“There are no better-qualified authors than Professor Schwartz and Solove to summarize the current state of privacy law and, as a result, there is no better compact privacy law resource than Privacy Law Fundamentals.”
– Christopher Wolf, Hogan Lovells US LLP

“This book is my go-to reference for when I need quick, accurate information on privacy laws across sectors and jurisdictions. Solove and Schwartz masterfully make complex privacy law more accessible and understandable for anyone, from the most experienced practitioner to first year law student.”
– Nuala O’Connor, Center for Democracy & Technology

“The go-to privacy law reference that you will keep going to. Professors Schwartz and Solove manage to distill without distorting and to outline without obscuring. Part reference, part primer and part pathfinder, Privacy Law Fundamentals is the ultimate privacy law resource.”
– Tom Counts, Paul Hastings LLP

“This is the essential primer for all privacy practitioners. Professors Solove and Schwartz have done a remarkable job of keeping this volume current in the fast-changing environment of new technology, case law and legislation.”
– David A. Hoffman, Intel Corporation

ABOUT THE AUTHORS

DANIEL J. SOLOVE is the John Marshall Harlan Research Professor of Law at the George Washington University Law School. He is also President and CEO of TeachPrivacy, a privacy and security training company.

PAUL M. SCHWARTZ is Jefferson E. Peyser Professor of Law at Berkeley Law School and a director of the Berkeley Center for Law & Technology. He is also a special advisor at Paul Hastings.
Privacy Law Fundamentals

Daniel J. Solove
John Marshall Harlan Research Professor of Law
George Washington University Law School
and
Senior Policy Advisor
Hogan Lovells
and
President and CEO
TeachPrivacy, LLC

&

Paul M. Schwartz
Jefferson E. Peyser Professor of Law
U.C. Berkeley School of Law
and
Director
Berkeley Center for Law & Technology
and
Special Advisor
Paul Hastings LLC

An IAPP Publication
ABOUT PRIVACY LAW FUNDAMENTALS

“Two giants of privacy scholarship succeed in distilling their legal expertise into an essential guide for a broad range of the legal community. Whether used to learn the basics or for quick reference, Privacy Law Fundamentals proves to be concise and authoritative.”

– Jules Polonetsky, Future of Privacy Forum

“There are no better-qualified authors than Professor Schwartz and Solove to summarize the current state of privacy law and, as a result, there is no better compact privacy law resource than Privacy Law Fundamentals.”

– Christopher Wolf, Hogan Lovells US LLP

“This book is my go-to reference for when I need quick, accurate information on privacy laws across sectors and jurisdictions. Solove and Schwartz masterfully make complex privacy law more accessible and understandable for anyone, from the most experienced practitioner to first year law student.”

– Nuala O’Connor, Center for Democracy and Technology

“Professors Solove and Schwartz pack an enormous amount of privacy knowledge into a slim volume in Privacy Law Fundamentals. In our fast-paced practice, there’s nothing better than a compact and accessible work that is curated by two of the great thinkers of the field. It is a gem.”

– Kurt Wimmer, Covington & Burling LLP

“The go-to privacy law reference that you will keep going to. Professors Schwartz and Solove manage to distill without distorting and to outline without obscuring. Part reference, part primer and part pathfinder, Privacy Law Fundamentals is the ultimate privacy law resource.”

– Tom Counts, Paul Hastings LLP

“This is the essential primer for all privacy practitioners. Professors Solove and Schwartz have done a remarkable job of keeping this volume current in the fast-changing environment of new technology, case law and legislation.”

