ASEAN Framework on Digital Data Governance and its Implication to Cambodia

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Cambodia ICT Camp 2022
Siem Reap, 25 June 2022

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Why Data is Important?

Data is the Fuel of the **Digital Economy** and at the core of new **business models**

Data created estimate at

463 exabytes/day

globally – 2m DVDs[1]

Business: tailor/develop products, or enrich customer relationships and solutions

Government: data-driven policy making, public services optimization: high-quality delivery, modern digitally-enabled and cost-efficient

1. Desjardins, J. (2019) How Much Data is Generated Each Day? Weforum.

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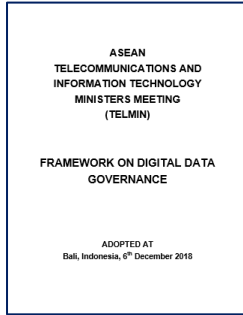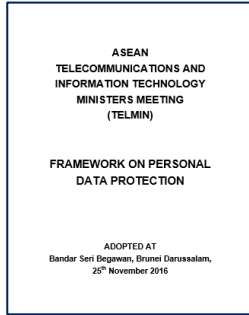
What have been done in ASEAN?

ASEAN Digital Sector (formerly known as the ASEAN ICT sector)**:**

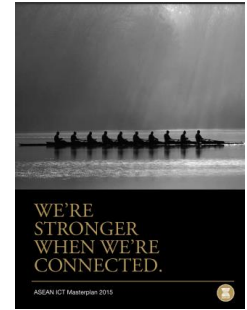**Body:** ASEAN Digital Ministers Meeting (ADGMIN)

- Senior Officials Meeting (ADGSOM)

- Working Group (ADGSOM WG)

- ASEAN Network Security Action Council (ANSAC)

- Working Group on Digital Data Governance (WG-DDG)
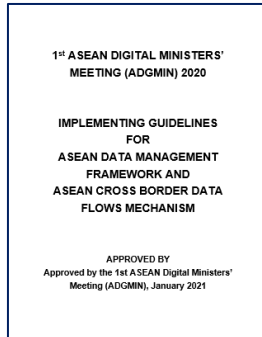
Key Documents in ASEAN

Framework Agreement

ASEAN TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY MINISTERS MEETING (TELMIN)

FRAMEWORK ON PERSONAL DATA PROTECTION

ADOPTED AT
Bandar Seri Begawan, Brunei Darussalam, 25th November 2016

ASEAN TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY MINISTERS MEETING (TELMIN)

FRAMEWORK ON DIGITAL DATA GOVERNANCE

ADOPTED AT
Bali, Indonesia, 6th December 2018

ASEAN Data Management Framework
Data governance and protection throughout the data lifecycle

Strategic Action Plans: Master Plans

ASEAN DIGITAL MASTERPLAN 2025

WE'RE STRONGER WHEN WE'RE CONNECTED.
ASEAN ICT Masterplan 2015

THE ASEAN ICT Masterplan 2020

Policy Frameworks and Guidelines

ASEAN Model Contractual Clauses for Cross Border Data Flows

1st ASEAN DIGITAL MINISTERS' MEETING (ADGMIN) 2020

IMPLEMENTING GUIDELINES FOR ASEAN DATA MANAGEMENT FRAMEWORK AND ASEAN CROSS BORDER DATA FLOWS MECHANISM

APPROVED BY
Approved by the 1st ASEAN Digital Ministers' Meeting (ADGMIN), January 2021

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ASEAN Framework on Data Governance

(endorsed at the 18th ASEAN TELMIN meeting in December 2018)

Strategic Priorities:

