



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2026 – ISSN 2582-7820

Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

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Book Review: Data Protection Around the World: Privacy Laws in Action by Elif Kiesow Cortez

Aman Singh^a Madhav Singh Mogha^b

^aResearch Scholar, Banaras Hindu University, Varanasi, India ^bResearch Scholar, Banaras Hindu University, Varanasi, India

Received 28 November 2025; *Accepted* 30 December 2025; *Published* 05 January 2026

INTRODUCTION

In a time when personal data has simultaneously become a commodity, a resource, and money, legal systems worldwide must consider how to protect privacy amid technological advancements. What constitutes effective data protection in a globalised, interconnected world? The book **Data Protection Around the World: Privacy Laws in Action** tackles these issues head-on, serving as both a comparative legal resource and a strong appeal for more attention that strikes a balance between academic rigour and urgent practical relevance. '*Data Protection Around the World: Privacy Laws in Action*' was edited by Elif Kiesow Cortez. Online sellers list November 2020 for the first edition; however, library catalogues show a 2021 imprint. The first edition was published by T.M.C. Asser Press in late 2020 or early 2021 under Springer's Information Technology & Law Series (Volume 33). The roughly 279-page edited volume concludes with an analysis of the US-EU GDPR interface and forward-looking

thoughts on global regulatory trends. It contains twelve chapters that explore data protection laws in various jurisdictions, from Belgium and Estonia to Greece, Indonesia, and Tanzania.¹

ABOUT THE AUTHOR

The Hague University of Applied Sciences' Senior Lecturer in the International and European Law Program, Elif Kiesow Cortez, is in a unique position to undertake this ambitious comparative study. Her writing is easy to understand without being overly simplistic, which is uncommon in an area as complex and full of jargon as information privacy.

STRUCTURE AND APPROACH

Section I: Genesis and Evolution –

Cortez opens with a powerful historical narrative: privacy as not just a legal invention, but a value evolving with social, technological, and political changes. She traces privacy's roots from ancient conceptions of private life and bodily autonomy to the legal codifications in U.S. and European traditions. The book references Warren and Brandeis' influential 1890 Harvard Law Review article, which famously coined privacy as the 'right to be let alone,' then delves into post-World War II fears of state surveillance, leading to a re-examination of privacy at both national and international levels.²

Data Privacy v Data Protection: What distinguishes Cortez's introduction is its global universality. Instead of seeing privacy as a Western concept that has been imported into other cultures, she takes into consideration privacy paradigms in Eastern nations, African community values, and indigenous norms. The underlying premise is that while basic privacy principles are constant, how they are articulated, enshrined, and enforced in the law is greatly influenced by local culture and political history.³

¹ Elif Kiesow Cortez, *Data Protection Around the World: Privacy Laws in Action* (TMC Asser Press 2020)

² Samuel D Warren and Louis D Brandeis, 'The Right to Privacy' (1890) 4(5) Harvard Law Review
<https://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/Privacy_brand_warr2.html> accessed 01 September 2025

³ Cortez (n 1)

Section II: Comparative Survey – Laws Across Borders –

The European Union: Benchmark or Burden? Cortez begins her comparison section with a detailed analysis of the European Union's General Data Protection Regulation (GDPR), which is thought to be the most extensive and important set of privacy rules worldwide. She breaks down the core GDPR principles of lawfulness, fairness, purpose limitation, data minimisation, accuracy, storage limitation, security, and accountability with succinct explanations and real-world examples. She analyses the GDPR's rhetorical and substantive effects, which is noteworthy. Although acknowledging the regulation's achievements in empowering individuals, or 'data subjects,' and harmonising privacy safeguards, Cortez is not afraid to draw attention to the complexity of compliance.⁴

