

***University of New South Wales Law Research Series***

**Global Data Privacy Laws 2021:  
Despite COVID Delays, 145 Laws  
Show GDPR Dominance**

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[2021] *UNSWLRS* 60  
(2021) 169 *Privacy Laws & Business International Report* 1, 3-5

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# Global data privacy laws 2021: Despite COVID delays, 145 laws show GDPR dominance

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(2021) 169 *Privacy Laws & Business International Report*, 1, 3-5

The 50th anniversary in 2020 of the world's first data privacy law,<sup>1</sup> the *Datenschutzgesetz* 1970 of the state of Hesse in Germany, marked the start of the second half-century of global enactment of data privacy laws. This article gives a brief assessment of progress during this 50 years, but focusing on changes in 2019-20.

In summary, during 2019-20, the number of countries that have enacted data privacy laws rose from 132 to 145, a 10% increase (2017-18 also saw a 10% increase). Most of the 13 new laws are from 2019, before COVID-19 slowed down legislative activity world-wide. At least 23 other countries have official Bills for new laws in various stages of progress within the last five years. During 2019-20, at least 13 countries have updated or replaced existing laws (almost always influenced by the EU's GDPR). At least a further 11 have introduced Bills to do so, many in countries of global economic or political significance (see details later). All of this adds up to nearly 60 countries world-wide where there was legislative activity in 2019-20 concerning data privacy, resulting in new or updated laws in 26 countries.

The two accompanying global Tables\* give details of the 145 data privacy laws and 23 recent bills for new laws, as at January 2021, and include all of the details mentioned above. The Tables are the 7<sup>th</sup> edition, since the 1<sup>st</sup> edition in 2011 identified 76 countries having such laws.<sup>2</sup> The 4<sup>th</sup> edition (January 2015) identified 109 countries,<sup>3</sup> the 5<sup>th</sup> edition (January 2017) identified 120,<sup>4</sup> and the 6<sup>th</sup> edition (January 2019) identified 132.<sup>5</sup> The Tables have been cited by various international bodies as the most authoritative assessment of the global tally of countries with data privacy laws.<sup>6</sup>

These 145 jurisdictions have data privacy laws which meet at least minimum formal standards based on international agreements of the early 1980s,<sup>7</sup> and are enforceable by law. Most but not all cover both the private sector and public sectors. Inclusion of a law only means that it meets these minimum formal requirements (on its face), and says nothing about

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<sup>1</sup> The first national data privacy law was Sweden's *Data Act* of 1973.

\* The Tables are at <[https://papers.ssrn.com/abstract\\_id=3836261](https://papers.ssrn.com/abstract_id=3836261)>.

<sup>2</sup> Greenleaf, G 'Global Data Privacy Laws: Forty Years of Acceleration' (2011) 112 *Privacy Laws and Business International Report*, 11-17, September 2011 <<https://ssrn.com/abstract=1946700>>

<sup>3</sup> Greenleaf, G. 'Global Data Privacy Laws 2015: 109 Countries, with European Laws Now a Minority' (2015) 133 *Privacy Laws & Business International Report*, February 2015

<sup>4</sup> Greenleaf, G, 'Global Data Privacy Laws 2017: 120 National Data Privacy Laws, Including Indonesia and Turkey'. (2017) 145 *Privacy Laws & Business International Report*, 10-13.

<sup>5</sup> Greenleaf, G 'Global Data Privacy Laws 2019: 132 National Laws & Many Bills' (2019) 157 *Privacy Laws & Business International Report*, 14-18,

<sup>6</sup> Examples with citations are in the 6<sup>th</sup> Edition 2019, covering the European Commission, European Data Protection Supervisor (EDPS) <[https://edps.europa.eu/sites/edp/files/publication/16-02-05\\_closing\\_remarks\\_cpdp\\_en.pdf](https://edps.europa.eu/sites/edp/files/publication/16-02-05_closing_remarks_cpdp_en.pdf)>, UN Special Rapporteur on the Right of Privacy, Council of Europe, and UNCTAD.