1. Data Life Cycle & Ecosystem
2. Cross Border Data Flows
3. Digitalization and Emerging Technologies
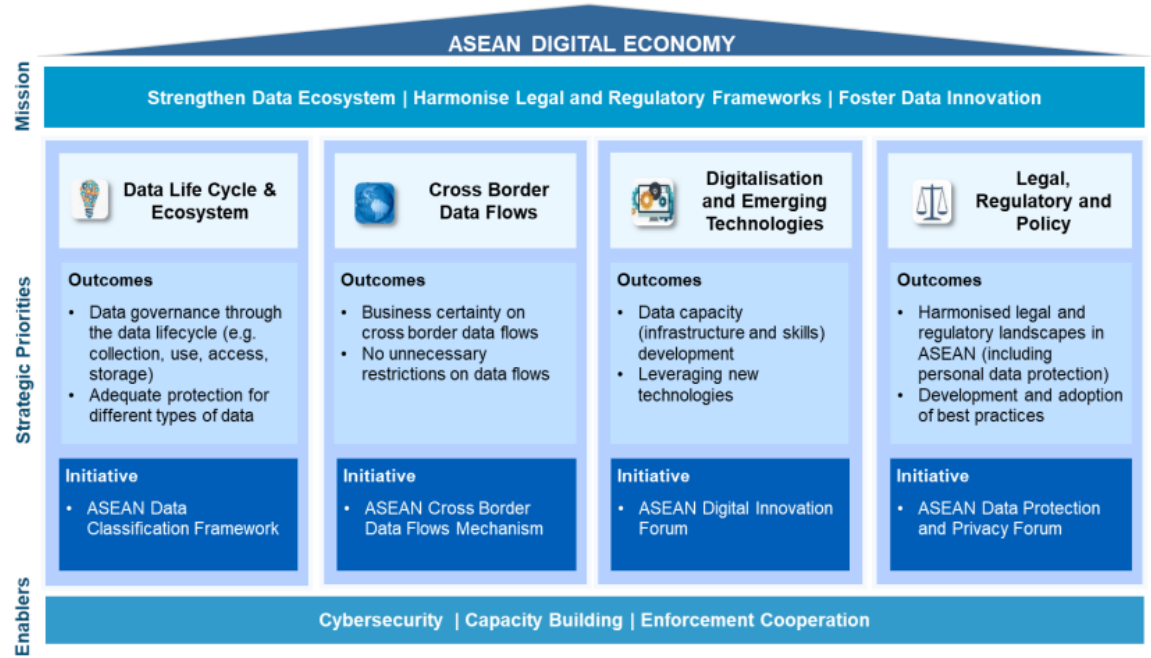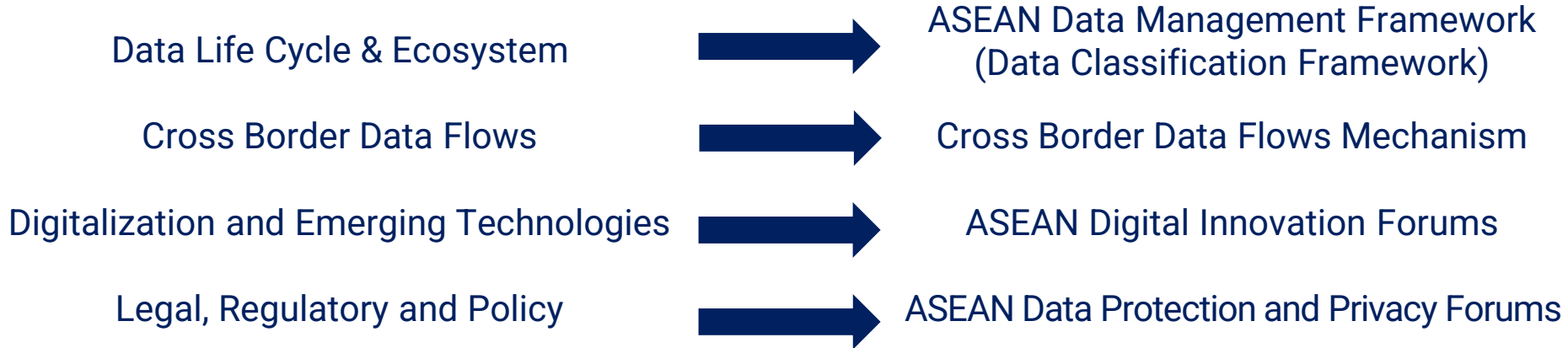4. Legal, Regulatory and Policy

