

## **GNI Statement on Recent Digital Regulation Proposals in Pakistan**

The Global Network Initiative (GNI), a multistakeholder organization focused on freedom of expression and privacy in the information and communications technology (ICT) sector, expresses deep concern about [reports](#) that the Pakistan cabinet has approved for Parliament its Draft Personal Data Protection Bill, 2023 (“PDPB”), despite the many concerns raised by [civil society](#) and [industry](#). We also note with concern that there are reports of proposals to amend the Prevention of Electronic Crimes Act (PECA), the associated Removal and Blocking of Unlawful Online Content Rules, 2021 (2021 Rules), and introduce a new E-Safety Bill to bolster the already excessive powers given to the authorities. The GNI encourages the Pakistan government to reconsider this rushed approach and undertake open, transparent, and multistakeholder consultations to inform effective, fit-for-purpose, and [rights-respecting](#) regulation.

Among its most alarming clauses, the PDPB prohibits companies from transferring and processing “critical personal data” outside Pakistan and gives sector regulators unfettered authority to deem any data as “critical personal data”. The PDPB also imposes onerous transfer requirements on non-critical personal data and suffers from insufficient cross-border data mechanisms, thus hindering the free flow of data, which serves as the lifeblood of Pakistan’s digital economy. Taken together, the PDPB Bill imposes some of the most restrictive and onerous restrictions on data transfers seen across global data protection laws and would put the law of Pakistan out of step with all of its regional neighbors, as well as leading global economies including the United States and the European Union.

The PDPB also requires companies to share sensitive personal data with the government. The unchecked censorship and surveillance provisions in the PDPB and the obstacles it puts up against cross-border data flows, risk undermining important human and economic development opportunities and could constitute a setback to commercial innovation and other societal benefits of information and communications technologies. The substantial requirements that the PDPB places upon companies may also pose significant risks for the [digital development of Pakistan](#).

Unfortunately, the most recent efforts by the government of Pakistan to regulate digital content and pressure intermediaries continue previous trends of bypassing a consultative process and creating broad and unchecked powers that are likely to lead to unnecessary and unjustified censorship. GNI has serious reservations with the complete lack of transparency and consultation surrounding the amendments to PECA, and the proposed E-Safety Bill. GNI has [previously expressed](#) similar concerns when the former government attempted to amend PECA without public consultation. This continued brazen disregard of democratic principles sends a chilling signal that Pakistan is becoming an inhospitable ground for both freedom of expression and business.

GNI has consistently raised concerns about proposals in the [2021 Rules](#) and [other jurisdictions](#) to compel local representation, data localization, and arbitrary and inflexible removal timelines on the grounds that they create unnecessary and disproportionate impacts on users’ rights. In order to ensure that Pakistan acts



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consistently with its international obligations and avoids creating disproportionate economic and social consequences, we ask that the government extend the period for consultation to allow greater debate and deliberation on these crucial legislations.