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Benefit from European Experience?

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The era of Big Data challenges privacy. Globally, we see the subject of informational privacy rise to a level that grabs the attention of both legislators and the public. China currently witnesses a lack of data protection law. It wants to upgrade its legal arrangement on personal data protection. Accordingly, Chinese legislators and legal scholars consider cloning and importing European data protection law. The plan raises a number of questions:

Can European data protection law improve the quality of data protection in China from a positivist perspective? If so, how do the historic and cultural contexts matter for data-protection laws unfolding in Europe and in China?

Chinese policy makers assume that the European data protection law is complete, but it is not. How do European policy makers attempt to compensate for the perils of incompleteness? Is this approach a viable part of the transplantation plan? How should China process the EU experiences to achieve a positive impact for how personal data are deployed and protected in the commercial world?

In this book, these questions are examined. The book synthesizes dogmatic and empirical discussions and establishes that the subject matter of data protection law exhibits the characteristics of a complex adaptive system. It is argued that complexity- and legal theories provide a toolbox to improve exploration of data protection laws, its functions and its dynamics. This book ventures to open doors to help legal scholarship facing problems now, that threaten to trouble data protection law arrangements for decades to come.