– David A. Hoffman, Intel Corporation
Daniel J. Solove is the John Marshall Harlan Research Professor of Law at the George Washington University Law School. He is also a senior policy advisor at Hogan Lovells and the President and CEO of TeachPrivacy, http://teachprivacy.com, a company that provides privacy and data security training to organizations in a wide array of industries. One of the world's leading experts in privacy law, Solove is the author of numerous books, including Nothing to Hide: The False Tradeoff Between Privacy and Security (Yale 2011), Understanding Privacy (Harvard 2008), The Future of Reputation: Gossip and Rumor in the Information Age (Yale 2007; winner of the 2007 McGannon Award), and The Digital Person: Technology and Privacy in the Information Age (NYU 2004). Professor Solove is also the co-author (with Paul Schwartz) of a textbook, Information Privacy Law, with Aspen Publishing Co., now in its fourth edition. Additionally, he is the author of several other textbooks, including Privacy and the Media (1st edition, Aspen Publishing Co. 2009) and Privacy, Information, and Technology (3rd edition, Aspen Publishing Co. 2012), all with Paul Schwartz. He has published nearly 40 articles and essays.

Solove has testified before the U.S. Congress and has been involved as an expert and consultant in a number of high-profile privacy cases. He has been interviewed and featured in several hundred media broadcasts and articles in publications and on networks including The New York Times, The Wall Street Journal, The Washington Post, Chicago Tribune, USA Today, Associated Press, Time, Newsweek, People, Reader’s Digest, ABC, CBS, NBC, CNN, NPR and C-SPAN’s “Book TV.”

For more information about Professor Solove’s work go to www.danielsolove.com. He can also be followed on Twitter at http://twitter.com/DanielSolove. As one of a select group of LinkedIn “Influencers,” Professor Solove blogs at LinkedIn, http://www.linkedin.com/today/post/articles/2259773, on privacy and data security issues. His blog has more than 850,000 followers.

Schwartz has testified as an expert before congressional committees in the United States and provided legal reports to the Commission of the European Community and Department of Justice, Canada. He has assisted numerous corporations in the United States and abroad with information privacy issues. A member of the American Law Institute, Schwartz has received scholarships and grants from the American Academy in Berlin, where he was a Berlin Prize Fellow; the Alexander von Humboldt Foundation; German Marshall Fund; Fulbright Foundation; the German Academic Exchange, and the Harry Frank Guggenheim Foundation. He is a member of the American Law Institute and the organizing committee of the Privacy Law Salon.

Schwartz belongs to the editorial boards of International Data Privacy Law, the International Journal of Law and Information Technology, and the Zeitschrift für Datenschutz (Data Protection Journal).

Schwartz received a JD degree from Yale Law School, where he was a senior editor on The Yale Law Journal, and a BA degree from Brown University. His homepage is www.paulschwartz.net.
DEDICATION

To Pamela and Griffin—DJS

To Steffie, Clara and Leo—PMS
This book provides a concise guide to privacy law. Privacy Law Fundamentals is designed to serve as a primer of the essential information that one needs to know about the field. For the student of privacy law or the beginning privacy professional, the book will provide an overview that can be digested readily. For the more seasoned and experienced, the book will serve as a handy reference guide, a way to refresh one's memory of key components of privacy laws and central cases. It will help close gaps in knowledge and inform on areas of the field about which one wants to know more.

In writing this book, we have aimed to avoid the “too-much-information” problem by singling out the essential provisions of law, regulations and judicial decisions. A frequent risk in law books is that key definitions, provisions and concepts will become lost in a litany of very long and dense statutes and in a mass of cases. We have endeavored to distill the field down to its fundamentals and present this information in as clear and useful a manner as possible. Wherever possible, we have developed charts and lists to convey the material.

The book is organized in thirteen chapters:

• Chapter One—a review of the key privacy developments since the last edition of this book.

• Chapter Two—an overview of privacy law in all its varied types and forms and a timeline with key points in the development of privacy law.

• Chapter Three—privacy law involving the media, including the privacy torts, defamation and the First Amendment.
Chapter Four—the law of domestic law enforcement, focusing on the Fourth Amendment and the statutes regulating electronic surveillance.

Chapter Five—national security law, including the Foreign Intelligence Surveillance Act.

