2018 Q4 ICT Committee Call

Washington, DC: *Thursday, November 1, 9:00-10:00 PM ET*
Singapore: *Friday, November 2, 9:00-10:00 AM SGT*

Call Notes

Welcome – Alex Feldman
- Thank you for taking the time for the final ICT Committee Call of 2018
- Changes to the ICT Committee Leadership:
  - Qualcomm stepping down as Chair, will remain as a Vice Chair
  - Cisco is serving as our new Chair
- Three main areas to discuss today:
  - 1. TELMIN engagement plan
    - First planning call for TELMIN engagement on Oct. 31
    - Next planning call on Nov. 14
  - 2. Review current advocacy efforts and member feedback and priorities on additional advocacy efforts
  - 3. Priorities for our 2019 ICT Committee Work Plan

1. TELMIN 2018 Engagement Updates and Discussion- Shay Wester
- Council is organizing business mission to TELMIN, Dec. 4-6 in Ubud, Indonesia
- Overview of three engagement opportunities at TELMIN:
  - 1. Dec. 4: Join USG session with TELSOM
    - Opportunity to raise different proposed activities for 2019
  - 2. Dec. 5: luncheon dialogue with all ministers, confirming with KOMINFO and ASEAN Secretariat
    - Opportunity for presentations, topic: increasing ICT investment
    - Circulating Concept Note and PowerPoint presentation draft for input
  - 3. Bilateral meetings
  - TELMIN engagements are a great opportunity to set overall tone for ICT
  - Engagement at TELMIN is important to Digital Policy Consultative Forum (DPCF), encourage all to join mission
  - Nov. 14 planning call, deadline for registration is Nov. 20

2. Advocacy Priorities
- **Vietnam- Vu Tu Thanh: Law on Cybersecurity Draft Decree Updates & Advocacy Program**
  - Emergency Door-Knock Mission response to draft implementing decree
  - Result - good news:
    - Confirmed 60-day comment period for implementing draft decree
    - Pledge to hold a consultative workshop during comment process
  - Challenge: Ministry of Public Security continues to put pressure on domestic institutions, especially those critical of the draft
    - Pressure on Vietnam Digital Communication Association to cancel workshop with USABC in Hanoi, this week Central Institute for Economic Management asked to cancel draft decree workshop
    - Situation in Vietnam about this is tense
  - <u>Draft decree has since been published (Nov. 3), please see our update attached</u>

- ▪ <mark>**Currently seeking members' comments on the official draft decree until Dec. 2 SGT (please see attached translations of the decree)**</mark>
- **Thailand**- Ella Duangkaew: Update on Cybersecurity Bill & Personal Data Protection Bill (PDPB) Public Hearings and PDPB Technical Workshop
    - o Submitted Comments on both Draft PDPB and Cybersecurity Bill in October
    - o Update on Cybersecurity Bill:
        - ▪ Bill has been pulled & undergoing review - ordered by Prime Minister, following outcry from domestic and foreign industry and business
        - ▪ Seen as positive development, will continue to monitor progress
    - o Personal Data Protection Bill:
        - ▪ Bill is moving forward, USABC is engaged
        - ▪ Technical Workshop, Oct. 30: partnered with AsiaDPO, hosted workshop with implementing ministries - Ministry of Digital Economy and Society (MDES) and Electronic Transactions and Development Agency (ETDA)
            - • Purpose: leverage experts to provide practical examples on implementation
        - ▪ Workshop update:
            - • Bringing Asia DPOs as experts to dig into the topics that ETDA and MDES are going to have to grapple with as they draft was important and well received
            - • Included how controllers and processors can be aligned, deeper into consent and multiple choices for consent
            - • Follow up: ETDA asked for help to engage with local stakeholders, asked for additional comments and discussion to be submitted in written comment form
                - o Comments to be brought along in discussions at political level – sense is that MDES and ETDA are nervous that politicians might change something in the draft
                - o Aim to circulate draft to members by end of next week
            - • Workshop was a good example of bringing in experts and engaging one-on-one with government
            - • For 2019 planning: think about bringing in cybersecurity experts for Thailand Cybersecurity law once we know what the final version looks like, as collaboration using minimal resources
        - ▪ *Question (Member): Which companies participated? Maybe we should consider bringing same group in for Indonesia? Vietnam? Seems like a great model.*
        - ▪ *Comment (Member): Those who showed up included U.S., non-U.S. ICT and non-ICT companies, demonstrating that this isn't just an ICT issue – other industries have a stake in data protection. Could be explored for Indonesia, for Vietnam we have less information on data protection side - open to it, see what implementing regulation will look like.*
- **Myanmar- Max Shu Teasdale, US ICT Council for Myanmar**
    - o U.S. ICT Council for Myanmar formed in 2014 by U.S. ICT companies, with support from USAID, became affiliate of USABC this year, and separate member organization based in Yangon
    - o Current member companies include Cisco, Facebook, Microsoft, Google, Oracle, Visa, VMware - actively recruiting new members
    - o Myanmar is about to begin 6-month consulting project with World Bank to develop cyber law framework