United States: Patchwork Protections and Sectoral Silos: Turning to the U.S., Cortez expertly illustrates the challenges posed by a sectoral approach. Rather than a single comprehensive law, privacy in the U.S. is governed by a mosaic of statutes (such as HIPAA for health, COPPA for children online, and the Fair Credit Reporting Act), as well as some state-level laws like the California Consumer Privacy Act (CCPA). Cortez delves into judicial interpretation, including major Supreme Court decisions such as *Carpenter v United States* (on cell phone location tracking) and *Riley v California* (warrant requirement for cellphone searches). She highlights both innovation and inconsistency: while sectoral laws can be nimble and tailored, they create significant gaps (e.g., lack of general data breach notification) and encourage regulatory arbitrage.⁵

India: Towards a Comprehensive Legal Framework: India serves as a fascinating test case for Cortez's thesis. The country's journey from the Information Technology Act 2000, with its limited, sectoral protection, to the landmark *Justice K.S. Puttaswamy v Union of India* (2017)⁶ Supreme Court judgment recognising privacy as a fundamental right is told with both legal acumen and vivid narrative. Cortez examines the following writing of the Personal Data Protection Bill (PDPB)⁷, charting contentious discussions over localisation, monitoring, the role of the state, and striking a balance between individual rights and innovation. The vibrant conversation she encountered in her conversations with lawmakers, IT entrepreneurs, and

⁴ Elif Kiesow Cortez, *Data Protection Around the World: Privacy Laws in Action* (Springer 2021)

⁵ *Ibid*

⁶ *Justice K S Puttaswamy (Retd) and Anr v Union of India and Ors* (2017) 10 SCC 1

⁷ The Personal Data Protection Bill 2019

civil society leaders reflects India's aspirations for digital transformation and the challenges of managing a vast and diverse populace. Notably, Cortez situates India in the global movement for digital sovereignty, emphasising the tensions between concerns about government overreach, economic ambitions, and privacy rights.

Brazil, South Africa, China, and Others: The Rise of New Models: Beyond the well-known, Cortez devotes entire chapters to privacy legislation in South Africa (POPIA), Brazil (LGPD), China (PIPL: Personal Information Protection Law), and regional initiatives such as the African Union's Malabo Convention. These sections are highly useful because they demonstrate how each jurisdiction is striking a balance between home interests and global digital realities.

Section III: Data Protection in the Real World –

By showing that importing frameworks from other places does not necessarily ensure successful or harmonious local operation, these chapters offer professional insight into the concept of legal transplants. The book serves as a useful reference guide with descriptions of privacy laws from over 20 other countries included in an appendix.

Pandemic Privacy: Surveillance v Public Health: Perhaps the most striking case studies concern the COVID-19 pandemic. Cortez uses detailed research to show how emergency surveillance powers, such as contact tracing, mobile data analysis, and mandatory health apps, raised new questions about proportionality, transparency, and sunset clauses. Cases from South Korea, Israel, and India are compared, revealing starkly different cultural and legal tolerances for intrusions under the guise of public safety.

Cross-Border Flows, Corporate Compliance, and Standard Setting: Cortez devotes much attention to the complexity of cross-border data flows. Using the well-publicised invalidation of the EU-US Privacy Shield as a focal point, she unpacks the challenges companies face in maintaining compliance amid shifting legal landscapes and the unpredictable outcomes of transatlantic legal disputes. She explores the operational implementation of Standard Contractual Clauses (SCCs), the friction of data localisation debates in India and China, and the proliferation of 'adequacy' mechanisms worldwide. Practical tips for compliance professionals drawn from workshops and anecdotes enrich the narrative, grounding abstract

legal lists in the practical world of incident reporting, due diligence, and vendor management.⁸

Algorithmic Threats and the Law's Limits: A critical addition in this book (compared with older works) is the focus on emerging technologies. Cortez critically addresses artificial intelligence, big data, and automated decision-making systems, showing how the power of prediction and profiling challenges the very foundations of privacy law. From algorithmic bias in financial services to the opaque nature of 'black-box' decisions in employment screening, Cortez points out the gaps left by existing regulation. Cortez concludes that while ex-post remedies (like complaints and lawsuits) are important, they may be insufficient for the pace and scale of algorithmic innovation, a call echoed by other leading voices in tech law.