Chapter Six—the laws and regulations that pertain to health and genetic data, including HIPAA.

Chapter Seven—government records and laws, such as the Privacy Act and the Freedom of Information Act.

Chapter Eight—the laws concerning financial information, including the Fair Credit Reporting Act and the Gramm-Leach-Bliley Act.

Chapter Nine—legal regulation of the privacy of consumer data and business records, involving statutes, tort protections and FTC enforcement actions.

Chapter Ten—data security law, including the varying laws in a majority of the states.

Chapter Eleven—school privacy, including the Family Educational Rights and Privacy Act.

Chapter Twelve—the regulation of employment privacy, including the different rules for government and private-sector employees.

Chapter Thirteen—international privacy law, including the EU Data Protection Directive, the OECD Guidelines, the APEC Privacy Framework and rules of international data transfers.

For his suggestions on our chapter about school privacy, we wish to thank Steven McDonald. This book also benefitted greatly from the research assistance of Henry Becker, Benedikt Burger, Sarah Chai, Leah Duranti, Yan Fang, Bill Friedman, Thad Houston, Jesse Koehler, Lea Mekhneche, Devon Mongeluzzi, Joseph Mornin, and Lourdes Turrecha.

For further references, including books, websites, statutes and other sources of news and legal materials, visit our website (http://informationprivacylaw.com), and for our casebooks, click on the “resources” tab at the top.

We look forward to keeping this book up to date and to finding additional ways to make it as useful as possible. Please feel free to contact us with any suggestions and feedback about the book.

Daniel J. Solove
Washington, DC
dsolove@law.gwu.edu

Paul M. Schwartz
Berkeley, CA
pschwartz@law.berkeley.edu
# TABLE OF CONTENTS

---

**CHAPTER 1. NEW DEVELOPMENTS** ................................................................. 1

- Policy Initiatives and Other General Developments .............................. 1
- Privacy and the Media .............................................................................. 5
  - New Laws of Note ............................................................................. 5
- Privacy and Law Enforcement ................................................................. 6
  - Fourth Amendment ........................................................................... 6
- National Security and Foreign Intelligence ............................................ 8
  - The Fourth Amendment .................................................................. 8
  - Foreign Intelligence Surveillance Act (FISA) .................................. 9
- Health Privacy ....................................................................................... 10
  - Health Insurance Portability and Accountability Act (HIPAA) .... 10
- Government Records ........................................................................ 11
  - DNA Databases ............................................................................ 11
- Financial Data .................................................................................. 12
  - Notable Reports and Documents .................................................... 12
  - New CFPB Rulemaking .................................................................. 12
  - Notable FTC FCRA Enforcement Actions .................................... 13
- Consumer Data ............................................................................... 15
  - Personally Identifiable Information ............................................... 15
  - Standing ......................................................................................... 15
  - Torts .............................................................................................. 16
  - Contracts ....................................................................................... 16
  - Notable FTC Cases ....................................................................... 16
  - Children’s Online Privacy Protection Act (COPPA) ...................... 18
  - FTC COPPA Cases ....................................................................... 18
  - Video Privacy Protection Act (VPPA) ......................................... 18
Telephone Consumer Protection Act (TCPA) .................................................... 19
Electronic Communication Privacy Act (ECPA) ............................................. 19

Data Security ........................................................................................................ 21
FTC Enforcement Under Section 5 of the FTC Act: Leading Case ............... 21
Notable FTC Data Security Enforcement Actions ......................................... 21
Notable Cases ..................................................................................................... 21
New Laws ........................................................................................................... 21

Education Privacy .............................................................................................. 24
New State Student Data Collection, Use, and Disclosure Laws ..................... 24
New Social Media Account Access Statutes ..................................................... 25
Other Developments ......................................................................................... 26

Employment Privacy .......................................................................................... 27
New NLRB Cases ............................................................................................... 27
State Criminal Background Check “Ban the Box” Laws ................................ 28
New Employer Access to Employee Social Media Account Laws .................. 29

