

## South Korea expects to become member of Apec's cross-border privacy rules this month

Jurisdiction : - Asia /North East Asia /South Korea

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### IN BRIEF

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Last December, South Korea's Ministry of Foreign Affairs submitted an application to join Apec's CBPR. (see [here](#)) The foreign affairs ministry filed the application in its capacity as the country's representative of the KCC and South Korea's Ministry of Interior, the two main agencies that deal with data privacy-related matters in South Korea.

The application review process is expected to be nearing an end, according to a KCC official. Joining the CBPR will benefit South Korean companies that have operations abroad, because it will clarify the level of protection they receive when personal data are transferred outside of the country. Overall, becoming a member of the CBPR will help to reduce the gaps between the level of personal-data protection among individual Apec countries. It will also provide a minimum threshold and a general framework to which Apec countries can refer when dealing with data-privacy issues.

The CBPR is an international data-transfer system that was put in place by Apec in 2011. Its objective is to facilitate international data transfers among Apec countries through a voluntary, accountability-based system. US officials have said they hope it will become the global privacy standard and boost the availability of digital goods and services throughout the region.

Also, the Apec system is intended to promote commerce and international transfers of data in the provision of digital goods and services, while protecting data privacy. In part because South Korea has such strong privacy and data-protection rules, US officials view South Korea's membership in the system as a huge boost, because it would bolster the case for businesses to become certified. Only a handful of US companies have been certified to transfer data

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internationally under the CBPR system, although they include large multinationals such as Apple, IBM and Cisco Systems.

Under the CBPR rules, a country that wishes to join must have an enforcement authority for privacy, which would be required to participate in cross-border privacy-enforcement arrangements. A further requirement for joining the system is confirmation of an intention to use a trust-mark provider – or Apec-recognized accountability agent – to certify that the privacy policies and practices of participating companies are compliant with the CBPR system.

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