<sup>7</sup> For the standards applied, see a summary in Greenleaf (2015), cited above.

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whether the laws are effectively enforced (a much more complex and contentious enterprise, as ‘adequacy’ assessments show), or about the data surveillance context in which such laws exist and which may largely nullify their potential benefits.

## **New and revised laws, and Bills**

New laws enacted in 2019-20 are first reviewed, followed by a brief note of laws revised and strengthened, and then Bills for new laws, or to revise existing laws.

### **Thirteen additional countries with new laws**

The thirteen new laws<sup>8</sup> enacted since the 2019 6<sup>th</sup> edition are as follows. All have been analysed previously in PL&B International Report.<sup>9</sup>

- **Barbados** (Caribbean) – *Data Protection Act, 2019*.
- **Botswana** (Africa) – *Data Protection Act, 2018*.
- **Congo-Brazzaville** (Africa) – *Loi 29-2019 portant protection des données à caractère personnel*.
- **Kenya** (Africa) – *Data Protection Act, 2019*.
- **Nigeria** (Africa) – *Data Protection Regulation 2019*, pursuant to the *Nigerian Information Technology Development Agency Act of 2007*.
- **Tajikistan** (Central Asia) – *Law on Protection of Personnel Data of 3 August 2018* (No. 1537).
- **Togo** (Africa) – *Loi 2019-014 relative à la protection des données à caractère personnel*.
- **Turkmenistan** (Central Asia) – *Law on Information on Private Life and its Protection No. 519-V of 2017*.
- **Uganda** (Africa) – *Data Protection and Privacy Act 2019*.
- **Uzbekistan** (Central Asia) – *Law on Personal Data of 2019*.
- **Egypt** (Africa) – *Personal Data Protection Law 2020, Law No. 151 of 2020*.<sup>10</sup>
- **Jamaica** (Caribbean) – *Data Protection Act 2020*.<sup>11</sup>

<sup>8</sup> In addition, the **Aland Islands**, an autonomous region of Finland which was previously omitted has been added. But **Zimbabwe's** 2003 law was repealed by a new freedom of information law which did not also include data protection provisions, so it has been removed from the Acts Table. A new Bill is now in the Bills Table.

<sup>9</sup> For summaries of the first ten of these laws, see G. Greenleaf and B. Cottier ‘2020 Ends a Decade of 62 New Data Privacy Laws’ (2020) 163 *Privacy Laws & Business International Report* 24-26.

<sup>10</sup> D. Wilkinson and M. Ooijsaar ‘Egypt’s Data Protection Law enters into force in October’ (2020) 167 *Privacy Laws & Business International Report* 1, 6-8.

<sup>11</sup> G. Greenleaf, Graham ‘Jamaica Adopts a Post-GDPR Data Privacy Law’ (2020) 167 *Privacy Laws & Business International Report* 1, 5-8 <[https://papers.ssrn.com/abstract\\_id=3712745](https://papers.ssrn.com/abstract_id=3712745)>.

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- **US: California** (North America) – *California Privacy Rights Act of 2020*, amending the *California Consumer Privacy Act*.<sup>12</sup>

### California: Why include it?

The *California Privacy Rights Act of 2020* has been included, as a second entry in the Table for the United States, additional to the US federal *Privacy Act of 1974*, which covers the federal public sector. The justification for including the Californian Act has been set out in an earlier article,<sup>13</sup> and is summarised here. The principles in the CCPA 2.0 (as I have called the amended Act) meet the minimum criteria for the content of a data privacy law, as do its various enforcement mechanisms. CCPA 2.0 provides coverage for most data privacy aspects of California's private sector, without need to rely on federal law, and so is a jurisdiction with sufficient independent coverage.

### Geographical distribution

Seven of the 13 new laws come from Africa, which remains the region of fastest expansion; three are from Central Asia, where all countries except Mongolia now have laws; and two are from the Caribbean.