- Now is a great time to get councils involved in providing inputs, also in touch with BSA
  - o Signing MOU with Ministry of Transport and Communications later this year - focal ministry for larger e-Government steering committee
  - o Part of MOU is annual or biannual Myanmar Digital Forum: like Lao digital forum, may be able to pull elements of DPCF
    - Form task force for forum: likely first forum in Q1, second forum at mid-year, focus for initial forum: cybersecurity, to provide inputs for framework
  - o For more information, see the US ICT Council for Myanmar Fact Sheet attached
- **Indonesia - Mario Masaya: Government Regulation 82 (GR82)**
  - o Sent letter on Oct. 30 to Cabinet Secretary, input given in four main areas:
    - 1. Data definition and scope
    - 2. Right to be "forgotten"
    - 3. Data access for law enforcement
    - 4. Sector categorization of Article 83
  - o Based on unofficial Sept. 24 draft released to Council
  - o English translation is in the process, will be available shortly
  - o Draft amendment is before the President for review

3. **Priorities for 2019 ICT Committee Work Plan – Shay Wester**
   i. Identifying broad themes and top issues, seeking input on prioritization:
   - o Data protection and privacy – Thailand, Indonesia possibly
   - o Cybersecurity in several countries – Vietnam, Thailand, Myanmar
   - o Digital tax
   - o E-commerce/digital trade
   - o OTT regulations
   - o Media regulations
   - o Emerging technologies and how we educate as governments begin thinking about regulating (AI, IoT, blockchain)

   ii. Discussion on how we can most effectively organize the committee:
   - o Potential Working Groups organized around issues (i.e., cybersecurity; data/privacy; e-commerce/digital trade; OTT regulation; emerging technologies)
   - o Would companies participate and find value in this?
     - *Comment (Member): We could benefit from spending more time as a committee working on the agenda and messaging as the council identifies opportunities for engagement. There could be more frequent calls on a given target, where we could flesh out messaging and consensus positions. Working groups or creating a task force would be helpful.*
     - *Comment (Shay): Started something like this when focused on Singapore DPCF, let's revisit this in 2019 for Digital Policy Consultative Forum. We have had specific calls for advocacy issues, can do this on issue-by-issue basis as things are of critical importance.*

   iii. What engagement opportunities would be most useful for US-ABC to pursue?
   - o Joint AEM-TELMIN Roadshow:
     - Organize a Roadshow for Economic and ICT Ministers to the U.S. (have done in the past with just economic ministers)
     - Focus on digital innovation
     - Feature discussions with business leaders, local officials, think tanks, and universities
     - Visit Silicon Valley, Washington D.C. and another stop
   - o ASEAN-level activities:

- Follow up Digital Policy Consultative Forum (DPCF) in 2019, organize additional forums alongside ASEAN meetings
- Establish OTT Dialogue with ASEAN: already two industry dialogues, most recent organized by Malaysia in June
  - ASEAN interested in institutionalizing this, having regular dialogues
- Cybersecurity: First engagement with ASEAN Ministerial Conference on Cybersecurity, dinner dialogue in September
  - Recent meeting with Singapore Cybersecurity Agency – they are interested in having a series of capacity building workshops for ASEAN officials that is led by U.S. industry
- ASEAN Coordinating Committee on e-Commerce (ACCEC), might be given broader mandate by ASEAN Economic Ministers to include oversight of the implementation of the [ASEAN Digital Integration Framework](#).
- New working group on digital trade standards being set up under ASEAN
  - Industry-specific Missions
    - Missions to priority countries in 2019 can be organized

iv. Reports or information products could be useful for US-ABC to develop:
  - Potential Topics: ICT Investment in ASEAN; SME/startup policy; E-Commerce/Digital Trade; Industry 4.0/workforce of the future; Regulation of emerging technologies; Taxation of digital services/goods
  - Can be internal, can be developed with expert third party
    - *Comment (Member): From Oct. 30 workshop in Thailand experience – what we produce needs to have very concrete examples, to understand what implications are not just for MNCs, but also for local sector. Going down to the local level may be able to minimize the impact of some initiatives.*
    - *Comment (Shay): It could be focused and specific around priority areas.*
    - *Comment (Amb. Michalak): Agree, using specific examples and effect on local industry helped in Vietnam - some in National Assembly had not heard of certain effects*

Close- Alex Feldman
- Thank you very much again for taking the time for this call, and for sharing your insights and feedback on how we can meet your needs.
- Hope you will join us at TELMIN mission and in next TELMIN planning call on November 14.