



The Internet, Data Privacy and Cross Border Data Flows

Sharm Elsheikh, December 2017

Introduction

- The Internet being bounderless, cross-border data flows are intrinsic
- With Internet-based communications like email, platforms such as eBay and Facebook, international data flows are indispensable.
- Governments tend to have different opinions / priorities
- Policies are set in place that result in limiting the free flow of data

- Not all restrictions are results of bad intentions
- Legitimate goals include preventing cybercrime, restricting access to offensive content and welfare of *national security*

National Security

- Growing risk of cyber attacks, by individuals, organized criminal networks, or governments.
- Economic embargo may also restrict access to information in some countries
- National security is one of the main objectives of controlling transnational data flows, however it's commonly legislated as protection of data privacy

Privacy and Data Protection

- Ensuring adequate protection of personal electronic data across borders is a key concern of governments
- Countries take different approaches to protecting privacy and to exporting consumer data
- In the EU, data protection laws prevent the export of data to countries with lower data privacy laws

North Africa Data Privacy Legislations

- Egypt
 - No specialized law enacted (yet)
 - A draft is being discussed in the parliament
 - Individuals privacy rights protected by constitution, compensations governed by civil code and penal code



Egypt (cont'd)

- Definition of personal data
 - No definition of personal data or private life under Egyptian law or the Constitution.
 - However, some laws provide examples of the personal data that are protected (such as the Labor Law)
- Transfer
 - Telecom Regulations specify what data can be transferred

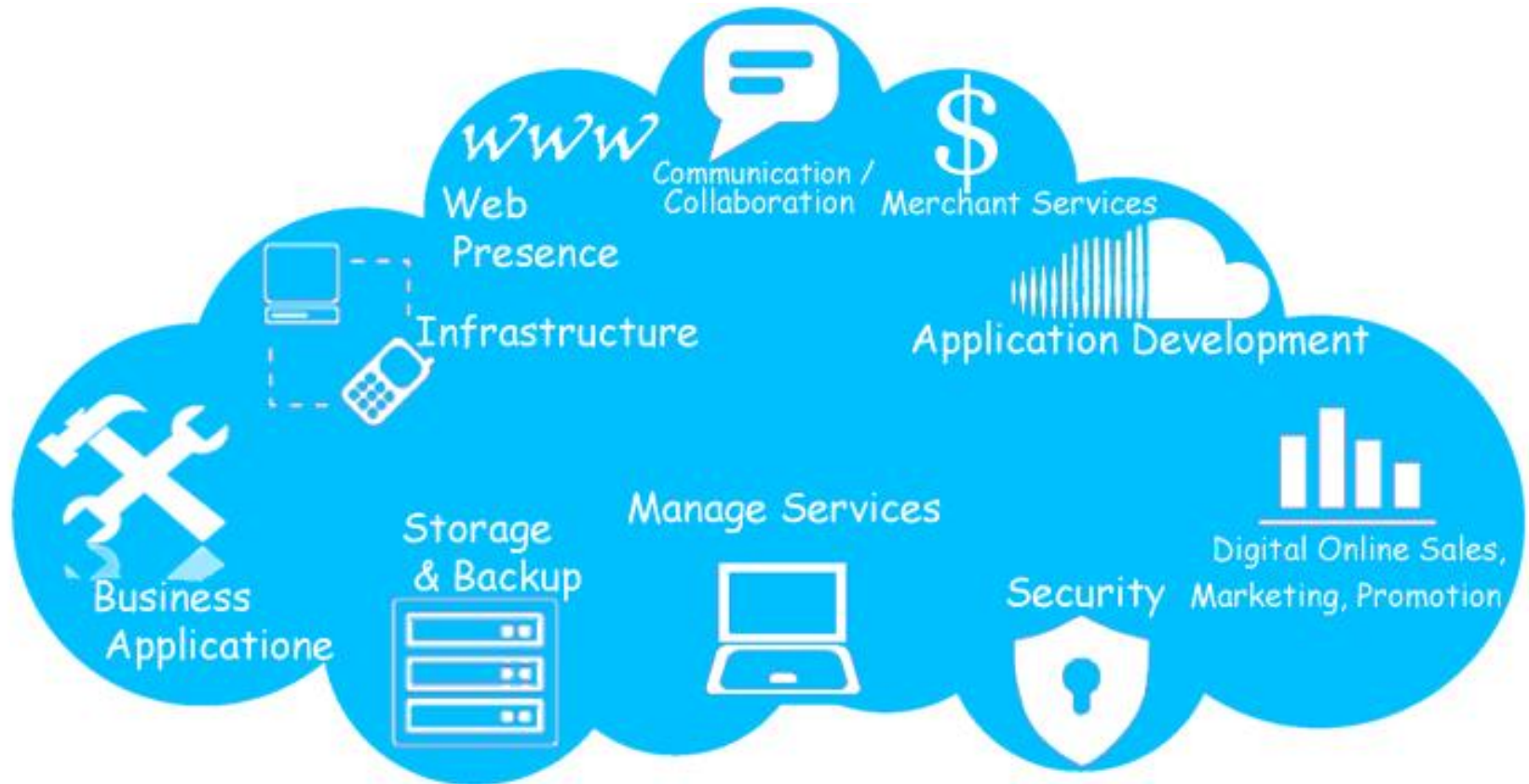
Morocco

- Law No 09-08 dated 18 February 2009 relating to protection of individuals with regard to the processing of personal data
- Definition of personal data
 - Personal data is defined as any information regardless of their nature, and format, relating to identified or identifiable person.
- Transfer:
 - Subject to prior authorization from the National Commission before any transfer to a foreign state

Tunisia

- Law no. 63 / 2004 dated 27 July 2004 relating to protection of individuals with regard to the processing of personal data
- Definition of personal data
 - No definition of personal data
- Transfer
 - Subject to prior authorization before any transfer to a foreign state

Impact on Cloud-based services



Thank You