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Taiwan to launch data protection commission

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> [Background](#)

> [Upcoming changes](#)

On 9 February 2023, the Executive Yuan (the Cabinet) confirmed that the government will create, no later than August 2024, a data protection commission, which will be a national independent authority responsible for upholding the fundamental right of individuals to have their personal data protected.

Background

In Asia, Taiwan has been one of the forerunners in its adoption of a full protection scheme against personal data breaches. This scheme took example from the Organisation for Economic Co-operation and Development Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data 1980 and resulted in a law governing personal data protection in Taiwan, which has been in force since 1995.

Under this law, all regulators are appointed to work exclusively for law enforcement, while the duty to protect personal data is shared between various government agencies, national and local. Among these are the Ministry of Justice and the National Development Council, which the Cabinet appointed to fulfil advisory roles coordinate the interpretation of regulation and process data breaches.

Upcoming changes

In response to a Constitutional Court decision of 12 August 2022, in which the government was ordered to either fix the data leak in question or supplement the legislation with new enactments by 22 August 2025 (for further details please see "[Court declares secondary use of medical records unconstitutional](#)"), the Cabinet has asked both the Ministry of Digital Affairs and the National Science and Technology Council to look into amending the existing Personal Data Protection Act, which was last reviewed in 2015. In addition to setting up a new data commission, the Cabinet is planning to propose a heavy penalty against certain serious data breaches.

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