

# Laws and Rules: Countries at a Glance

## Canada

**Legal System**  
Common law system, except in Quebec, where civil law based on the French civil code prevails

**Applicable Rules**  
Personal Information and Electronic Documents Act  
Ontario Rule of Civil Procedure 29.1.03  
Sedona Principles Canada  
Ontario Ediscovery Implementation Committee

**Ediscovery Practices**  
The Canadian ediscovery community is close-knit, with increasing numbers of practitioners embracing new technology workflows with each new matter.

## United States

**Legal System**  
Common law  
**Applicable Rules**  
Federal Rules of Civil Procedure 26, 34, and 37

**Ediscovery Practices**  
In a system known for broad discovery, the 2015 amendments to the Federal Rules of Civil Procedure have taken steps to address proportionality and unfettered discovery requests.

## Brazil

**Legal System**  
Civil law  
**Applicable Rules**  
Federal Constitution contains privacy protections  
The Brazilian Code of Civil Procedure  
The Civil Rights Framework ("Marco Civil da Internet")

**Ediscovery Practices**  
While there is no legal requirement to produce data in Brazilian litigation, data collection and processing protocols are sometimes adopted in regulatory matters, international arbitration issues, mergers and acquisitions and out-of-country litigation extending into Brazil.

## Spain

**Legal System**  
Civil law  
**Applicable Rules**  
Data Protection Act (Law 15/1999)  
EU Data Protection Laws applicable  
**Ediscovery Practices**  
While Spain itself does not have a formal discovery requirement, there is legislation that demands data production in certain instances. Regulatory investigations also drive some of the ediscovery conducted in Spain.

## France

**Legal System**  
Civil law  
**Applicable Rules**  
French Blocking Statute (French Statute No. 68-678 of 26 July 1968 [as modified in 1980])  
EU Data Protection Laws  
**Ediscovery Practices**  
A civil law system and strict data protections laws limit litigation-based ediscovery in France and complicate obtaining data for discovery in common law jurisdictions.

## Netherlands

**Legal System**  
Civil law  
**Applicable Rules**  
Dutch Personal Data Protection Act (Wet bescherming persoonsgegevens (Wbp))  
Dutch Telecommunication Act (Telecommunicatiewet, implementing Directive 2002/58/EC)  
EU Data Protection Laws applicable  
**Ediscovery Practices**  
Ediscovery demand is growing due to increased regulatory activity and Dutch companies taking a more proactive approach to compliance.

## United Kingdom

**Legal System**  
Common law  
**Applicable Rules**  
Civil Procedure Rules (Part 31 and associated Practice Directions)  
**Ediscovery Practices**  
Edisclosure is well practiced and judicial decisions on keywords, proportionality and predictive coding have been handed down over the past decade.

## Switzerland

**Legal System**  
Civil law system; judicial review of legislative acts  
**Applicable Rules**  
Federal Data Protection and Information Commissioner ("FDPIC")  
**Ediscovery Practices**  
While limited by privacy laws and no legislative requirement, ediscovery is still developing in Switzerland.

## Germany

**Legal System**  
Civil law  
**Applicable Rules**  
The Bundesdatenschutzgesetz (BDSG) which implements EU Data Protection Laws  
Various state level Data Protection laws  
**Ediscovery Practices**  
No stranger to ediscovery, German companies regularly engage in international disputes, as well as undergo vigorous government investigations. Strict data protection laws lie behind the need to produce a massive amount of data in a short amount of time.

## Nordics

**Legal System**  
Civil law  
**Applicable Rules**  
EU Data Protection Laws applicable  
Country specific privacy laws  
**Ediscovery Practices**  
With no formal litigation discovery requirements, most Nordic ediscovery is performed in compliance audits. The intricate privacy laws in the region complicate any multinational data processing.

## Italy

**Legal System**  
Civil law  
**Applicable Rules**  
Legislative Decree No. 196/2003, which contains the Italian Personal Data Protection Code (Code)  
EU Data Protection Laws applicable  
**Ediscovery Practices**  
Although cautious about using new technologies, growing regulatory investigations are the driving force behind Italy's ediscovery market.

## Belgium

**Legal System**  
Civil law  
**Applicable Rules**  
EU Data Protection Directive 95/46/EC  
The Data Protection Act of December 8, 1992  
**Ediscovery Practices**  
On international cases, large corporations and global law firms located in Brussels are sophisticated users of ediscovery technology. On national cases there is a greater need for education on the use of ediscovery technology.

## Hong Kong

**Legal System**  
Common law  
**Applicable Rules**  
Personal Data (Privacy) Ordinance (Cap. 486 of the Laws of Hong Kong) (Ordinance)  
Practice Direction PDSL 1.2  
**Ediscovery Practices**  
Hong Kong is a global center of finance, with many banks, brokerages, private equity funds and other financial institutions based there. As such, demand for ediscovery in Hong Kong is largely driven by regulatory scrutiny. Hong Kong has also adopted limited procedures, which provide a framework for ediscovery that encourages parties to be reasonable, proportionate and cost-effective.

## Singapore

**Legal System**  
Common law  
**Applicable Rules**  
Personal Data Protection Act (PDPA)  
**Ediscovery Practices**  
Singapore is the first country in the APAC region to have opt-in ediscovery guidance written into legislation. Although this guide was introduced in 2009, companies and law firms have been slow to adopt ediscovery technology. Further, Singapore has the most recent and strictest data protection laws, and it is best if personal data does not leave Singapore.

## China

**Legal System**  
Based primarily on the civil law model  
**Applicable Rules**  
Chinese State Secrets laws  
Chinese Counter-Terrorism laws  
**Ediscovery Practices**  
China does not have formal discovery practices in civil litigation. Further, the Chinese government has several regulations that impose possible restrictions on gathering data in China for an investigation or litigation. The most impactful regulation is the State Secrets law. Other ediscovery barriers in China revolve around language and culture, with the work culture in China being very family-oriented and controlled by personalized networks of influence and reciprocity.

## Japan

**Legal System**  
Based primarily on the civil law model  
**Applicable Rules**  
Japanese Act on the Protection of Personal Information ("APPI")  
Personal Information Protection Commission (Japan's data protection authority)  
**Ediscovery Practices**  
Japan is the most developed ediscovery market in the APAC region and continues implementation of the APEC Cross-Border Privacy Rules ("CBPR") system in order to foster the protection of personal information transferred across borders.

## Australia

**Legal System**  
Common law  
**Applicable Rules**  
Federal Practice Note CM6 applies for federal courts.  
State courts also have relevant guidance, for example in New South Wales Practice Note SC Gen 7 applies.  
**Ediscovery Practices**  
Ediscovery demand is growing, and Australians aspire to have an ediscovery system that takes the best from the United States and the United Kingdom.