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After more than a decade of individuals giving up their personal data for the convenience and utility of networking and messaging at no cost, the perils and dangers of doing so have been brought home by scandals over how personal data has been exploited for political and commercial gain, as well as multiple serious data breaches. Governments, regulators and business need to respond to this crisis, and the question of how best to do so was the subject of the Dentons Rodyk Dialogue 2019.

The Dentons Rodyk Dialogue 2019 marked the third year of the partnership between Dentons Rodyk and the Singapore Management University's Centre for Cross-Border Commercial Law in Asia. Singapore's Smart Nation guru, **Dr Janil Puthuchery**, Senior Minister of State for Communications and Information, cybersecurity czar, **Mr David Koh**, Chief Executive of the Cyber Security Agency of Singapore and clarion-caller and privacy scholar, **Professor Anne Cheung**, from Hong Kong University were joined by 400 delegates, seeking insights into likely next steps for legal and regulatory reform.

Data privacy, data security, and cyber security

It seems that every breath we take leaves a trace in the ether. The volume of data collected every day is mind-boggling.

In his Opening Address, Dr Puthuchery delineated three areas for discussion: data privacy, data security and cyber security. First, data privacy raises the question of whether the use of personal data collected by private companies is sufficiently controlled by the mechanism of requiring consent from users, given that many users would neither read nor necessarily understand the lengthy terms and conditions they agree to. Second, data security concerns the protection of data that has to be collected by governments in carrying out their functions. Third, cyber security relates to the protection and prevention of misuse of not only data, but also computer systems and networks. Dr Puthuchery explained the government's approach to these three areas – the Personal Data Protection Act, Public Sector (Governance) Act and Cybersecurity Act, are intended to address data privacy, data security and cyber security respectively.

Challenging the orthodox consent-based approach to data privacy

Professor Cheung highlighted the various legal challenges to data privacy, including those illustrated in the Facebook-Cambridge Analytica Scandal. Critically analysing the orthodox consent-based approach to data privacy, Professor Cheung concluded that a robust data privacy regime can no longer afford to hinge on outdated notions of personal data. Data is now collected through networks, using techniques of prediction and manipulation. Therefore, Professor

Cheung recommended a holistic legal approach involving data privacy, private law (such as consumer protection laws and competition law) and public law (including anti-discrimination laws and due process rights).

Cybersecurity as a collective responsibility

Mr Koh emphasised that cyber security has to be a nationwide effort. The Cyber Security Agency strengthens the protection of Singapore's critical infrastructure sectors. At the same time, Mr Koh highlighted the need for people, front-end users, and corporations to take responsibility for cybersecurity, as humans are, almost always, the weakest link in a cyber-attack. In particular, Mr Koh encouraged corporations to view cybersecurity measures as an investment, instead of a cost. Assuring clients and customers that their data is safe is important and a competitive advantage.

The way forward

The engaging panel discussion with the speakers was moderated by Global Vice-Chair and ASEAN CEO of Dentons Rodyk, **Mr Philip Jeyaretnam S.C.** One of the immediate topics concerned how having different national regulatory frameworks imposes costs on business and may even impede the best measures for cybersecurity. Given that data breaches have become an extension of war and espionage between states, the question was posed of the possibility of international conventions like those regulating warfare. The panel also addressed the audience's questions about how regulation should evolve to address data privacy, data security and cyber security. In particular, the panel noted that consent was necessary but inadequate on its own. The panel also considered the merits and challenges of alternatives such as a rights-based approach (as adopted in the European Union's General Data Protection Regulation), self-regulation and public law solutions.

The role of the individual

In his Parting Thoughts, **Mr Gilbert Leong**, Senior Partner in Dentons Rodyk's Intellectual Property & Technology practice group, emphasised the importance of individual responsibility in addressing the issues of data privacy, data security and cyber security. Much of the earlier discussion had pertained to the role of external third parties such as government bodies and Internet service providers in adopting and promoting appropriate policies. However, parents and educators also play a crucial role in teaching youths to use social media networks responsibly. Mr Leong cautioned against overreliance on external parties, and invited the audience to embrace self-help approaches in addressing the issues of data privacy, data security and cyber security.

The Dentons Rodyk Dialogue 2019 highlighted the many pressing and challenging issues prevalent in the age of social media and data breaches. Technology is constantly evolving, and thus requires regulators and governments to adapt and change. Innovation brings immense benefits and must not be choked off. Yet ordinary people are vulnerable to their data being misused and exploited. Singapore must find the right balance.

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