

APrIGF Summary Report

Track 1b: Cybersecurity, Privacy and Data Protection

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Zaid Hamzah, Chair

The first point is that internet governance is a soft infrastructure issue. It's not a hard infrastructure issue. So what's important for us in this session was not to identify a laundry list of issues, but to figure out what are the drivers, levers and enablers that could fundamentally make a difference with a little resource that we have. The operating sphere that we were talking about within our group was cyber security, privacy and data protection. But because it is a complex area and I mention you can't really ... you have to focus on a few. The points that I am sharing with you object slides capture what I believe to be the consensus. There were no real disagreements on it, so let's start with the first one.

Co-regulation, no one dispute the fact that it is a good model to adopt. That's the first key principle. Second, public private sector collaboration is keen to achieve the desired outcome. Just so you know, in our group we have Yahoo!, Internet Society, two academics and one lawyer from Taiwan. So I think it represents a nice spectrum of views. The third again reinforces some of the earlier group's recommendation, a light touch regulatory approach is key. So that you don't have hamper innovation, you don't increase cost to business and there is therefore a need to avoid a highly and overly heavy regulation.

Fourth, again, no one dispute this, technology neutrality is a must. It has to be a guiding principle in developing the internet governance framework across the region. Fifth, there has to be balance between managing security risks and the free flow of information. Conclusion as sixth, you require both a top down as well as a bottom-up approach. If you only adopt one without the other, it will not work. The group emphasised the need that security risk issues, privacy is something that the consumers themselves must be educated. So the onus is not just on regulators, policymakers, companies, but consumers must be educated and the point raised by Rajnesh is even if you try to manage risk, et cetera, usability is a fundamental issue that has to be addressed. Again, the balance issue keep arising.

Seventh was raised by. She says that when wrongs are done, offences are committed; you need to provide for both civil as well as criminal sanction. Again, a nice balance, a bit difficult, but you have to achieve. So if you push the pendulum to either stream, it might be a little bit more difficult. Eighth, there is a need for cross-border data transfer regulation. Again, this was highlighted over and over again. Someone has a problem in Fiji, another person has a problem somewhere, we are living in interconnected world, but there is a lack of a framework within the region for cross-border data transfer regulation. I suppose they are looking at an EU type of set up within this, even more critical in Asia Pacific, given the diversity of legal system, legal philosophy, so on and so forth.

Ninth, the principle that has been enunciated must apply in both the commercial and non-commercial space. Again, this is a point that I borrowed from Ethan, quite elegantly captured that

whatever we do, and whatever we look at, it must cover both the commercial and non-commercial sector. I personally believe, I'm from industry, so I have always believed that you must reserve a commercial space for companies to do well, and then they will help jointly protect the interests of society.

Tenth, there was a strong feeling that you need to avoid commercial lock in. In the provision of security application, creation of infrastructure, et cetera, we must avoid commercial -- I think this is a nice balance. You avoid commercial lock in, advance technology, neutrality, you provide a commercial space, but you ultimately must let the consumers have the choice.

Eleventh point rose by Raj, interesting concept he shared with us, he talked about an interoperable privacy protection framework. That's kinds of interesting, because when you think of the concept of interoperable, you think of something hard, hard infrastructure, but Raj was sharing with us the need to develop an interoperable privacy protection framework. Kind of interesting, but it is a bit difficult to translate, but not impossible to translate. Lastly, a point raised by someone from Taiwan, technology is a potent force we need to leverage on. As a group, collectively, we need to leverage on technology to advance the consumer interests.