

TALK

**Privacy and cyber laws:
A view from the Court of Justice of the EU**

Judge Christopher Vajda, Court of Justice of the European Union

The new European Union General Data Protection Regulation (to be effective from 25 May 2018) provides, *inter alia*, an individual with the "right to be forgotten" ("RTBF"). The Court of Justice in the European Union in *Salvatore Manni* (Case C-398/15) held, *inter alia*, that the RTBF could not generally apply to personal data contained in a companies register, though there might be exceptional circumstances for limitations to be imposed on public access. The Court further explained that the retention of personal data in the circumstances of the case was not a disproportionate interference with the privacy right of data subjects. When the topic was first raised in Hong Kong, the former Privacy Commissioner, Hong Kong stressed that though still a fluid concept, the RTBF was not absolute. While the concept of RTBF is much dominated by the EU data protection laws, it triggers debate across the globe.

It is, however, only one aspect of the developments in privacy protection and data retention. Others include the legality of systematically retaining internet data, and the transmission of data to their countries where protections are lower than those in the EU.

All these questions will be addressed in this discussion which will give food for thought on the interesting juncture of privacy, cyber law, and technological development.

The Asian Academy of International Law (AAIL) has invited Judge Christopher Vajda, Court of Justice of the European Union, to take us through the *Salvatore Manni* case and the jurisprudence on this issue. The talk will be followed by a panel discussion with Judge Vajda and Ms Sandra Liu, Senior Legal Counsel, Office of the Privacy Commissioner for Personal Data, Hong Kong. The panel discussion will be moderated by Prof. Teresa Cheng SC, AAIL.

Date:	19 April 2017 (Wednesday)
Time:	18:30 - 20:00 (Registration starts at 18:00.)
Venue:	Hong Kong International Arbitration Centre 38/F, Two Exchange Square, 8 Connaught Place, Hong Kong.
Language:	English
Registration:	Open to all. Please RSVP by email to AAIL@hkiac.org with your name, email, title, and organisation. (Registration priorities will be given to law practitioners and in-house legal counsel, government and judiciary officials, and academics.)

Asian Academy of International Law

About the speaker and panelist:

Born 1955; law degree from Cambridge University; licence spéciale en droit européen at the Université libre de Bruxelles (grande distinction); called to the Bar of England and Wales by Gray's Inn (1979); Barrister (1979-2012); called to the Bar of Northern Ireland (1996); Queen's Counsel (1997); Bencher of Gray's Inn (2003); Recorder of the Crown Court (2003-12); Treasurer of the United Kingdom Association for European Law (2001-12); contributor to 3rd to 6th eds of European Community Law of Competition (Bellamy and Child); Judge at the Court of Justice of the European Union since 8 October 2012.

About the panelist:

Ms Sandra Liu is the Senior Legal Counsel of the Office of the Privacy Commissioner for Personal Data, Hong Kong ("PCPD"). She joined the PCPD in 2008. She leads a team to provide legal services to the PCPD. She is also responsible for the provision of legal services under the Legal Assistance Scheme. She had participated in the review of the data protection legislation, which culminated in the enactment of the Personal Data (Privacy) (Amendment) Ordinance in 2012. She is currently involved in the projects of Comparative Study on the European Union General Data Protection Regulation and the Personal Data (Privacy) Ordinance, as well as Personal Data Protection in Cross-Border Data Transfer.

Before joining the PCPD, Sandra was a solicitor focusing on civil litigation.

About the moderator:

Teresa Cheng GBS SC JP FICE FCI Arb is a Senior Counsel, Chartered Engineer, Chartered Arbitrator and Accredited Mediator. She specializes in areas of law in construction, international commercial contracts and investment arbitration, and is an experienced practitioner in international arbitration and mediation. She is an Executive Council member of the Asian Academy of International Law (AAIL), Past Chairperson of Hong Kong International Arbitration Centre (HKIAC), Past Vice President of the International Council of Commercial Arbitration (ICCA), and Past Vice President of the ICC International Court of Arbitration. In 2008, she became the first Asian woman elected through a global election as President of the Chartered Institute of Arbitrators (CI Arb). She is also a Recorder in the Court of First Instance of the High Court of Hong Kong, and a member of the International Centre for Settlement of Investment Disputes (ICSID) panel of Arbitrators, designated by the Chairman of the ICSID Administrative Council of World Bank, and an external IFC alternate member of the World Bank's Sanctions Board.

About the organiser:

The Asian Academy of International Law (AAIL) is an independent and non-profit making body, which has just been set up in Hong Kong with a view to further the studies, research and development of international law in Asia. It is the vision of the AAIL to provide a platform for discussions on international law issues and to research in developing areas of international law, with a view to enhance and reinforce Asia's role and participation in the formulation of international law and international relations and policy formulation. AAIL aims to provide specialized education and training to practitioners, national judges, students and government officials in areas of international law as well as to organize conferences and seminars on topical issues.