International Privacy Law .................................................................................. 30
OECD Privacy Guidelines ................................................................................. 30
ECHR Cases ........................................................................................................ 31
New Max Mosley Cases .................................................................................... 31
EU Data Protection Directive ............................................................................ 31
Notable National Caselaw relating to Search Engines ..................................... 32
EU Proposed Data Protection Regulation ....................................................... 32
The US-EU Safe Harbor Arrangement ............................................................... 33
EU Data Retention Directive ............................................................................ 34
New Developments: Canada .......................................................................... 34
New Developments: Singapore ..................................................................... 35

CHAPTER 2. INTRODUCTION: AN OVERVIEW OF PRIVACY LAW ............ 39

Essential Points .................................................................................................. 39
Types of Privacy Law .......................................................................................... 40
Torts ....................................................................................................................... 40

Call Out: Torts Most Commonly Involved in Privacy Cases ......................... 40
Call Out: Origin of the Privacy Torts ................................................................. 40
Contract/Promissory Estoppel ......................................................................... 41
Criminal Law ....................................................................................................... 41
Evidentiary Privileges ....................................................................................... 41
Federal Constitutional Law .............................................................................. 41

Call Out: Ways the U.S. Constitution Protects Privacy ..................................... 41
State Constitutional Law ................................................................................... 41

Call Out: States with Express Constitutional Privacy Protection ................. 42
Federal Statutory Law ....................................................................................... 42
State Statutory Law ............................................................................................ 44

Call Out: Areas of State Legislation on Privacy .............................................. 44
International Law ............................................................................................... 45

The Chief Privacy Officer .................................................................................. 46

Call Out: The Development of Privacy Law: A Timeline .......................... 47
For Further Reference ................................................................. 53

CHAPTER 3. PRIVACY AND THE MEDIA .................................................. 55

Essential Points .............................................................................. 55

The Privacy Torts ........................................................................... 55
Public Disclosure of Private Facts ...................................................... 56
   Call Out: Approaches to the Newsworthiness Test .......................... 56
Intrusion Upon Seclusion ................................................................. 56
   Call Out: What Constitutes a Privacy Interest? ................................. 57
   Call Out: Highly Offensive to a Reasonable Person .......................... 58
False Light ....................................................................................... 59
Appropriation of Name or Likeness .................................................... 59

Other Torts ..................................................................................... 59
Intentional Infliction of Emotional Distress ......................................... 59
Breach of Confidentiality ................................................................. 60
   Call Out: Public Disclosure Tort vs. Breach of Confidentiality Tort ... 60

Other Privacy Laws of Note ............................................................ 60
Video Voyeurism Prevention Act (VVPA) ........................................... 60
State Video Voyeurism Statutes ......................................................... 60
“Peeping Tom” Laws ......................................................................... 61
Blackmail Laws ................................................................................ 61
California Anti-Paparazzi Act, Cal Civ. Code § 1708.8 ....................... 61
Revenge Porn Statutes ....................................................................... 61

Defamation Law .............................................................................. 61
Libel and Slander ............................................................................. 61
First Amendment Restrictions .......................................................... 62
   Call Out: Actual Malice ................................................................ 62
   Call Out: Public vs. Private Figures ............................................... 63
   Call Out: Defamation Fault Standards ........................................... 63
Communications Decency Act (CDA) ................................................ 63

The First Amendment ..................................................................... 64
   Call Out: The First Amendment and Torts ....................................... 66
   Call Out: Anti-SLAPP .................................................................... 67

Anonymous Speech ....................................................................... 67
   Call Out: Standards for Unmasking Anonymous Speakers ............... 68

Privacy of Reading and Intellectual Exploration ............................. 68
   Call Out: Reporter's Privilege ....................................................... 69

For Further Reference ................................................................. 69

CHAPTER 4. PRIVACY AND LAW ENFORCEMENT ................................ 73

Essential Points .............................................................................. 73

