

# Data Privacy in 2023:

## 10 MOMENTS THAT SHAPED THE YEAR

### 10. SWITZERLAND

#### Revised FADP and Ordinance enter into force

On September 1, 2023, revised versions of the Federal Act on Data Protection (FADP) and the Ordinance on the Federal Act on Data Protection entered into force.

The FADP is an amended version of the existing Federal Act on Data Protection, which was in force until August 31, 2023.



### 9. UK

#### Data Protection and Digital Information Bill introduced

The Data Protection and Digital Information Bill was introduced on November 8, 2023 - a reintroduction of a previous bill from the 2022-23 session. The bill aims to update and simplify the UK's data protection framework, intending to lessen the burdens on organizations while maintaining high data protection standards.



### 8. ENFORCEMENT DECISIONS

#### Irish Data Protection Commissioner imposes record €1.2 billion fine against Meta Platforms

On May 22, 2023, the Data Protection Commission (DPC) announced a €1.2 billion fine had been imposed on Meta Platforms. The decision followed an investigation that began in August 2020 when the DPC initiated an inquiry into Meta's data transfers to its US counterpart. The initial draft decision concluded that these transfers violated Article 46(1) of the GDPR, prompting the decision of suspending such data transfers.



### 7. CHINA

#### New Standard Contractual Clauses introduced

The Cyberspace Administration of China issued Standard Contract Measures for the Transfer of Personal Information Abroad on February 24, 2023.

From June 1, 2023, applicable personal information handlers could use the SCCs as a mechanism to lawfully transfer personal data outside of China.

Notably, the SCCs can only be used if the data exporters satisfy certain eligibility requirements, one of them being that the data exporter must not be a critical information infrastructure operator.



### 6. SAUDI ARABIA

#### Personal Data Protection Law enters into effect

Following two postponements and the approval of amendments in March 2023, the Personal Data Protection Law entered into force on September 14, 2023. On the same date, the PDPL Implementing Regulations and the Regulations on personal data transfers became effective.



### 5. VIETNAM

#### Comprehensive data protection law enters into effect

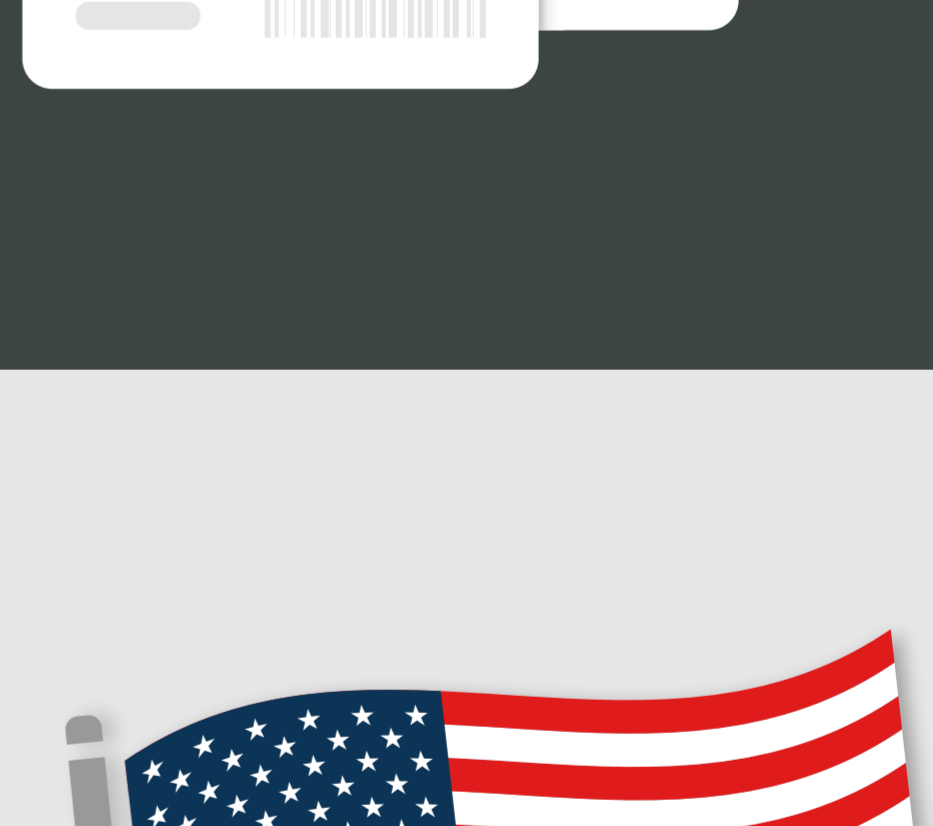
Vietnam's first and much awaited comprehensive data protection law, the Personal Data Protection Decree (PDPD), was issued on April 17, 2023, and came into effect on July 1, 2023. The PDPD regulates the processing of personal data of Vietnamese nationals, which is notably driven by consent. The PDPD also introduces data processing principles similar to the General Data Protection Regulation (GDPR).



### 4. INDIA

#### Digital Personal Data Protection Act receives Presidential assent

The Digital Personal Data Protection Act received Presidential assent in August 2023, becoming India's first and highly anticipated comprehensive data protection law, altering the Indian privacy landscape. The Act's entry into force is awaited, along with secondary rules under the Act, and the establishment of the supervisory authority - the Data Protection Board of India.



### 3. US

#### Eight new state laws enacted in 2023

In 2023, eight US states enacted new comprehensive privacy laws, bringing the total number of US states with such laws to 13. These are: Indiana, Iowa, Montana, Oregon, Tennessee, Texas, Florida, and Delaware. The new privacy laws will enter into force between July 1, 2024, and January 1, 2026.



### 2. EU-US DATA PRIVACY FRAMEWORK

#### European Commission adopts adequacy decision

On July 10, 2023, the European Commission adopted its adequacy decision for the EU-US Data Privacy Framework (EU-US DPF) which concluded that the US provides a level of protection essentially equivalent to that of the EU for personal data transferred under the EU-US DPF from a controller or a processor in the EU to certified organizations in the US. The EU-US DPF Principles and Supplementary Principles became operational on the same date.



### 1. ARTIFICIAL INTELLIGENCE

#### Significant global developments in AI regulation

In 2023, legislative and regulatory initiatives on artificial intelligence (AI) have come to the forefront across the world. Many are still in draft; others have already come into effect. China, the US, EU, and UK have all seen substantial developments regarding AI.

