



# Drafting Data Protection Legislation: A Study of Regional Frameworks



# Context

**16** PEACE, JUSTICE  
AND STRONG  
INSTITUTIONS



T16.9 SDG: “legal identity for all, including birth registration, by 2030”

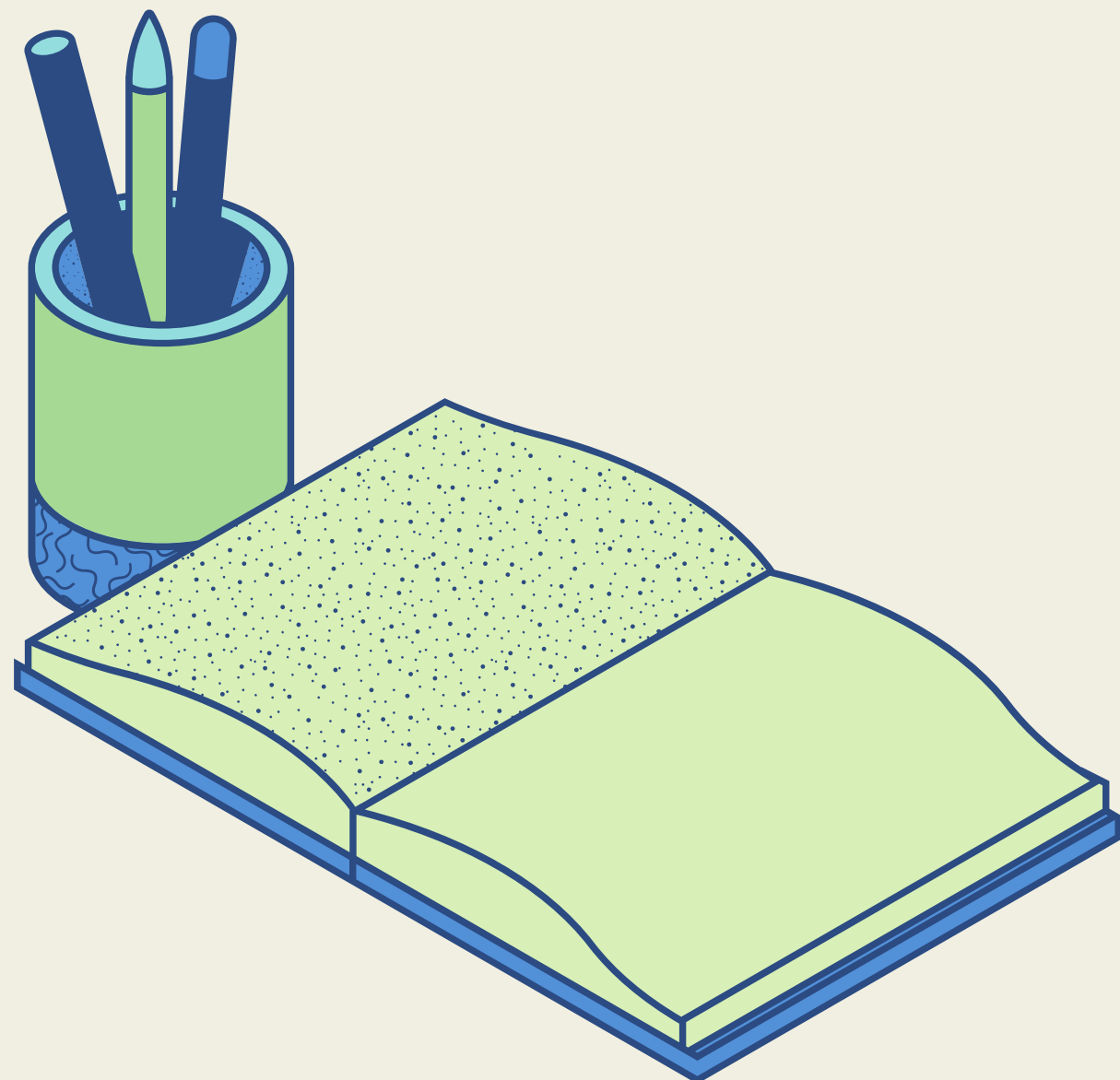
Legal ID necessary: recognition before law exercising legal rights participating fully in society

