The Tokyo Resolution on Combatting Data Localization Requirements

Tokyo, October 2014

On October 8, 2014, members of ITI, JEITA and DIGITALEUROPE convened in Tokyo to discuss problematic policies in jurisdictions around the globe that mandate localization, such as required technology transfers and local sourcing. Increasingly, forced localization requirements are also being considered with regard to data—namely, requirements that data be stored in country.

ITI, JEITA and DIGITALEUROPE hereby recognize that:

- The movement of data across borders is an imperative for today's global economy;

- Data localization requirements disrupt the free flow of data;

- Data localization requirements are incompatible with the Internet's distributed infrastructure that enables optimal system architecture;

- The security of data does not hinge on the national boundaries of where such data resides; and

- Data localization requirements create barriers to market access, particularly impacting small and medium sized enterprises (SMEs) which are eager to attract customers not only domestically, but also in foreign markets.

- Any exceptions to these provisions, such as to protect personal data privacy, should be limited to legitimate public policy objectives and be in full compliance with the provisions of the GATS.

Accordingly, ITI, JEITA and DIGITALEUROPE hereby resolve to:

- Raise awareness globally on the negative impacts of data localization requirements;

- Develop strategies to advocate for sensible policies that do not risk fragmenting the Internet and imposing economic harm; and

- Promote best practices within governments globally that foster a competitive market and the continued development of innovative products and services to users worldwide.

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