The distribution by region of the whole 145 laws is shown below. The whole number of countries in a region<sup>14</sup> is compared with the number of countries with data privacy laws, and the percentage result then shown.

<b>Region</b>	<b>Countries</b>	<b>DP Laws</b>	<b>%</b>
N. America	3	3	100%
EU	27	27	100%
Australasia	2	2	100%
Other European	30	27	90%
Central Asia	6	5	83%
Middle East	14	8	57%
Latin America	22	12	55%
Africa	58	32	55%
Asia	28	15	54%
Caribbean	29	14	48%
Pacific Islands	13	0	0%
<b>TOTAL</b>	<b>232</b>	<b>145</b>	<b>62%</b>

<sup>12</sup> G. Greenleaf 'California's CCPA 2.0: Does the US finally have a data privacy Act?' (2020) 168 *Privacy Laws & Business International Report* 13-17 <[https://papers.ssrn.com/abstract\\_id=3793435](https://papers.ssrn.com/abstract_id=3793435)> .

<sup>13</sup> *ibid*

<sup>14</sup> The number of 'countries per region' is based, with modifications to accommodate my division into regions, on Internet World Stats, Country List <<http://www.internetworldstats.com/list1.htm#geo>>. The total of 231 countries includes non-UN members, and sub-national regions with distinct top-level domains (such as Hong Kong or Jersey), and therefore is at least as extensive as the criteria I use for a 'country'. All such lists commence from slightly differing assumptions.

Of the total of 232 countries, 62% now have data privacy laws, and in every region a majority of countries have data privacy laws, except the Caribbean (close at 48%), and the Pacific Islands where none of the 13 countries have a data privacy law – or even a Bill.

### Revised and stronger laws in many other countries

Numerous countries have also updated their data protection laws since 2017, almost invariably strengthening them in ways which reflect some aspects of the GDPR.

The EU's GDPR, although it provides for uniform data protection rules applying across the EU, also requires EU Member States to exercise choice in implementing certain GDPR requirements,<sup>15</sup> and to implement other GDPR requirements such as administrative fines in order to fit the procedures of the local legal system. As a result, all 27 (post-Brexit) **EU Member States**, with the exception of Slovenia (which has a Bill) completed the enactment of updated data protection laws during 2018-20. So have the **EEA countries**.<sup>16</sup> New titles of laws are in the Table. Many EU countries have also implemented in a separate law the Law Enforcement Directive (LED, the so called 'Police' Directive).

Because of the need to ratify and comply with the new Council of Europe Convention 108+, the 21 **non-EU European parties to Convention 108** will also need to amend their laws in the coming years (timetable uncertain). Serbia, Moldova, Montenegro, Liechtenstein, San Marino and the United Kingdom did so in 2017-18, and some others have done so in 2019-20 (Switzerland, and Ukraine has a Bill). Some of the seven Convention 108 parties have also done so: Mauritius and Uruguay (2017-18); but Bills remain un-enacted in Tunisia and Argentina.

The other countries to have revised their laws in 2019-20 are Thailand, New Zealand, Japan, Korea (now with a further Bill), Singapore, the UAE's Dubai IFC, Brazil, and Panama.

### Bills for new laws and stronger laws

Many countries claim ambitions to enact new or stronger laws so as to be able to consider applying for 'adequate' status under the EU's GDPR. Other countries are enacting or updating a data privacy law without expressing such ambitions, or simply with the aim of enacting a law which is arguably the 'world's best practice'. In either case, GDPR influence continues.

**Recent Bills for new laws:** Of the 23 countries without data privacy laws known to have official data privacy bills for new laws under consideration (see the Table), most bills pre-date 2019, but those from Oman, Sri Lanka, and Ecuador are new. Saudi Arabia also has an interim law, possibly based on a previous Bill.<sup>17</sup>

**Major updating Bills for existing laws:** Important recent Bills to update or replace existing laws, but not yet enacted, have emerged in the following countries (shown in the Tables<sup>18</sup>): Israel, Argentina, Slovenia, Trinidad and Tobago, Tunisia, India, Chile, Indonesia, China,

<sup>15</sup> These include obligations to appoint DPOs, the age at which children can consent online, additional conditions for processing of sensitive data, and additional conditions for processing criminal information.