Large amounts of data collection and processing; digital ID

Beneficial but may lead to data privacy challenges

Need for framing effective DP legislation

# Methodology



Comparative  
analysis

11 regional  
frameworks

Global  
coverage

Key themes

Laws,  
literature,  
cases

COVID-19  
challenges

# About the Centre for Communication Governance



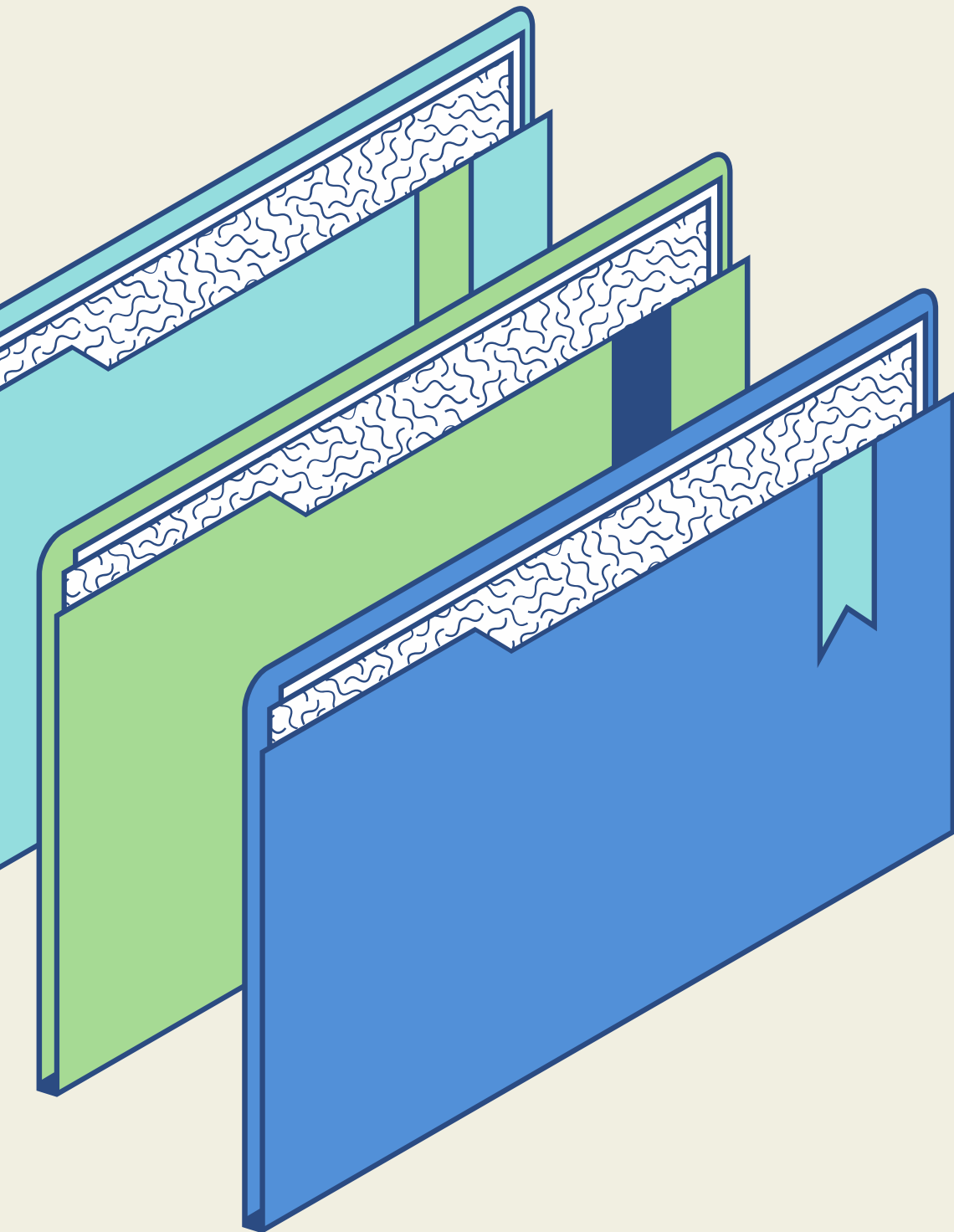


India's only academic centre dedicated to researching information technology laws and policy

Work across privacy, data governance, platform governance, artificial intelligence and emerging technologies, cybersecurity

Privacy Law Library: a global database that tracks and summarises privacy jurisprudence emerging in courts across the world - 200+ cases from 15+ jurisdictions; HCT

