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Graham Greenleaf
ASIAN DATA PRIVACY LAWS Trade & Human Rights Perspectives
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More than 100 countries now have national data protection laws. We know this because the author of the book reviewed here maintains an unofficial count. A recent version of Graham Greenleaf's Global Tables of Data Privacy Laws and Bills can be found at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2280875.

A list of laws is useful, but the hard work of understanding a country's approach to privacy requires more than a citation. For those interested in Asian privacy laws, Greenleaf's new book provides everything you could ask for. It covers all 26 Asian countries, with a detailed analysis of the 14 countries with modern data privacy laws.

For those more familiar with the EU approach to privacy, Asia is a significantly different world. As Greenleaf points out in an introductory chapter, Asia lacks the treaties, international instruments, and institutions that form the basis of EU law. The absence of that commonality partly explains the diversity of Asian privacy laws. This is not to say that the Asian approach ignores development elsewhere in the privacy world. The international influence is clearly present, but it is not the only driver of legislation and enforcement.

The breadth and depth of this book is most impressive. It offers an overview of the background and history of Asian privacy laws in general. It places Asian laws in the context of international data protection structures and policies. It describes the standards the author used to measure each country's national data protection law. The book then proceeds to review the most important national laws with a chapter on each country that describes in detail the country's legal framework, approach to privacy, relevant constitutional provisions, the substantive provisions of the privacy law, a description of the enforcement measures, and more.

I had occasion recently to write short descriptions about the privacy law in a few Asian countries. One can profitably read the laws themselves, but that is only a starting point. The background, history, and actual implementation of a privacy law are essential to providing a useful and accurate assessment. That is the great value of Greenleaf's book. It sets out a detailed context for each country's law and provides a realistic sense about the law's implementation. For anyone needing to provide privacy advice about an Asian country from afar, this book is a great resource.

As good as the national law chapters are, I found the introductory and concluding chapters even better. Greenleaf shares his overall assessment of the developing Asian approach to privacy and describes the diversity of enforcement, regulation, including what Greenleaf calls privatized enforcement: codes, seals, privacy enhancing technologies, and other co-regulation. Greenleaf concludes with “cautious optimism” about Asian privacy laws, downplays the importance of APEC, and identifies data export as the “most contentious issue in data privacy.” All of these judgments seem right. Certainly, no one is better equipped to make them.