

# *Summary of Breach Notification Laws*

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Summary of Breach Notification Rules/Legislation/Guidelines in Selected Asian Jurisdictions  
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Jurisdiction	Legislation/ Rules/ Guidelines etc.	Mandatory to notify when breach occurs?	Relevant Legislation / Rules / Guidelines
Hong Kong	Guideline	No	<ul style="list-style-type: none"> <li>Guidance on Data Breach Handling and the Giving of Breach Notifications (Revised in January 2019) <a href="https://www.pcpd.org.hk/english/resources_centre/publications/files/DataBreachHandling2015_e.pdf">https://www.pcpd.org.hk/english/resources_centre/publications/files/DataBreachHandling2015_e.pdf</a></li> </ul>
China	Laws and Regulations, but no one all-encompassing law, rules relevant to data breach notifications	Yes (to both affected individuals and relevant regulators)	<ul style="list-style-type: none"> <li>Cybersecurity Law 2017 (bilingual Chinese – English) <a href="http://www.lawinfochina.com/display.aspx?id=22826&amp;lib=law">http://www.lawinfochina.com/display.aspx?id=22826&amp;lib=law</a></li> <li>National Standards on Information Security Technology - Personal Information Security Specification GB/T 35273-2017 (Chinese only) <a href="https://www.tc260.org.cn/upload/2018-01-24/1516799764389090333.pdf">https://www.tc260.org.cn/upload/2018-01-24/1516799764389090333.pdf</a></li> <li>Revised Draft of National Standards on Information Security Technology - Personal Information Security Specification GB/T 35273 (Chinese only) (Revised draft released on 30 January 2019 for public consultation) <a href="https://www.tc260.org.cn/upload/2019-02-01/1549013548750042566.pdf">https://www.tc260.org.cn/upload/2019-02-01/1549013548750042566.pdf</a></li> <li>MIIT Notice on the Recent Internet Websites Data Breach Events 2011</li> </ul>

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			<p>(Chinese only)  <a href="http://www.gov.cn/zwgk/2011-12/29/content_2032673.htm">http://www.gov.cn/zwgk/2011-12/29/content_2032673.htm</a></p> <ul style="list-style-type: none"> <li>Information Security Technology -- Guidelines on Personal Information Protection of Public and Commercial Service Information Systems (GB/Z 28828-2012)  bilingual Chinese – English)  <a href="http://en.pkulaw.cn/Display.aspx?lib=law&amp;Cgid=221035">http://en.pkulaw.cn/Display.aspx?lib=law&amp;Cgid=221035</a></li> <li>Regulations on a provincial level (non-exhaustive list): <ul style="list-style-type: none"> <li>Regulations of Jiangsu Province on the Protection of Consumers' Rights and Interests 2017  (Chinese only)  <a href="http://www.jsrd.gov.cn/zyfb/sjfg/201704/t20170406_458147.shtml">http://www.jsrd.gov.cn/zyfb/sjfg/201704/t20170406_458147.shtml</a></li> <li><i>Regulations of Gansu Province on the Protection of Consumers' Rights and Interests 2015</i>  (Chinese only)  <a href="http://www.cca.org.cn/wqfg/detail/13755.html">http://www.cca.org.cn/wqfg/detail/13755.html</a></li> <li>Regulations of Shanghai Municipality on the Protection of Consumers' Rights and Interests 2014  (Chinese only)  <a href="http://www.spcsc.sh.cn/n1939/n1948/n1949/n2329/u1ai146505.html">http://www.spcsc.sh.cn/n1939/n1948/n1949/n2329/u1ai146505.html</a></li> </ul> </li> </ul>

