

Foreword

Kuan Hon's new book deals with a crucial question, namely how to protect personal data that are processed and transferred on the global Internet. Her dual background as a computer scientist and a lawyer allows her to analyse the relevant issues from both the technical and legal perspectives.

There is currently a debate in academia, business and politics about how data protection law should be applied to protect personal data that are processed and transferred across national borders. One set of views has been variously called data localization, data nationalism or informational sovereignty, and refers to the creation of incentives or requirements to localize data processing and storage. The other side rejects such initiatives as incompatible with a free and borderless Internet.

Discussions about data localization have become highly politicized in recent years. Data processing has attained great importance in economic, social and technological terms, and it is not surprising that this is reflected in the political debate. But the politics of the discussion often obscure the important questions that this phenomenon raises. It is the accomplishment of this book to illuminate the substantive legal and technical issues that are at stake in the debate about data localization.

Applicable law and jurisdiction have often been viewed as narrow technical areas of the law of interest only to specialists. As this book demonstrates, they are actually key topics of the information society, since they determine what rights individuals will have in the processing of their personal data, and how these rights can be enforced.

Data localization is not just a short-term phenomenon, but reflects a profound unease with increasing globalization, and a lack of certainty as to whether we want national borders carried over onto the online space. This book helps illuminate the choices that we face as a society in deciding where we want those boundaries to be set.

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