Social Media: Consent, Manipulation, and Child Protection: Cortez examines the world of social media through case studies on informed consent, dark patterns, and the exploitation of minors' data. Studies on the effectiveness of parental controls, the challenges of ensuring valid consent in environments built on manipulation and habit-formation, and the shortcomings of platform self-regulation are all presented with nuance and care. The issue of children's data rights, particularly post-GDPR and in the wake of cases in the U.S. and U.K., is given special attention.

Enforcement and Resistance: Enforcement is revealed as the true test of any privacy law. Cortez presents comparative case studies of data protection authorities (DPAs) in action: Ireland's DPC, the UK's ICO, Brazil's ANPD, and their differences in resources, approach, and independence. She expertly reveals that, in the absence of strong, independent, and well-funded regulators, even the best privacy frameworks remain paper tigers. Resistance, too, is part of the story. Cortez shares accounts of activist campaigns, class-action lawsuits, data subject requests, and the creative strategies used by individuals and organisations caught between governments and tech giants.

Relevance for Academic Use: Cortez's work resonates well beyond legal practitioners or research scholars. The book's thematic threads, data as power, surveillance as threat, and compliance as cultural change inform debates on democracy, governance, and rights in a

⁸ Cortez (n 1)

digital age. Civil society organisations, regulators, technologists, and educationalists will find much of use. With case studies touching sectors from finance to education, and reference appendices for quick comparative checks, this book is likely to become a touchstone for years to come. This is a tremendous asset for academics engaging in comparative legal studies. The book's structure allows scholars to draw nuanced contrasts between GDPR-driven frameworks and local regulatory adaptations or resistances. Researchers studying GDPR extraterritoriality will find Estonia, Tanzania, and Turkey particularly illuminating. Comparative methodology students can use structured chapters to trace differences in legislative intent, procedural safeguards, and enforcement capacity. With international scope and current relevance, the book is well-suited as a required or recommended text in courses such as Comparative Privacy Law, Global Data Governance and Transnational Regulatory Frameworks in ICT law.

Strengths of Book –

Holistic Analysis: To handle the interconnectedness of modern privacy problems, Cortez's book uses a holistic analysis, thereby avoiding the trap of parochialism and a restricted, narrow emphasis. By combining four essential components into one story, she is able to present an all-encompassing viewpoint. First, a historical viewpoint uses the seminal 1890 paper by Warren and Brandeis that first used the phrase 'right to be let alone' to trace the growth of privacy from ancient ideas of physical autonomy to post-World War II anxieties about governmental monitoring and legislative codifications. Second, an international scope goes beyond a Western-centric perspective by taking into account indigenous norms, African community values, and privacy paradigms in Eastern countries. The book provides a comparative analysis of legislation in a variety of countries, including China, India, South Africa, the US and the EU. Third, an emphasis on the technological factor highlights how the power of profiling and prediction undermines the fundamental tenets of privacy legislation by addressing new risks from big data, automated decision-making systems, and artificial intelligence. Last but not least, a case-based approach grounds abstract rules in real-world situations using real-world instances. This includes in-depth case studies on the COVID-19 pandemic's effects on surveillance and the widely reported invalidation of the EU-US Privacy Shield. By fusing these components, the book enables readers to see how

contemporary legal issues like cross-border data flow are inextricably linked to their technical underpinnings, historical background, and global political debates.