Jurisdiction	Legislation/ Rules/ Guidelines etc.	Mandatory to notify when breach occurs?	Relevant Legislation / Rules / Guidelines
Australia	Law and supporting Data Breach Scheme and Guideline	Yes (to both affected individuals and regulator)	<ul style="list-style-type: none"> <li>• Privacy Act 1998 <a href="https://www.legislation.gov.au/Details/C2019C00025">https://www.legislation.gov.au/Details/C2019C00025</a></li> <li>• Privacy Amendment (Notifiable Data Breaches) Act 2017 <a href="https://www.legislation.gov.au/Details/C2017A00012">https://www.legislation.gov.au/Details/C2017A00012</a></li> <li>• Notifiable Data Breach Scheme <a href="https://www.oaic.gov.au/privacy-law/privacy-act/notifiable-data-breaches-scheme">https://www.oaic.gov.au/privacy-law/privacy-act/notifiable-data-breaches-scheme</a></li> <li>• Data breach preparation and response — A guide to managing data breaches in accordance with the Privacy Act 1988 (Cth) <a href="https://www.oaic.gov.au/resources/agencies-and-organisations/guides/data-breach-preparation-and-response.pdf">https://www.oaic.gov.au/resources/agencies-and-organisations/guides/data-breach-preparation-and-response.pdf</a></li> </ul>
India	Rules	Yes, but only to relevant regulators in certain instances: (1) banks must report any data breaches to regulator, Reserve Bank of India; and (2) cybersecurity incidents must be reported to the Indian	<ul style="list-style-type: none"> <li>• Reserve Bank of India – Cyber Security Framework in Banks <a href="https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=10435&amp;Mode=0">https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=10435&amp;Mode=0</a></li> <li>• The Information Technology (the Indian Computer Emergency Response Team and Manner of Performing Functions and Duties) Rules, 2013 <a href="https://www.cert-in.org.in/PDF/G.S.R._20(E).pdf">https://www.cert-in.org.in/PDF/G.S.R._20(E).pdf</a></li> </ul>

<b>Jurisdiction</b>	<b>Legislation/ Rules/ Guidelines etc.</b>	<b>Mandatory to notify when breach occurs?</b>	<b>Relevant Legislation / Rules / Guidelines</b>
		<p>Computer Emergency Response Team.</p> <p>No requirement to notify affected individuals.</p> <p>NOTE: proposed new Bill to introduce mandatory data breach notification (not yet in force)</p>	<ul style="list-style-type: none"> <li>Personal Data Protection Bill 2018 (not yet in force)  <a href="https://meity.gov.in/writereaddata/files/Personal_Data_Protection_Bill%2C2018_0.pdf">https://meity.gov.in/writereaddata/files/Personal_Data_Protection_Bill%2C2018_0.pdf</a> </li> </ul>
Indonesia	Regulations	Yes (to both affected individuals and relevant regulators)	<ul style="list-style-type: none"> <li>Regulation No. 82 of 2012 on the Operation of Electronic Systems and Transactions  <a href="http://www.flevin.com/id/lgso/translations/JICA%20Mirror/english/4902_PP_82_2012_e.html">http://www.flevin.com/id/lgso/translations/JICA%20Mirror/english/4902_PP_82_2012_e.html</a> </li> <li>Regulation No. 20 of 2016 on Personal Data Protection in Electronic Systems (Indonesian only)  <a href="https://jdih.kominfo.go.id/produk_hukum/view/id/553/t/peraturan+menteri+komunikasi+dan+informatika+nomor+20+tahun+2016+tanggal+1+desember+2016">https://jdih.kominfo.go.id/produk_hukum/view/id/553/t/peraturan+menteri+komunikasi+dan+informatika+nomor+20+tahun+2016+tanggal+1+desember+2016</a> </li> </ul>
Japan	Law and Guidelines	No	<ul style="list-style-type: none"> <li>Act on the Protection of Personal Information (2017)  <a href="https://www.ppc.go.jp/files/pdf/Act_on_the_Protection_of_Personal_Information.pdf">https://www.ppc.go.jp/files/pdf/Act_on_the_Protection_of_Personal_Information.pdf</a> </li> </ul>

