰ Viet Nam, 'Law on Network Information Security', <https://english.mic.gov.vn/Upload/VanBan/Law-on-Network-Information-Security-16-05-30.pdf>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Public Security and the Vietnam Cybersecurity Emergency Response Teams / Coordination Center ²⁰⁴¹
15.4	Data protection and privacy	Domestic	Is there an obligation to report data breaches?	Yes	Law on Network Information Security, 2015 ²⁰⁴⁰
15.5	Data protection and privacy	Domestic	Are there sanctions available?	Yes	Decree No. 185/2013/ND-CP (Provisions on Sanctioning of Administrative Violations in Commercial Activities, production, Wholesale of Fake Goods, Banned Goods and Protection of

²⁰⁴¹ DLA Piper, 'National data protection authority in Viet Nam', <https://www.dlapiperdataprotection.com/index.html?t=authority&c=VN>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
					Consumer Rights) ²⁰⁴²
Focus Area D: Cybersecurity/network security					
16.1	Cybersecurity/ network security	Domestic	Are there laws/ regulations on cybercrime and cybersecurity?	Yes	Law on Cybersecurity, No. 24/2018/QH14 ²⁰²⁵
16.2	Cybersecurity/ network security	Domestic	Are there regulations regarding contingency measures against attacks/ or preventive measures?	Yes	Decision No. 05/2017/QD-TTg, 2017 providing for emergency response plans to ensure national cyberinformation security ²⁰⁴³
16.3	Cybersecurity/ network security	Domestic	Are there laws allowing the access to information by law enforcement agencies?	Yes	Law on Cybersecurity, No. 24/2018/QH14 ²⁰²⁵

²⁰⁴² Viet Nam, 'Decree No. 185/2013/ND-CP (Provisions on Sanctioning of Administrative Violations in Commercial Activities, production, Wholesale of Fake Goods, Banned Goods and Protection of Consumer Rights)', <https://thuvienphapluat.vn/van-ban/Thuong-mai/Decree-No-185-2013-ND-CP-administrative-violations-in-commercial-activities-production-of-trading-in-counterfeit-223687.aspx>

²⁰⁴³ Viet Nam, 'Decision No. 05/2017/QD-TTg, 2017 providing for emergency response plans to ensure national cyberinformation security', <https://vanbanphapluat.co/decision-05-2017-qd-ttg-providing-emergency-response-plans-ensure-national-cyberinformation-security>

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
16.4	Cybersecurity/ network security	Regional/international	Part of Budapest Convention on Cybercrime?	No ²⁰⁴⁴	
Focus Area E: Infrastructure-related aspects					
17.1	Telecommunications	International	Has the economy made GATS commitments regarding telecommunication services?	Yes ²⁰⁴⁵	
17.2	Telecommunications	International	Has the economy adopted the WTO Basic Telecommunications Reference Paper?	Yes	
Focus Area F: Market Access					
18.1	Goods and services market access	Domestic	Are there laws requiring disclosure of IP (i.e. source code, algorithms) as a condition to enter the market?	No information	

²⁰⁴⁴ Council of Europe, 'Chart of signatures and ratifications of Treaty 185', Last updated 7 October 2020, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/signatures?p_auth=w33y37J8

²⁰⁴⁵ WTO, 'Telecommunications commitments and exemptions', https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm; WTO, 'Schedules of specific commitments and lists of Article II exemptions', https://www.wto.org/english/tratop_e/serv_e/serv_commitments_e.htm

Area Number	Policy area	Domestic/Regional / International level	Applicable laws / regulations in specific areas	Answer accordingly	Notes
18.2	Goods and services market access	Domestic	Are there laws mandating the use of specific software as a condition to enter the market?	No information	
18.3	Goods and services market access	Domestic	Are there restrictions on the use of encryption for ICT products?	Yes	Law on Network Information Security, 2015 ²⁰⁴⁰
18.4	Goods and services market access	International	Part of WTO Information Technology Agreement (ITA)?	Yes ²⁰⁴⁶	

²⁰⁴⁶ WTO, 'Schedules of concessions', https://www.wto.org/english/tratop_e/inftec_e/itscheds_e.htm