

Brussels, 26 March 2013

## **ARTICLE 29 DATA PROTECTION WORKING PARTY**

### **Promoting Cooperation on Data Transfer Systems Between Europe and the Asia-Pacific**

Representatives of the Article 29 Working Party (WP29), in which all EU data protection authorities are assembled, and the Asia Pacific Economic Cooperation (APEC) recently met for the first time in Jakarta, Indonesia, to develop a set of tools to facilitate transfers of personal data, for multi-national companies that operate both in Europe and the Asia-Pacific.

In the European Union, Binding Corporate Rules (BCR) have been developed in order to govern international data transfers made by companies or groups of companies. These binding internal rules define a company's policies on data transfers in order to ensure adequate safeguards for personal data transferred from the European Union to third countries.

In 2012, APEC Member Economies completed the development of the Cross-Border Privacy Rules (CBPR) system for the protection of personal data throughout the Asia-Pacific. Like the BCR system, the CBPR system is designed to ensure that a company's privacy policies meet established standards for the protection of personal information. Such policies must be validated by APEC-recognized Accountability Agents.

Both the EU BCR system and the CBPR system are based on a similar approach, which is the use of internal binding rules for cross-border transfers of personal data, subject to prior approval by EU Data Protection Authorities or by APEC-recognized Accountability Agents.

The WP29 recently concluded a study of the CBPR system in order to identify the similarities and differences with the BCR system. Using this initial comparison as a starting point, the WP29 and participating APEC Economies are cooperating to develop practical tools, including a common referential, for those multinational companies that have data collection and/or processing-related activities in both the European Union and APEC region.

On 31 January 2013, the so called BCR/CBPR Committee met for the first time to discuss this topic. Participants from the EU included representatives from the CNIL (France), the German Federal Commissioner for Data Protection and Freedom of Information, the European Data Protection Supervisor and the European Commission.

From APEC 10 member Economies participated including Canada, Chinese Taipei, Japan, Korea, Malaysia, New Zealand, the Philippines, Singapore, Thailand, and the United States. It is anticipated that a roadmap will be adopted in the upcoming months by the WP29 and the APEC in order to continue their cooperation and to materialize such practical tools for use by companies doing business in Europe and the Asia-Pacific region.

Following this meeting, Jacob Kohnstamm, the Chair of the WP29, declared that "This is a great progress in strengthening international cooperation on data protection and in developing global solutions for organizations operating both in the EU and the APEC region."

On the APEC side, Lourdes Yaptinchay, the Chair of the APEC Electronic Commerce Steering Group said that "The cooperative work being pursued by APEC member economies and the EU is an important next step towards better protecting personal data and could provide a foundation for more fruitful exchange between companies with a stake in the two regions."

See also the APEC press release: [http://www.apec.org/Press/News-Releases/2013/0306\\_data.aspx](http://www.apec.org/Press/News-Releases/2013/0306_data.aspx).

### **Background information**

The Article 29 Working Party on the Protection of Individuals with regard to the Processing of Personal Data is an independent advisory body on data protection and privacy, set up under Article 29 of the Data Protection Directive 95/46/EC. It is composed of representatives from the national data protection authorities of the EU Member States, the European Data Protection Supervisor and the European Commission. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC. The Article 29 Working Party is competent to examine any question covering the application of the data protection directives in order to contribute to the uniform application of the directives. It carries out this task by issuing recommendations, opinions and working documents.

[http://ec.europa.eu/justice/data-protection/article-29/index\\_en.htm](http://ec.europa.eu/justice/data-protection/article-29/index_en.htm)