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Can Chinese legislation on informational privacy benefit from European experience?

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Propositions

- [1] Data protection laws aim to domesticate a complex adaptive system (Chapter 7 of this dissertation).
- [2] Data protection laws are highly incomplete (Chapter 4 of this dissertation).
- [3] A Data Authority with regulatory agency could help overcome the incompleteness of data protection law. (Chapter 4 of this dissertation)
- [4] History and culture help shape data protection laws (Chapter 3 of this dissertation).
- [5] Traditional perspectives like legal positivism and legal realism are important but insufficient to explore incomplete data protection laws (Chapters 1 and 4 of this dissertation).
- [6] When considering a legal transplantation proposal, cultural embeddings of norms, of policymaking and of enforcing institutions should be carefully investigated and assessed (Chapters 2-4 of this dissertation).

- [7] To make the law successfully co-evolve with the dynamics of its subject matter requires the existence of conditional feedback loops between them. To domesticate the behavioral deviations from the law's goals that then may emerge becomes a complex affair. Effective domestication depends on the efforts, the wisdom and the capabilities of policymakers. When policymakers operate with the instrumentation of traditional democracies, and the volatility of the subject matter outpaces traditional democratic responsiveness, regulatory agency (e.g., with regulating authorities) becomes an option (Chapters 4, 5 and 7 of this dissertation).
- [8] Proposition 7 also covers the co-evolution of EU data protection laws with the dynamics of its subject matter (Chapters 4, 5 and 7 of this dissertation).
- [9] To re-search is shorthand for to search, search, search, search and search again.
- [10] "The conditions of conquest are always easy. We have but to toil a while, endure a while, believe always, and never turn back"¹⁸²
- [11] "In the beginner's mind there are many possibilities, but in the expert's there are few"¹⁸³

¹⁸²Simms, William Gilmore. 1853. *Egeria: Or Voices of Thought and Counsel, for the Woods and Wayside*. E.H. Butler.

¹⁸³Suzuki, Shunryu. 2010. *Zen mind, beginner's mind*. Shambhala Publications.

Curriculum Vitae of Kunbei Zhang

Kunbei Zhang was born in China on 31 December 1983. After completing her Bachelor Degree in Law at the Southwest University of Political Science and Law in 2006, she worked as a lawyer in the Guo Hong Electronic Company. In 2007, she continued her legal studies at the Trinity College in Dublin. She graduated with a LLM degree in 2008. In October, 2008, she joined elaw@Leiden of Leiden University as a PhD researcher. She currently has several publications under review, among which "Incomplete Data Protection Law" (which is an adaptation of this book's Chapter 4) will be published in the September 2014 issue of the German Law Review. For the immediate future, Kunbei Zhang decided to pursue her scientific career in China.