Data Privacy Detective Podcast – Episode 73: Data Localization, China and Personal Privacy

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The internet and the worldwide web – the words envision a global communications system that transcends national borders. But the reality differs. Is it increasingly the splinternet? Is www really a series of webs that don't connect globally? And how is our privacy affected by data fences and controls erected by nations?

In this first of a series, we explore how China deals with personal information of its residents. China collects a vast array of personal information about its people – financial, judicial, commercial, societal, and governmental. These are the five pillars of China's Social Credit System, which aims to reward loyal and trustworthy citizens and penalize others, based on information collected about Chinese residents. Individuals are white-listed or black-listed to be rewarded or penalized, based on personal data collected, analyzed, and applied by the Government to encourage a socially proper citizenry.

China has an extensive and evolving set of laws, including recent changes to its Data Security Law, Cybersecurity Law, and the forthcoming Personal Information Protection Law, which aim to keep within China's borders "personal information" and "important data." This allows China to prevent transfers of these two types of data to other countries. But the definitions of "personal" and "important" data are left to a vast array of sectoral ministries and regulators and to other national, regional, and local organizations, which may issue categories or lists to define and apply these broad terms.

By contrast, China is free to import personal information of non-Chinese residents. Take TikTok, for example. Over twenty million U.S. persons use TikTok, owned by a Chinese company. It is not clear whether the personal information TikTok collects is made available to the Chinese Government, pursuant to PRC laws and procedures. If Chinese companies and Government can collect personal information about U.S. citizens but U.S. companies and Government

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cannot collect and utilize personal information about Chinese citizens, this creates an imbalance of trade and business opportunities. Is this a path to a data trade war? And if our personal information can be shared beyond our country's borders, will this change what data we post and share within our borders? This podcast explores how China affects personal privacy and the future of the internet.

If you have ideas for more interviews or stories, please email info@thedataprivacydetective.com.

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