<sup>16</sup> By decision of 6 July 2018, the EEA Joint Committee announced the incorporation of the GDPR in EEA countries, Norway, Iceland and Liechtenstein, and regulations have followed.

<sup>17</sup> Insufficient information is available to determine if Saudi Arabia is the 146<sup>th</sup> country with a data privacy law.

<sup>18</sup> In the Table of existing laws (not the Bills Table), these are shown by 'B(201x)' in the 'Latest' column, to show there is a reform Bill, and its year.

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Ukraine, Canada<sup>19</sup> and South Korea. Most of these Bills are influenced strongly by the GDPR. The economic importance of this list of countries (particularly those in Asia) makes it clear that the impetus to update existing laws, in order to make them potentially GDPR-compliant, continues to be a significant driver of international privacy law reform. Four of the world's five most populous countries – China, India, Indonesia and Pakistan – are in the process of replacing existing very limited laws with completely new laws with strong GDPR-like elements,<sup>20</sup> as well as some data localization provisions.

## Conclusions: GDPR hegemony for the present

Despite COVID slowing legislative progress, the momentum toward global ubiquity of data privacy laws is unchecked (a 10% expansion in 2019-20, as in 2017-18), and the strengthening of existing laws in the direction of 'European' principles exemplified by the GPPR (and those of the previous Data Protection Directive which it has incorporated) continues even more strongly, in all regions. Exactly which new principles are being adopted most often, influenced by both the GDPR and the growing influence of Convention 108/108+ requires further analysis. It is also as yet uncertain which *de facto* international standards will be established by 'adequacy' requirements under the GDPR.<sup>21</sup> In future years, new laws and revisions may be influenced both by innovations in California and other US laws, and in China and other Asian countries (such as absence of a specialised DPA, and data localisation provisions).

Expansion and updating of data privacy laws means little unless they are enforced effectively, and the most important indicia of that is usually an active national data protection authority (DPA), including DPAs acting collectively.

*See also the article 'Global data privacy laws 2021: Uncertain paths for international standards' in this issue. The next issue of this International Report will include the final article in this series, 'Global data privacy laws 2021: DPAs joining networks is the rule', analysing growth of the networks in which DPAs are involved.*

*Information: Valuable information and comments for this article have been received from David Banisar, Article 19 and Laura Linkomies (PL&B). They are acknowledged with gratitude, but responsibility for all content remains with the author. Separate acknowledgments accompany the Tables <[https://papers.ssrn.com/abstract\\_id=3836261](https://papers.ssrn.com/abstract_id=3836261)>.*

<sup>19</sup> Colin Bennett, see p. 1, 20-22 in this issue.

<sup>20</sup> For details of the GDPR influences on each country see: on China (2020) 168 *Privacy Laws & Business International Report* 1, 6-10 <[https://papers.ssrn.com/abstract\\_id=3795001](https://papers.ssrn.com/abstract_id=3795001)>; on Pakistan (2020) 165 *Privacy Laws & Business International Report* 20-23 <[https://papers.ssrn.com/abstract\\_id=3667396](https://papers.ssrn.com/abstract_id=3667396)>; on Indonesia (2020) 164 *Privacy Laws & Business International Report* 1, 3-7 <[https://papers.ssrn.com/abstract\\_id=3769670](https://papers.ssrn.com/abstract_id=3769670)>; and on India (2020) 163 *Privacy Laws & Business International Report* 1, 6-9 <[https://papers.ssrn.com/abstract\\_id=3572620](https://papers.ssrn.com/abstract_id=3572620)>.

<sup>21</sup> See G. Greenleaf 'Global data privacy laws 2021: Uncertain paths for international standards' in this issue - see p. 23-27 .