



DASHBOARD: TRADE RULES ON DATA TRANSFERS

Over a dozen countries—including Australia, Chile, Japan, Mexico, New Zealand, Peru, and Singapore—have entered into agreements with new rules to safeguard the ability to transfer data across borders. This Dashboard describes the cross-border data provisions in recent agreements from across the Pacific Rim.

● Yes ● No ● In Part

	CPTPP (AU, BN, CA, CL, JP, MY, MX, NZ, PE, SG, VN)	US-Mexico- Canada Agreement	Japan-US Digital Trade Agreement	Digital Economy Partnership Agreement (CL, SG, NZ)	Australia-Hong Kong FTA
Core Discipline: Contains affirmative disciplines on data transfer restrictions and data localization mandates	●	●	●	● ¹	●
Treatment of Exceptions: <i>Permissible derogations limited to measures that:</i>					
(1) are necessary to achieve a legitimate public policy objective	●	●	●	●	●
(2) are not applied in a manner that would result in arbitrary or unjustifiable discrimination or a disguised restriction on trade	●	●	●	●	●
(3) do not impose transfer restrictions greater than necessary	●	●	●	●	●
Prohibits Discrimination against Cross Border Data Transfers²	●	●	●	●	●
Coverage of Personal Data Transfers	●	●	●	●	●
Coverage of Non-personal Data Transfers	●	●	●	●	●
Coverage of Financial Services	● ³	●	●	●	●
Limits on Exceptions Premised on Privacy Grounds	●	●	●	●	●
Limits on Exceptions Premised on Grounds Other Than Privacy	●	●	●	●	●
Are Disciplines Enforceable?	●	●	●	●	●

¹ DEPA reaffirms and cross-references the Parties' existing data transfer and localization commitments from other international agreements.

² The USMCA and JUSDTA both prohibit Parties from differentiating between domestic data transfers and cross-border data transfers in a way that discriminates against foreign service providers.

³ The CPTPP (the Comprehensive and Progressive Trans-Pacific Partnership) does not extend the prohibition on data localization mandates to the financial sector, but it does extend provisions on cross-border data transfers to that sector.