

PROMOTING THE EU'S DATA PRIVACY NORMS TO THE US: DIVERSIFYING THE INTERLOCUTORS

The European Union (EU) can be the world's leading norm setter in data privacy. Its General Data Protection Regulation (GDPR) has caused spillover effects in other countries, not least in the United States of America (US) where many big technology companies are based. The US's adoption of GDPR norms will be crucial for the EU to promote and institutionalize the global norms of responsible state behavior in cyberspace.

- The US does not have comprehensive laws in regulating data privacy, relying more on industry-specific rules and state initiatives, making it more difficult for industry players to navigate.
- The EU and the US have established diplomatic channels on data privacy. However, the annulment of the Privacy Shield's agreement highlights the fundamental differences between the two blocks. This new hurdle could isolate the EU from the world as data transfers are now unavoidable.
- American "big tech" companies are important targets of GDPR, with several high profile legal cases in EU member states in the past few years. They are also known to have allocated a lot of resources to influence data privacy regulations, expressing the will to become norm entrepreneurs.

The EU needs to take a more strategic approach in promoting its data privacy principles and leverage secondary, multi-stakeholder forms of diplomacy, where data privacy experts and private sector stakeholders are represented. The EU-US Trade and Technology Council, established in 2021, can be a key platform for the EU to shape the narrative in dialogues with policymakers, experts, and the private sector.



- The European Commission should develop a set of key messages on data privacy principles that can be used in diplomatic and other multi-stakeholder discussions, in coordination with data privacy experts.



- The key messages can include:
 - GDPR protects individuals' fundamental rights and freedoms, particularly their right to protection of their personal data.
 - A comprehensive and uniform data privacy regulation protects business activities from liability risks, as it provides clear boundaries on how to treat personal data.
 - The EU's data privacy norms are preferable to more restrictive data privacy regimes in other countries, both from human rights and business perspectives.



- Alongside the main track of diplomacy, the EU should openly engage in discussions with private sector interest groups such as the Trans-Atlantic Business Council and Future of Privacy Forum, while promoting the key messages mentioned above.