The Fourth Amendment ................................................................. 74
   Call Out: How the Fourth Amendment Works ................................. 75
   Call Out: Key Fourth Amendment Doctrines .................................. 77
Call Out: Fourth Amendment Reasonable Expectation of Privacy .......... 77
Call Out: Exceptions to the Warrant and Probable Cause Requirements ...... 78
Electronic Communications ........................................................................... 79
Electronic Communications Privacy Act (ECPA) ........................................ 79
Types of Communications in ECPA .............................................................. 79
The Wiretap Act .......................................................................................... 80
The Stored Communications Act ................................................................. 81
The Pen Register Act .................................................................................... 82
Call Out: Key Facts About ECPA ............................................................... 84
Call Out: The Fourth Amendment vs. Electronic Surveillance Law .............. 85
Communications Assistance for Law Enforcement Act (CALEA) ................. 86
State Electronic Surveillance Law ................................................................. 86
Call Out: Recording Police Encounters ....................................................... 87
Call Out: State Electronic Surveillance Statutes ............................................ 88
Government Access to Personal Data ............................................................ 89
Fourth Amendment: Third-Party Doctrine .................................................. 89
Bank Secrecy Act (1970) ............................................................................. 89
Right to Financial Privacy Act (RFPA) (1978) .............................................. 90
Subpoenas ...................................................................................................... 90
Searches and Seizures of Media Documents ................................................. 92
Privacy Protection Act (PPA) ....................................................................... 92
For Further Reference .................................................................................. 93

CHAPTER 5. NATIONAL SECURITY AND FOREIGN INTELLIGENCE .......... 97
Essential Points ........................................................................................... 97
The Fourth Amendment .............................................................................. 98
Foreign Intelligence Gathering ...................................................................... 99
Foreign Intelligence Surveillance Act (FISA) ............................................... 99
Government Access to Personal Data for National Security Purposes ....... 101
National Security Letter (NSLs) ................................................................. 101
USA Patriot Act .......................................................................................... 101
State Secrets ............................................................................................... 101
The Intelligence Community ..................................................................... 102
Intelligence Agencies .................................................................................. 102
Intelligence Reform and Terrorism Prevention Act (IRTPA) ....................... 102
For Further Reference ................................................................................. 103

CHAPTER 6. HEALTH PRIVACY ............................................................ 107
Essential Points ........................................................................................... 107
Patient-Physician Confidentiality ............................................................... 108
Ethical Rules ............................................................................................... 108
Evidentiary Privileges ................................................................................ 108
The Breach of Confidentiality Tort. ............................................................. 108
Public Disclosure of Private Facts .........................................................109

Call Out: Key Points: Common Law Torts and Medical Information ..... 109

Tort Liability for Failing to Disclose Personal Data .............................109

Medical Information ...........................................................................110

State Regulation ..................................................................................110

Call Out: Texas’ Medical Privacy Act, Tex. Health & Safety Code ....... 111

Health Insurance Portability and Accountability Act Regulations (HIPAA)......111

Call Out: De-Identifying Data Under HIPAA ......................................113

Call Out: HIPAA Myths and Facts ....................................................115

Call Out: HIPAA Problems to Avoid ..............................................116

OCR HIPAA Enforcement Actions ....................................................116

Call Out: HHS HIPAA Resolution Agreements ..................................117

The Common Rule ............................................................................128

Federal Drug and Alcohol Confidentiality Statute ..............................128

Subpoenas for Medical Information .................................................129

Constitutional Protections ..................................................................129

Constitutional Right to Privacy ..........................................................129

Constitutional Right to Information Privacy .......................................130

Fourth Amendment ...........................................................................131

Genetic Information ..........................................................................131

Genetic Testing and Discrimination ..................................................131

For Further Reference .........................................................................131

CHAPTER 7. GOVERNMENT RECORDS ...........................................135

Essential Points ..................................................................................135

