Chapter 9
A Global Perspective of Laws and Regulations Dealing with Information Security and Privacy

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ABSTRACT

The price of privacy intrusion and security breaches is often due to the ubiquitous connectivity of networks. National entities as well as other governing bodies have passed laws and regulations to assist individuals in their quest to protect their information as it is being transmitted as well as received over these networks. An international perspective of information privacy and security laws and regulations can provide an insightful view concerning how each country differs as well as the important drivers for these differences. Policy makers can learn from the comparisons made in relation to similarity and/or differences of privacy and security laws as well. In this paper, we have selected different countries and regions around the world due to the growth of security and privacy threats that has grown over the past 10 years as well as their legislative practices.

INTRODUCTION

Managers and administrators responsible for securing data and applications on servers, desktops, and laptops have two broad strategic goals. The first goal is to prevent unauthorized access to information technology (IT) resources such as a consumer's or patient's information, and the second goal is to maintain IT services so that they are kept up-to-date.

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To address the first goal, access controls are an obvious tool for preventing unauthorized access; but less obvious practices, such as auditing for unauthorized hardware, are also important. As an example, consider an unauthorized wireless access point in an office transmitting confidential consumer or patient information over an unencrypted Wi-Fi network. Anyone with a wireless network card could intercept the traffic. This highlights the fact that all the effort that went into defining, implementing, and managing access control policies could easily be circumvented.

As previously mentioned, the second goal of the network administrator is the maintenance of IT services. This generally requires a multifaceted approach that includes firewalls and intrusion detection systems, as well as antivirus services, scanning for vulnerabilities, and system configurations for controlling system security. Another important measure is to ensure that operating systems are appropriately patched. Both of these goals are important in order to protect information and for the network to function effectively. If guidelines, policies, and management recommendations are not followed, systems are vulnerable to security breaches that can range from simple nuisances, such as the implanting of spyware that slows the performance of desktops, to the crippling of networks through a distributed DoS attack that can effectively disable network services.

Because we are a society governed by laws, in their striving to reach these aforementioned goals and repair breaches, managers and systems administrators must be aware of and address current laws, directives and regulations dealing with privacy and security issues. Certainly, the growth of the Internet as a file storage and transfer medium has forced society to reexamine the notions surrounding privacy and security.

We will discuss current laws and regulations applied to the general public in relation to the topics of security and privacy of personal information. This discussion includes areas such as health care, financial services and marketing that demonstrate the complexity of these questions and the ongoing search for answers. Understanding the progression of information security and privacy may allow for those individuals involved within the system to have a better idea of how to protect and secure information. If we can learn from history, we may be less likely to repeat the same mistakes.

We also recognize that not all countries are created equal with respect to their information privacy and security laws. The Internet is a global phenomenon and essentially affects almost every country in the world. A selection of countries and regions was made after researchers looked at an exhaustive list of security threats around the world. From this information as well as a comparison to prior lists developed by professional organizations that had already created listings of generally ten countries with the most threats, we offer a shorter list, but an informative one. Information privacy and security laws can offer an opportunity to explore how other international perspectives are applied to the issue of how to protect information privacy and security. Policy makers may also learn from one another through this comparison and together better secure the information privacy and security of information for all of the citizens of the world.

CONCEPTUAL FORMATION

Different countries have adopted disparate approaches in their approach to the implementation of information privacy laws and regulations. The U.S. delegated states to enact their own information privacy rules while the European Union attempted to enforce a common standard to regulate privacy across member countries. Australia adopted the third perspective of legalizing privacy laws and regulations at the Commonwealth and industry levels. Industry-specific privacy regulations supersede the jurisdiction of the Commonwealth's when coming to industrial relations. Unlike these three continents, Asia has largely ignored the importance of personal privacy, but has emphasized group interests over individual interests.

Because of the uncoordinated manner of regulating privacy practices around the world, many business issues such as transnational data transfer, search engine optimization, and censorship have dramatically affected the growth of international business. An international perspective of information privacy laws and regulations can offer an integrative view of these privacy laws their respectively related problems. Policy makers of different countries can learn from one another and