

# Data and Blockchain

Legal issues



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## Legal issues

- Blockchain vs traditional data storage
- Problem of jurisdiction
- Is it “personal information”?
- Overseas data storage requirements under Australian Privacy Law
- EU right to be forgotten



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### **Australian Privacy Principle 8 — cross-border disclosure of personal information**

8.1 Before an APP entity discloses personal information about an individual to a person (the overseas recipient):

- a. who is not in Australia or an external Territory; and
- b. who is not the entity or the individual;

**the entity must take such steps as are reasonable in the circumstances to ensure that the overseas recipient does not breach the Australian Privacy Principles** (other than Australian Privacy Principle 1) in relation to the information.

**Note: In certain circumstances, an act done, or a practice engaged in, by the overseas recipient is taken, under section 16C, to have been done, or engaged in, by the APP entity and to be a breach of the Australian Privacy Principles.**

8.2 Subclause 8.1 does not apply to the disclosure of personal information about an individual by an APP entity to the overseas recipient if:

- a. the entity reasonably believes that:
  - i. **the recipient of the information is subject to a law, or binding scheme, that has the effect of protecting the information in a way that, overall, is at least substantially similar to the way in which the Australian Privacy Principles protect the information; and**
  - ii. **there are mechanisms that the individual can access to take action to enforce that protection of the law or binding scheme; or**



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### Art. 17 GDPR

#### Right to erasure ('right to be forgotten')

The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

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