ASEAN DIGITAL ECONOMY

Mission: Strengthen Data Ecosystem | Harmonise Legal and Regulatory Frameworks | Foster Data Innovation

Strategic Priorities

Data Life Cycle & Ecosystem	Cross Border Data Flows	Digitalisation and Emerging Technologies	Legal, Regulatory and Policy
Outcomes • Data governance through the data lifecycle (e.g. collection, use, access, storage) • Adequate protection for different types of data	**Outcomes** • Business certainty on cross border data flows • No unnecessary restrictions on data flows	**Outcomes** • Data capacity (infrastructure and skills) development • Leveraging new technologies	**Outcomes** • Harmonised legal and regulatory landscapes in ASEAN (including personal data protection) • Development and adoption of best practices
Initiative • ASEAN Data Classification Framework	**Initiative** • ASEAN Cross Border Data Flows Mechanism	**Initiative** • ASEAN Digital Innovation Forum	**Initiative** • ASEAN Data Protection and Privacy Forum

Enablers: Cybersecurity | Capacity Building | Enforcement Cooperation

Figure 1 – Summary of the ASEAN Framework on Digital Data Governance

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ASEAN Framework on Data Governance
(endorsed at the 18th ASEAN TELMIN meeting in December 2018)
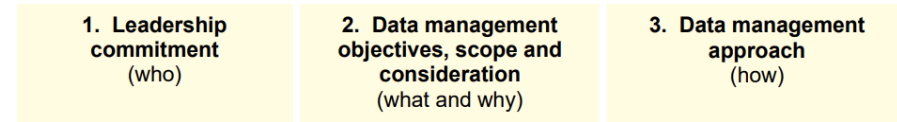
Strategic Priorities		Initiatives
Data Life Cycle & Ecosystem	→	ASEAN Data Management Framework (Data Classification Framework)
Cross Border Data Flows	→	Cross Border Data Flows Mechanism
Digitalization and Emerging Technologies	→	ASEAN Digital Innovation Forums
Legal, Regulatory and Policy	→	ASEAN Data Protection and Privacy Forums

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1. ASEAN Data Management (Data Classification) Framework

1. Governance & Oversight

Establish data management functions	Implement business process function	Monitor risk management function
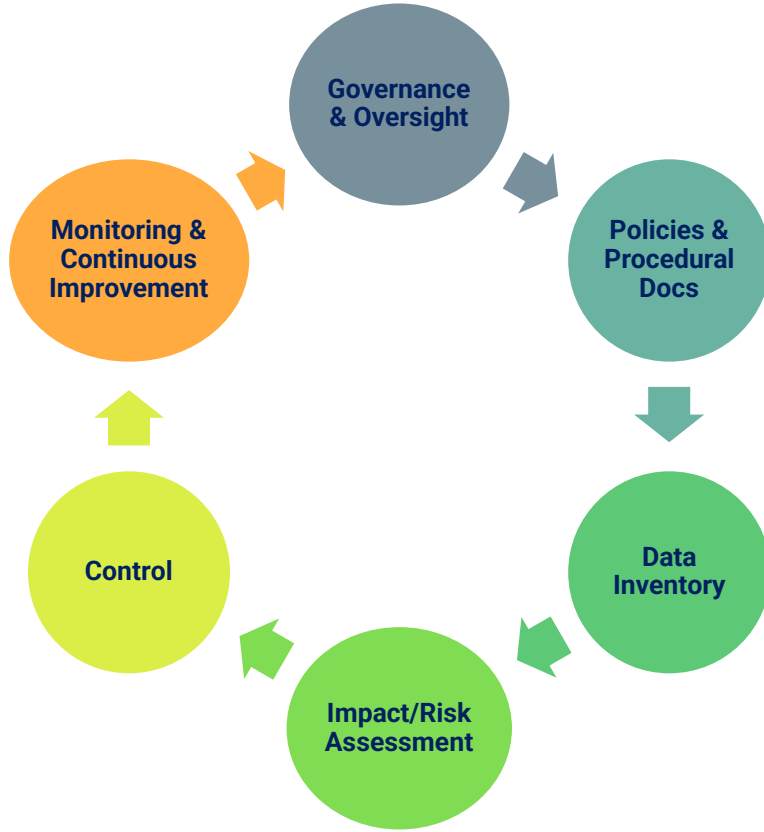
2. Policies and Procedure Components