Fair Information Practices (FIPs) .......................................................136

Court Records ....................................................................................136

Common Law Right to Access Court Records ....................................136

Protective Orders ...............................................................................137

Depositions and Interrogatories .......................................................137

Pseudonymous Litigation .................................................................137

Juror Privacy .....................................................................................137

The First Amendment Right to Access ............................................137

Public Records ..................................................................................138

Freedom of Information Act (FOIA) ..................................................138

State Public Records .........................................................................139

Call Out: State Freedom of Information Statutes ...............................140

Call Out: The Constitution and Data in Public Records ....................140

Call Out: When Does the Constitution Limit the Government from Disclosing Personal Information? ..................................................141

Critical Infrastructure Information Act (CIIA) .....................................141

Privacy Rights in Government Records ............................................142

The Privacy Act .................................................................................142

Call Out: Establishing a Violation of the Privacy Act .......................144

State Privacy Acts .............................................................................145

California’s Information Practice Act ................................................145

xv
Massachusetts’ Fair Information Practices Act .......................................... 145
Minnesota’s Government Data Practices Act ............................................. 145
New York’s Personal Privacy Protection Act ............................................. 146
Wisconsin’s Fair Information Practices Act .............................................. 146
  Call Out: State Statutes Regulating Government Website Privacy Policies ... 146
Computer Matching and Privacy Protection Act (CMPPA) ......................... 147
DNA Databases .......................................................................................... 147
DNA Identification Act ............................................................................. 147
Drivers’ Privacy Protection Act (DPPA) ...................................................... 148
  Call Out: DPPA: Key Points .................................................................... 148
Identification Records and Requirements ................................................. 149
Social Security Numbers .......................................................................... 150
  Call Out: Social Security Numbers .......................................................... 150
Privacy Impact Assessments (PIAs) ............................................................ 151
E-Government Act ..................................................................................... 151
Chief Information Officers (CIOs) .............................................................. 151
Federal Information Security Management Act (FISMA) ......................... 151
For Further Reference ................................................................................ 151

CHAPTER 8. FINANCIAL DATA ........................................................................ 153
Essential Points .......................................................................................... 153
  The Financial Services Industry ............................................................... 153
  Fair Credit Reporting Act (FCRA) ......................................................... 154
    Call Out: The Consumer Financial Protection Bureau ......................... 155
    Call Out: Credit Reporting Limits ....................................................... 156
    Call Out: FCRA: Keys to Compliance ............................................... 159
    Call Out: FTC FCRA Enforcement Actions ........................................... 160
The Use and Disclosure of Financial Information ....................................... 161
  Gramm-Leach-Bliley Act (GLBA) ............................................................. 161
  Torts and Financial Privacy ................................................................. 163
  State Financial Statutes ......................................................................... 164
    Call Out: California’s SB1 and FCRA Preemption ................................. 165
Tax Privacy ................................................................................................. 165
  Internal Revenue Code § 610 ................................................................. 165
Identity Theft ............................................................................................... 166
  Identity Theft Assumption and Deterrence Act ................................... 166
  State Identity Theft Statutes ................................................................. 166
Government Access to Financial Information (see Chapter 7) .................. 167
For Further Reference ................................................................................. 167

