Trans Pacific Partnership Could Gut American Privacy Laws and Limit Freedom of Expression

August 2, 2016 - If you have been paying attention to the presidential campaign this year, then you've probably heard the candidates talk about the Trans Pacific Partnership, or TPP. TPP is a multi-nation trade agreement that is being pushed by big business and which has the support of President Obama, House Speaker Paul Ryan and Senate Majority Leader Mitch McConnell. But TPP is widely opposed by voters in both parties because of the potential negative impact it would have on jobs. What you may not know is that it could also limit your freedom of speech on the Internet and limit the effectiveness of US privacy laws.

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Perhaps the biggest issue with TPP is that it has been largely negotiated in secret. The people pushing for the agreement want everyone to believe that if the United States ratifies it, the economy will boom. But when those same people don't want you to know what's in the agreement before it is ratified, you have to assume that they're hiding something they don't want you to know about. Here are some of the things that we already know and which should give everyone pause.

TPP encourages companies to send your personal data across borders and gives you no right to stop such practices. Furthermore, the agreement prevents participating countries from enacting strict privacy laws if those laws would interfere with international trade. There is a good case to be made that these provisions would encourage American companies to store your personal information on servers located overseas. Any data breaches occurring on those servers would probably be immune from state data breach notification laws. Any state attempting to enforce those laws would likely find itself getting sued.

TPP's section on the protection of trade secrets could make it illegal for journalist to publish information that is considered confidential. So if a company knows that a product it is selling doesn't function properly, and a news outlet finds out about it, that outlet could face stiff financial penalties for publishing their information. The author of this sort of article could also face criminal penalties. These same provisions could also place whistleblowers at risk for criminal and civil penalties. So much for the First Amendment.

Unfortunately, anyone finding themselves in hot water from these TPP provisions probably wouldn't be able to get any relief from American courts. That's because TPP actually cedes US sovereignty on these and other issues to an international commission. Each of the 12 countries attempting to enact TPP would get one vote. That's remarkably short sighted if for no other reason than the US has the largest economy in the world, yet under this treaty we would have the

same amount of authority as Vietnam; another of the treaties signatories. Vietnam's economy is ranked at 132 based on their GDP.

Due to the unpopularity of TPP with voters, ratification has been put on hold for now. After the election in November many analysts believe that congress will take up the matter during its lame duck session.

byJim Malmberg
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