# Chapters



Background and Context

Data Protection Principles

Rights of Data Subjects

Regulation of Cross-Border Data Flows

Regulatory Architecture

Key Definitions

Transparency and Accountability

Protections for Children's Data

Exemptions to State Authorities

**1**

Background  
and Context

**2**

Data  
Protection  
Principles

**3**

Rights of  
Data Subjects

# Key Chapters

**4**

Exemptions  
to State  
Authorities

**5**

Regulatory  
Architecture



# Background and Context

History and evolution of data protection principles globally

Privacy and data protection key to other fundamental rights and freedoms

National and international recognition of privacy as a core human right

Various aspects of privacy - physical, spatial, informational, decisional, etc



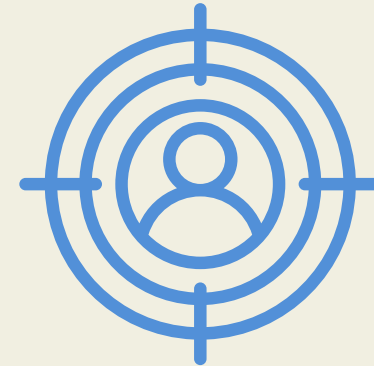
# Core Data Protection Principles



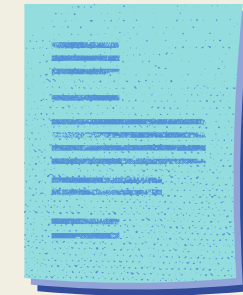
Fairness and lawfulness



Notice and consent



Purpose limitation



Data minimisation

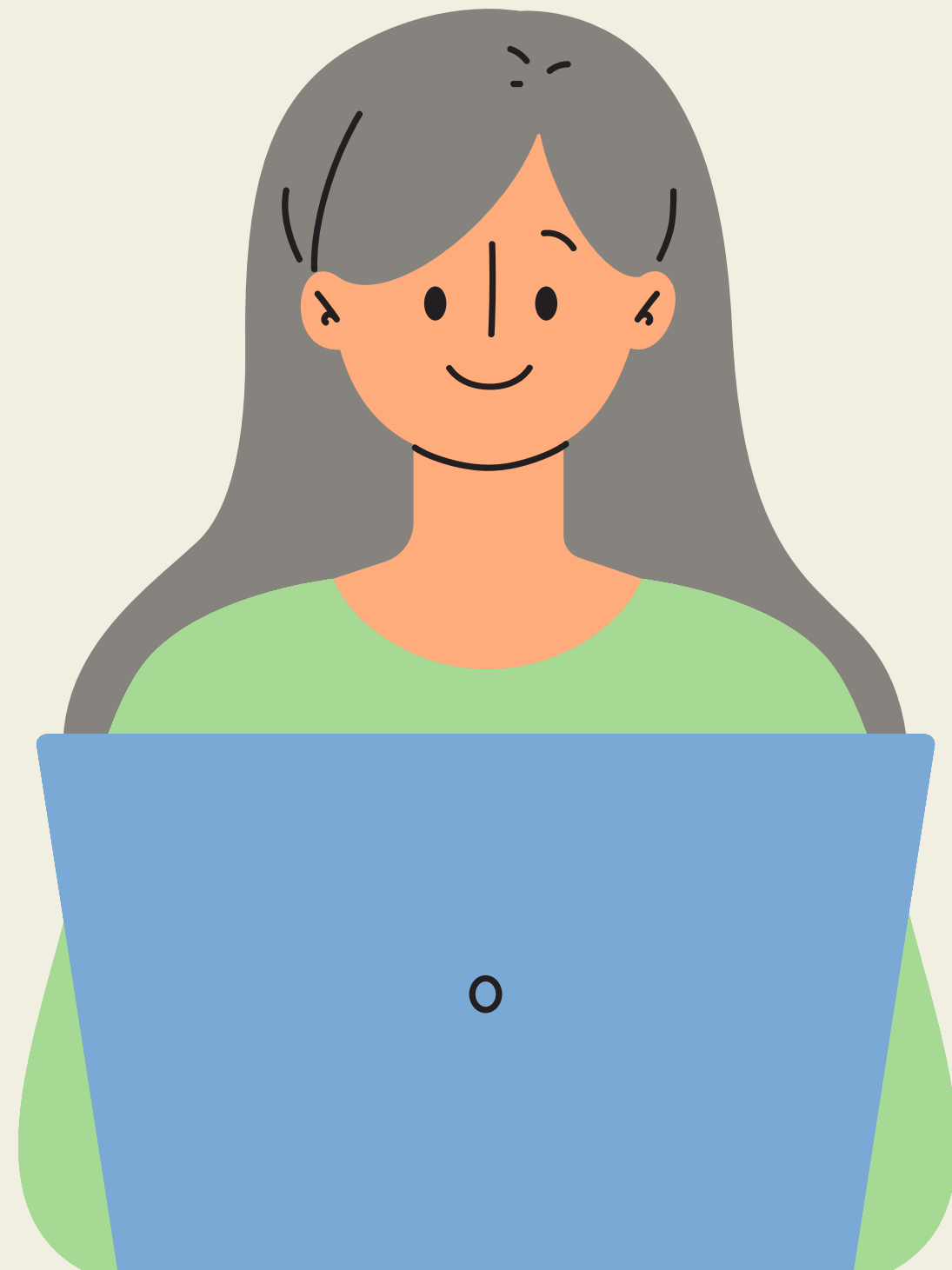


Integrity, confidentiality, availability



Transparency and accountability

# Rights of Data Subjects



Access and  
confirmation

Object to or  
restrict  
processing

Right to be  
forgotten

Against  
automated  
decision  
making

Data  
portability

Rectification,  
erasure,  
deletion

# State Exemptions



Exemptions for 'legitimate purposes' (e.g. national security, maintaining public order, criminal investigations)



Safeguards: (a) provided by law; (b) not arbitrary; (c) pursue a legitimate aim; and (d) necessary and proportionate to the aim

# Regulatory Structure



Effective  
redressal  
framework

Well-  
resourced

Independent  
functioning

Transparency  
&  
accountability

# Thank you!