1. Leadership commitment (who)	2. Data management objectives, scope and consideration (what and why)	3. Data management approach (how)

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1. ASEAN Data Management (Data Classification) Framework

3. Data Inventory
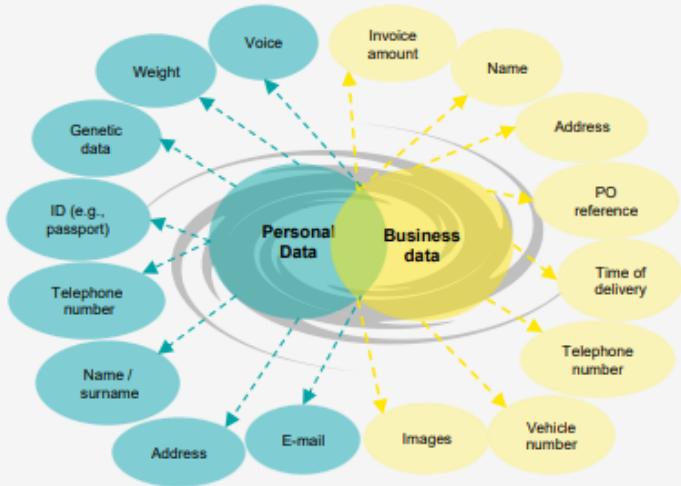
Data Type and Element

List of possible data elements in a business environment (non-exhaustive)

- **Delivery / logistics:** Recipient address, recipient name, purchase order, bill of landing
- **Health / fitness:** Location, weight, height
- **Education - Online learning:** Name, student ID, education records
- **Marketing - Digital Communications / search engines:** Voice, video, images, text
- **Human Resource:** Salary, performance records, training
- **Ride hailing / private transport:** Name, address, location, vehicle no., loyalty point
- **Sales - E-commerce / online retail:** Name, contact no.
- **Meteorology:** Location, geospatial, satellite images

Why are we collecting, using and storing this data the data?

Who is the employee and department responsible for this data within the company?

What type of data are we accessing (personal data or business data?

Where is the data located (dataset /file)?

How are we accessing the data?

Question: Data Possession

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1. ASEAN Data Management (Data Classification) Framework

4. Impact/Risk Assessment

Parameters Impact when the data is compromised:

Confidentiality (C): Risk of unauthorized / inappropriate disclosure.

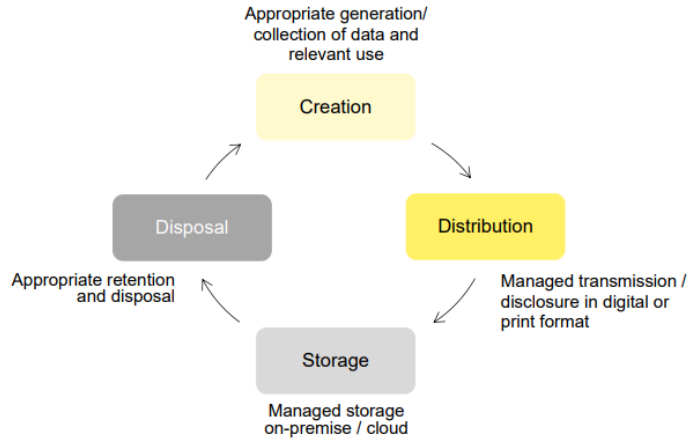**Integrity (I):** Risk to information quality / corruption.

Availability (A): Risk to information not being available to intended users.

