

Trans Pacific Partnership Trade Agreement Will Erode American Privacy Laws

March 7, 2016 – If you haven't heard of the Trans Pacific Partnership, or TPP as it is commonly called, it is time to sit up and pay attention. TPP has become a major issue on both sides of the aisle in the presidential campaign for a variety of reasons. Most commonly, you'll hear some of the candidates talking about how it would negatively impact American jobs. But it could also have a major negative impact on your personal privacy. And to date, we haven't heard one single candidate address that issue.

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TPP – What is it?

In short, TPP is a free trade agreement, much like the North American Free Trade Agreement (NAFTA) between the United States, Canada and Mexico.

In the case of TPP, the agreement is between 12 Pacific Rim Nations. They include the United States, Japan, Malaysia, Vietnam, Singapore, Brunei, Australia, New Zealand, Canada, Mexico, Chile and Peru.
Why is TPP so controversial?

TPP is a step towards global regulation of all economic activity. Unlike most other trade agreements, if the United States actually joins the TPP agreement, there is no effective mechanism for the country to exit the agreement if we don't like the results.

The agreement would place responsibility for enforcing the agreement's provisions in an unelected commission that would have the ability to override laws and regulations put in place by congress. That commission would oversee all aspects of the agreement and US courts would not have the authority to intervene.

Where TPP conflicts with American laws, TPP would override those laws. And where TPP conflicts with other trade agreements, TPP would reign supreme.

One of the most controversial issues surrounding TPP is that large portions of it have been negotiated in secret.

Certain effects of the agreement are foreseeable. In fact, we've seen them before with NAFTA. In fact, within the last year Nabisco, Ford and Carrier have all announced that they are moving large manufacturing facilities from the United States to Mexico. Why? Because labor is cheaper, and there are fewer labor and environmental regulations. Under the terms of NAFTA, they can manufacture in Mexico and bring their goods back into the United States for sale without facing any tariffs. The American jobs lost are simply viewed as collateral damage.

But TPP is much more broad in scope than most other trade agreements. It would impact US immigration by forcing the US to allow more foreign workers. It would impact US copyright and patent laws by giving patent and copyright holders more ability to sue individuals. And it could force the US government to pursue criminal charges against individual Americans for perceived violations of copyright and patent regulations included in TPP.

A good example involves Android cell phones. It is quite common for owners of these devices to root them. This means they modify the operating system of the phone, allowing them to access additional phone capabilities and to make modifications that would not otherwise be allowed. Under TPP, rooting could be considered illegal and anyone caught rooting their phone could be subject to fines and criminal prosecution. That's just one example. There are many others.

How would TPP impact privacy laws?

TPP would significantly weaken consumer privacy laws by removing virtually all restrictions on sharing personally identifiable information across borders. Just think about that for a moment. Any law that requires your data to be stored on servers located in the United States would no longer be enforceable. And because of that, US privacy laws would no longer be applicable.

This is a big deal. Just think about the companies that do online tax preparation. Do you really want them storing all of your data on a server in Peru or Vietnam? It's a recipe for identity theft disaster. A similar example could be had with medical records.

TPP would also eliminate most privacy laws that prevent your data from being shared with other companies. As soon as your data is moved across the border, companies would be free to sell or share your information.

What is the current status of TPP in the United States?

The United States and the other participating countries have all signed off on the agreement, but for it to become effective, congressional approval is required.

Unfortunately, congress has already agreed to give fast-track approval to the agreement. This means that they can vote to approve or reject it but that they no longer have the authority to amend it. It also means that it can't be filibustered in the Senate.

President Obama is pushing congress to approve TPP. We strongly disagree with this position and urge our readers to contact their congressional representatives to voice disapproval.

by Jim Malmberg

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