

The Legal Infrastructure Around Information Security in Asia

Helaine Leggat

Information Legal, Australia
helaine@informationlegal.com.au
<http://www.informationlegal.com.au>

Abstract. If the history of the Internet can be said to have commenced with the development of electronic computers in the 1950s, it took almost fifty years for the world to embrace the need to facilitate and to regulate electronic commerce and communications. This was brought about initially, through the United Nations Commission on International Trade Law (UNCITRAL) Model Law on Electronic Commerce in 1996. It was followed by the UNCITRAL Model Law on Electronic Signatures in 2001 and the United Nations Convention on the Use of Electronic Communications in International Contracts adopted by the United Nations General Assembly in 2005.

The theory and application of cryptology and information security are directly connected to these model laws and conventions.

In this talk, we will look, at a high level, at these developments and then shift the focus, with more detail, to the development and status of electronic law in Asia, including but not limited to Taiwan, Hong Kong, Japan, Singapore, India, Australia and New Zealand.

We will look at the overarching and interpretive nature of electronic transactions laws on laws that pre-date the electronic age and at subsequent ICT-specific laws, concentrating on three major trends (i) access to (or freedom of) information, (ii) monitoring and surveillance and (iii) information privacy.

We will look at competing rights and limitations in the global and national contexts. Including, developments in the light of economic, geographic and political shifts in dominance from West to East, the diffusion of power from state to society and the importance of knowledge based capital in the form of intangible assets.

The intention of the talk is to empower persons with an interest in cryptology and information security to look more broadly at the regulatory context and changing paradigms that can inspire hot topic research arising from law as a social science in relation to cryptology.

Keywords: Law, information, security, cryptology, Asia.