CHAPTER 9. CONSUMER DATA .................................................................... 169
Essential Points .......................................................................................... 169
Personally Identifiable Information ............................................................ 170
  Call Out: Approaches to Defining PII .................................................. 170
Government Employees: Fourth Amendment ................................................244
Private-Sector Employees: Fourth Amendment ..............................................245
Searches and Surveillance by Private-Sector Employers ...............................246
**Questioning and Testing** .................................................................247
Fourth Amendment ..............................................................................247
Constitutional Right to Information Privacy ...............................................247
Employee Polygraph Protection Act (EPPA) ................................................247
Americans with Disabilities Act (ADA) .......................................................248
Occupational Safety and Health Act (OSHA) .............................................249
Genetic Information Nondiscrimination Act (GINA) ..................................249
State Employment Testing and Inquiry Laws .............................................249
State Criminal Background Check “Ban the Box” Laws ..............................249
**Employee Access to the Computer Network** ........................................250
**Surveillance and Monitoring** ..............................................................251
Electronic Communications Privacy Act (ECPA) .........................................251
*Call Out: What Every Employer Must Know to Comply with ECPA* ........252
*Call Out: Employment Privacy Law: Public vs. Private Sector* .................252
**Employer Social Media Policies and Practices** .......................................253
National Labor Relations Act (NLRA) .......................................................253
*Call Out: The NLRA and Social Media Policies* ......................................254
Employer Access to Employee Social Media Accounts ...............................256

**For Further Reference** ........................................................................258

**CHAPTER 13. INTERNATIONAL PRIVACY LAW** .................................261

**Essential Points** ................................................................................261
Data Protection and Information Privacy: A Note on Terminology ...............262

**Worldwide Privacy Rights and Guidelines** ..........................................262
Universal Declaration of Human Rights .....................................................262
OECD Privacy Guidelines ........................................................................262
*Call Out: OECD Member Countries* .......................................................263
*Call Out: The Influence of the OECD Guidelines* ....................................264
UN Guidelines for the Regulation of Computerized Personal Files ............264

**Europe** ................................................................................................266
European Convention on Human Rights (ECHR) ......................................266
Council of Europe Convention on Privacy ...............................................268
EU Data Protection Directive ....................................................................269
*Call Out: A Leading German Case on Search Engines* .........................272
EU Proposed Legislation ..........................................................................272
The US-EU Safe Harbor Arrangement ......................................................274
*Call Out: Safe Harbor Principles* ............................................................274
Other Safe Harbor Arrangements .............................................................276
*Call Out: Positive Adequacy Determinations by the EU Commission* ....277
Model Contractual Clauses ......................................................................277
Binding Corporate Rules (BCR) .................................................................278
*Call Out: Discovery from EU Member Nations in U.S. Litigation* ..........278
Directive on Privacy and Electronic Communications ...................................279
EU Data Retention Directive ..............................................................................279

*Call Out: European Data Protection Supervisor (EDPS)* ................................280

**North America** ..............................................................................................281
Canada ...................................................................................................................281
Charter of Rights and Freedoms (1982) ......................................................281
Privacy Act (1985) ..........................................................................................282
Personal Information Protection and Electronic Documents Act
(IPEDA) (2000) ..............................................................................................282

*Call Out: PIPEDA's 10 Privacy Principles* .......................................................282
Canada’s Anti-Spam Law (CASL) (2010) ....................................................283

*Call Out: Provincial Privacy Laws* ................................................................285
Mexico..............................................................................................................285

**South America** ..............................................................................................286
Argentina ...............................................................................................................286

*Call Out: Habeas Data* ...................................................................................286
Brazil .....................................................................................................................287

**Middle East** ..................................................................................................287
Dubai .....................................................................................................................287
Israel ......................................................................................................................287

**Asia** .................................................................................................................288
Japan ......................................................................................................................288
China ....................................................................................................................288
Hong Kong ..........................................................................................................288
Singapore ............................................................................................................289

Personal Data Protection Act (“Singapore PDPA”) (2012) .......................289
South Korea ...........................................................................................................289

Personal Information Protection Act (PIPA) (2011) .................................289
India .....................................................................................................................290
Philippines ..........................................................................................................290

Data Privacy Act (2012) ..................................................................................290

**Europe, Non EU Countries** .........................................................................291
Russia ...................................................................................................................291

APEC Privacy Framework .................................................................................291

*Call Out: APEC Privacy Framework's 9 Principles* .....................................292

*Call Out: APEC Member Nations* .................................................................293

**Australia** .......................................................................................................293

**For Further Reference** ..................................................................................293