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**Security, Privacy  
and International Trade**

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# Topics

- Data and international trade
- Legal framework of global privacy
- Comparison of GDPR and Israel Data Security Regulations

# Data Flows

- Technology companies
- Banks
- Insurance
- Travel
- Automotive?
- Internet of Things?



# GATS

## General Agreement on Trade in Services:

- Entered into force in 1995
- Most Favored Nation
- National Treatment
- Sector specific commitments



# Trade and Data

Does GATS permit:

- Restricting access to internet services?
- Requirements to store data in a country?
- Requirements to process data in a country?
- Prohibitions on exporting data?

# GATS

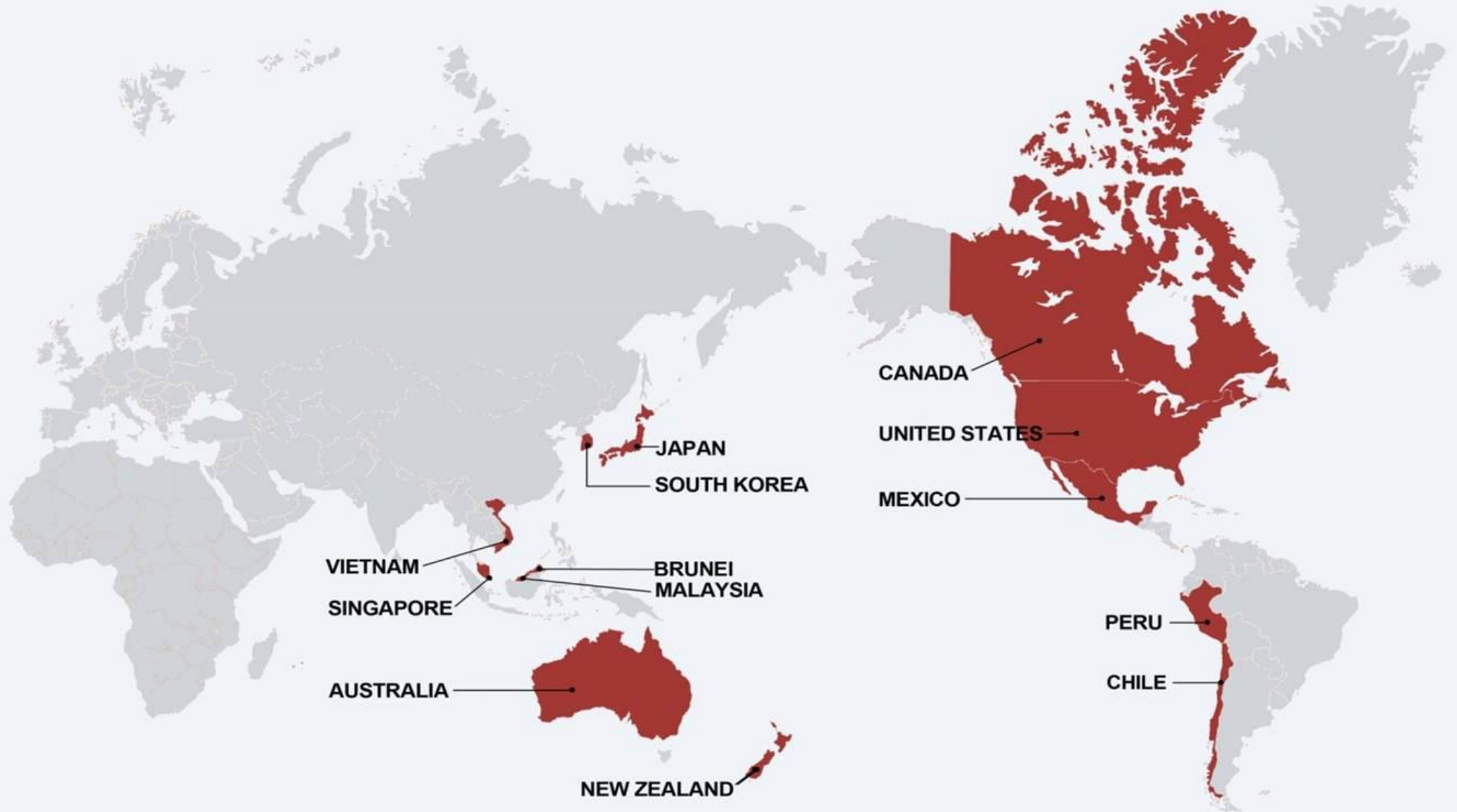
Article 14:

[If] not applied in a manner which would constitute ... **unjustifiable discrimination** ... nothing in this Agreement shall prevent measures:

**necessary** to secure compliance with laws ... **which are not inconsistent** ... this Agreement including:

(c) the protection of the privacy of individuals in relation to the processing and dissemination of personal data

# Trans-Pacific Partnership



# Trans-Pacific Partnership

## Article 14.11(2):

**Each Party shall allow the cross-border transfer of information by electronic means, including personal information, when this activity is for the conduct of the business of a covered person**





# Trans-Pacific Partnership

## Article 14.13(2):

**No Party shall require a covered person to use or locate computing facilities in that Party's territory as a condition for conducting business in that territory**



# APEC Cross-Border Privacy Rules

- Voluntary framework for participating businesses
- Allows participating business to transfer data
- Canada, Japan, Korea, Mexico, United States



# EU Adequacy Determination

- GDPR, Article 45
- “Where the ... third country ensures an adequate level of protection”
- “Essentially equivalent protection”
- “The adequacy assessment should be carried out ... and enforced in a way that does not arbitrarily or **unjustifiably discriminate** against or between third countries ... nor constitute **a disguised barrier to trade**, regard being had to the European Union’s **present international commitments**”

# Security in GDPR

GDPR	Israel Data Security Regulations
Security measures must take into account risk to data subjects	Three levels of databases
Must consider encryption	Transfers through public networks require encryption, §14(b)
Must consider pseudonymization	No
Regular Testing	
Must consider risks of processing	Outsourcing contracts must consider security , §15(a)
Demonstrate compliance with industry standards	Rasham can rule that compliance with industry standards is sufficient

# Security in GDPR

GDPR	Israel Data Security Regulations
Data minimization	Data owner must consider data minimization once a year, 2(c)
Storage limitation	Probably included in 2(c)
Data breach notification to authority within 72 hours	“Immediate notification” to Rasham
Data breach notification to data subjects if “high risk”	Rasham decides
Data protection officer	Yes

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THANK YOU

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