Impact Level Matrix:

Impact categories	Financial Impact	Operational Impact	Reputational Impact	Legal / Compliance Impact
Tier 1	Compromise of information to cause **significant** harm / damage towards operations, organisations and individuals			
Tier 2	Compromise of information to cause **moderate** harm / damage towards operations, organisations and individuals			
Tier 3	Compromise of information to cause **limited** harm / damage towards operations, organisations and individuals, or does not cause any harm			

1. ASEAN Data Management (Data Classification) Framework

5. Control

Data Life Cycle

	Creation	Distribution	Storage	Disposal
Tier 1	• Multi factor authentication • Encryption (at rest) • Firewalls • Protection markings	• Encryption (in transit) • Non-disclosure agreements and Confidentiality Agreements • Data Loss Prevention (DLP) technologies • Information Labelling (Hardcopy)	• No Data Caching • Hot/ warm disaster recovery site • End-point encryption • Vulnerability Management & Penetration testing	• Media sanitisation prior to disposal
Tier 2	• Acceptable Usage Policy (e.g., mobile Device Management) • Password Protection / authentication	• Session Management • Control printing	• Cache management • Cold Disaster Recovery Site	• Media sanitisation prior to disposal
Tier 3	• Access Control (general and privileged users)	• Printing on a need-to basis	• Data backup	• Retention policy

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2. ASEAN Cross Border Data Flows (CBDF) Mechanism

The Key Approaches adopted at the 19th TELMIN in Vientiane, Lao PDR, in November 2019, proposed that ASEAN focus on developing two mechanisms:

ASEAN Model Contractual Clauses (MCCs) – **Approved**

ASEAN Certification for Cross Border Data Flows – **In Progress**

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3. ASEAN Data Protection and Privacy Forum (ADPPF)

ADPPF is held annually:

1st ADPPF on 19 August 2019, Bangkok: Chaired by Philippines

2nd ADPPF on 03 December 2019 in Cebu: Chaired by Philippines

3rd ADPPF on 18-19 August 2020, Virtually: Chaired by Singapore

4th ADPPF on 29 September 2021, Virtually: Chaired by Thailand

5th ADPPF to be held on 12 October 2022, Virtually: Chaired by Vietnam

4. ASEAN Digital Innovation Forum (DIF)

DIF is held annually/bienually:

> Viet Nam hosted the inaugural Forum on 12 August 2019, in Ha Noi

Data Governance Legal Framework in Cambodia

No any comprehensive data protection and governance regulations:

- Constitutions (Art.40. rights to privacy)

- Civil Code (Art.10, 11, 12, 13)

- Penal Code (Art. 301,302, 314, 318, 427)

- e-Commerce Law (Art.32)

- Telecommunications Law (Art.65)

- Other sectors specific regulations (banking, finance, health, …)

Important Laws and Regulations

In drafting:

- Draft law on Cybercrime

- Draft Law on Cybersecurity

Conceptualize and Inceptions:

- Personal Data Protection Regulations

Cybersecurity vs. Cybercrime[2]

	Cybersecurity	Cybercrime
Definition	Measures taken to protect a computer or computer system (as on the Internet) against unauthorised access or attack	Criminal activities that involve the use of a computer or the Internet
Attack Type	Technical, computer-focused	Non-technical, human-focused
Target Victim	Infrastructure, government, businesses	Individuals, families
Example	Malware, denial-of-service	Cyberbullying, Internet scams

(Source: CDRI (2020))

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Important Laws and Regulations (cont.)

Components should be included in Cybersecurity regulations:

- Governance Framework and body

- Critical Information Infrastructure (CII)

- Licensing Scheme

- Security measure for prevention, protection and responses

Currently, is being drafted by MPTC

Important Laws and Regulations (cont.)

Personal Data Protection:

- Governance Framework and body

- Personal Data Definition

- Rights and Obligation for Processing Personal Data

- Sanctions

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Discussion on the Progress of Cybersecurity Law and Personal Data Protection Regulation

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Q&A

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IN CAMBODIA

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THANK YOU!

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