Jurisdiction	Legislation/ Rules/ Guidelines etc.	Mandatory to notify when breach occurs?	Relevant Legislation / Rules / Guidelines
			<ul style="list-style-type: none"> <li>Guidelines on correspondence when personal data leaks occur (Japanese only) <a href="https://www.ppc.go.jp/files/pdf/iinkaikokuzi01.pdf">https://www.ppc.go.jp/files/pdf/iinkaikokuzi01.pdf</a></li> <li>Guidelines for Personal Information Protection in the Financial Field <a href="https://www.fsa.go.jp/frtc/kenkyu/event/20070424_02.pdf">https://www.fsa.go.jp/frtc/kenkyu/event/20070424_02.pdf</a></li> </ul>
Singapore	Regulations	<p>No</p> <p>NOTE: Personal Data Protection Commission is planning on introducing mandatory data breach notification requirement under the proposed amendments to the Personal Data Protection Act in 2019.</p>	<ul style="list-style-type: none"> <li>Personal Data Protection Commission Press release on introducing new mandatory breach notification requirement under the Personal Data Protection Act (22 May 2019) <a href="https://www.pdpc.gov.sg/-/media/Files/PDPC/PDF-Files/Press-Room/2019/2019-05-22-Media-Release-on-Guide-to-Active-Enforcement-and-Data-Portability-Public-Consult.pdf">https://www.pdpc.gov.sg/-/media/Files/PDPC/PDF-Files/Press-Room/2019/2019-05-22-Media-Release-on-Guide-to-Active-Enforcement-and-Data-Portability-Public-Consult.pdf</a></li> <li>Guide to Managing Data Breaches 2.0 (currently in force) <a href="https://www.pdpc.gov.sg/-/media/Files/PDPC/PDF-Files/Other-Guides/Guide-to-Managing-Data-Breaches-2-0.pdf">https://www.pdpc.gov.sg/-/media/Files/PDPC/PDF-Files/Other-Guides/Guide-to-Managing-Data-Breaches-2-0.pdf</a> and previous Guide to Managing Data Breached 1.0 <a href="https://www.pdpc.gov.sg/-/media/Files/PDPC/PDF-Files/Other-Guides/guide-to-managing-data-breaches-v1-0-(080515).pdf">https://www.pdpc.gov.sg/-/media/Files/PDPC/PDF-Files/Other-Guides/guide-to-managing-data-breaches-v1-0-(080515).pdf</a></li> </ul>
South Korea	Law	<p>Yes (to affected individuals, and if the number of affected data subjects exceeds 10,000, then notification to the</p>	<ul style="list-style-type: none"> <li>Personal Information Protection Act <a href="https://www.privacy.go.kr/eng/laws_view.do?nttId=8186&amp;imgNo=1">https://www.privacy.go.kr/eng/laws_view.do?nttId=8186&amp;imgNo=1</a></li> <li>The Act On Promotion Of Information And Communications Network Utilization And Data Protection, Etc <a href="http://www.koreanlii.or.kr/w/images/d/df/DPA2014_ext.pdf">http://www.koreanlii.or.kr/w/images/d/df/DPA2014_ext.pdf</a></li> </ul>

Jurisdiction	Legislation/ Rules/ Guidelines etc.	Mandatory to notify when breach occurs?	Relevant Legislation / Rules / Guidelines
		relevant regulator is required)	
Malaysia	Guideline (for Banking industry only)	Generally no, except for Banking industry  NOTE:  Personal Data Protection Department has proposed amendments to the Personal Data Protection Act 2010 introducing mandatory data breach notification requirement	<ul style="list-style-type: none"> <li>Management of Customer Information and Permitted Disclosures (Guidelines issued by the Central Bank of Malaysia) <a href="http://www.bnm.gov.my/index.php?ch=57&amp;pg=144&amp;ac=632&amp;bb=file">http://www.bnm.gov.my/index.php?ch=57&amp;pg=144&amp;ac=632&amp;bb=file</a></li> <li>Public Consultation Paper No. 1/2018 The Implementation Of Data Breach Notification <a href="http://www.pdp.gov.my/images/pdf_folder/PCP-1-2018-DBN-Ver2.pdf">http://www.pdp.gov.my/images/pdf_folder/PCP-1-2018-DBN-Ver2.pdf</a></li> </ul>
The Philippines	Law and Regulations	Yes (to both affected individuals and regulator)	<ul style="list-style-type: none"> <li>Data Privacy Act (2012) <a href="https://www.privacy.gov.ph/data-privacy-act/">https://www.privacy.gov.ph/data-privacy-act/</a></li> <li>Implementing Rules and Regulations of the Data Privacy Act of 2012 <a href="https://www.privacy.gov.ph/implementing-rules-regulations-data-privacy-act-2012/">https://www.privacy.gov.ph/implementing-rules-regulations-data-privacy-act-2012/</a></li> </ul>

Jurisdiction	Legislation/ Rules/ Guidelines etc.	Mandatory to notify when breach occurs?	Relevant Legislation / Rules / Guidelines
			<ul style="list-style-type: none"> <li data-bbox="1024 305 1818 410">NPD Circular 16-03 – Personal Data Breach Management <a href="https://www.privacy.gov.ph/memorandum-circulars/npc-circular-16-03-personal-data-breach-management/">https://www.privacy.gov.ph/memorandum-circulars/npc-circular-16-03-personal-data-breach-management/</a></li> </ul>
Taiwan	Law	Yes	<ul style="list-style-type: none"> <li data-bbox="1024 483 1892 589">Personal Information Protection Act (2015) <a href="https://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=I0050021">https://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=I0050021</a></li> </ul>