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In the every changing and complicated global landscape of data privacy and protection compliance, DataGuidance is in our opinion one of the very best resources out there. DataGuidance has not only organized and simplified all the different regulatory content into one easy find location, they have sought out guidance from local legal counsel to provide a much clearer and simplified meaning to complicated data protection regulations.

Chris Christian, International Operations and Compliance Manager, General Information Services



Updated: 12/02/2015



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Asia Pacific: New processor certification to 'boost' APEC CBPR system

The Asia Pacific Economic Cooperation (APEC) Data Privacy Subgroup ('DPS') agreed, at a meeting on 3 February 2015, on a new cross border certification system for data processors entitled the 'APEC Privacy Recognition for Processors' ('the PRP').

"The PRP will allow processors to formally demonstrate their ability to effectively implement a controller's privacy obligations under the APEC Cross Border Privacy Rules (CBPR) system," Markus Heyder, Vice President and Senior Policy Counselor at the Centre for Information Policy Leadership at Hunton & Williams LLP, told DataGuidance. "In turn, controllers will also be able to identify qualified and accountable processors as a result of the PRP. With the PRP in place, the CBPR system will now cover both controllers and processors and thus the entire information-handling ecosystem. There is a strong sense among stakeholders that the comprehensiveness of the system will boost interest among both controllers and processors to become certified and participate."

There is a strong sense among stakeholders that the comprehensiveness of the CBPR system will boost interest among both controllers and processors to become certified and participate

The PRP will consist of 17 programme requirements that a processor must implement. Accountability Agents, which verify that the privacy policies of participating companies are compliant with the CBPR system, will review and certify the processors' compliance with the PRP. Before the PRP can be launched, it has to be integrated into the CBPR governance structure. "This will take place in the coming months and hopefully prior to the next meetings of the APEC DPS in August 2015," commented Heyder.

The global data privacy management company, TRUSTe, was one of the key stakeholders who actively contributed to the development of the PRP and is already a recognised accountability agent for the CBPR system. Josh Harris, TRUSTe's Director of Policy, informed DataGuidance, "One of the first questions that businesses ask when approaching TRUSTe for cross border certification is whether the CBPR system applies to their activities as processors. The reality is that most businesses who are controllers also operate as processors and therefore the PRP will have broad appeal."

Currently, the United States, Mexico and Japan are the only APEC economies participating in the CBPR system. However, Canada has formally submitted its notice of intent to participate in the system.

Cédric Laurant, IT and Copyrights Manager at Dumont Bergman Bider & Co and founder of Cédric Laurant law firm in Mexico, stated, "One can say, as a general rule, that the market of data processors in Mexico has everything to win from a regional privacy standard, like the PRP. The main reason for this is that it will be seen by the APEC region's foreign companies as bringing more trust to the table."

Heyder concluded, "I do think more APEC economies will now have an incentive to join the system on a faster track. In some APEC economies, it is mainly the data processors that have expressed an interest in this kind of cross border certification mechanism."



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Address: 17 The Timber Yard, Drysdale Street, London, N1 6ND, UK | Phone: +44 (0)20 7012 1380 | Email: info@dataguidance.com