Human Dimension: By purposefully shifting the conversation away from legal abstraction or policy checklists and towards the ‘human impact’ of regulation, Cortez effectively highlights the Human Dimension of privacy. A law's actual efficacy is determined by how it impacts fundamental human values: Freedom, which refers to the capacity to live without the chilling effect of excessive surveillance, as demonstrated by comparing pandemic surveillance cases; Dignity, which is either facilitated or hindered by law in contexts like social media where manipulation and dark patterns can exploit private life; and Control, demonstrated by the success of regulations like the GDPR in empowering ‘data subjects’ to manage their personal data. This constant focus guarantees that the book is based on ethical realism and essentially emphasises that data protection is about defending the rights and autonomy of individuals.

Responsive, Not Predictive: By presenting the law as a flexible, responsive process of ongoing negotiation, Cortez effectively avoids the trap of making simplistic predictions when describing privacy laws as responsive, not predictive. As evidenced by the various responses to pandemic surveillance cases, this negotiation takes place on two fronts: first, negotiating dangers, where the law is constantly trying to keep up with and respond to evolving threats, such as the speed and scope of algorithmic innovation and the opaqueness of ‘black-box’ decisions; and second, negotiating social expectations, where laws are continuously adjusting to changing public demands and cultural tolerances for intrusions. Thus, Cortez demonstrates that privacy legislation is a continuous, iterative battle rather than a static answer. This point is further supported by her reasonable hesitancy when designing proactive regulations for AI, which reflects the rapid advancements in both technology and law.

Practical Utility: Because it goes much beyond theory and criticism to provide professionals like solicitors, compliance officers, and regulators with practical advice, the book has a great deal of practical utility. Three main areas demonstrate this usefulness: Cross-Border Risk Management, which helps practitioners navigate the intricacies of international data flows by providing important examples such as the invalidation of the EU-US Privacy Shield and the operational implementation of Standard Contractual Clauses (SCCs); Uncertainty and

Implementation, which offers useful advice based on workshops and anecdotes on the operational realities of compliance, such as vendor management, incident reporting, and due diligence; and Real-World Application, which includes in-depth chapters on data protection in developing jurisdictions like South Africa, Brazil, and China, as well as an appendix that describes privacy laws in more than 20 other nations, which serves as a useful quick reference guide for comparative checks.

Balanced Judgment: Because Cortez's analysis is characterised by her Balanced Judgement, which is grounded in comparable data and evidence rather than ideological prejudice, her judgments are trustworthy. Her views are cautious and well-founded, and they mostly draw on similar facts from many jurisdictions. This strategy enables her to successfully avoid extremes; she is not overtly in favour of new rules, noting, for instance, the difficulty of complying with GDPR, nor too sceptical of the law's ability to provide protection. This leads to a nuanced critique: she quickly highlights the difficulties of compliance while acknowledging the GDPR's successes in empowering people. In a similar vein, she emphasises the significance of legal frameworks but also points out that even the finest privacy laws run the risk of becoming 'paper tigers' if they don't have robust, independent, and well-funded authorities to ensure their proper implementation.

Concise Presentation: The book is praised for its concise presentation, which is a noteworthy asset considering its extensive global reach, rich historical background, and intricate subject matter. It is an affordable, accessible, and manageable resource since its about 279-page volume is in a digestible format. Its length and structure also add to its academic suitability, making it a good choice for a required or suggested work in classes like Global Data Governance or Comparative Privacy Law. Additionally, the organised chapters make it simple for researchers to compare the legislative purpose, procedural protections, and enforcement capabilities of the several nations under discussion.

LIMITATIONS OF THE BOOK

Editor's Thematic Voice: The main drawback of the Editor's Thematic Voice is that Cortez edited the volume instead of writing each chapter herself. Despite the fact that this editorial structure ensures a professional contribution for every chapter, there is a chance that the different country-specific portions will differ in tone, analytical approach, or depth.

Therefore, in order to ensure that students are exposed to the same theme across class discussions, instructors who use the book in Comparative Privacy Law courses may need to explicitly account for these variances.

The Trade-off between Depth and Breadth: The book's ambitious worldwide scope, with 12 chapters covering different countries, presents an intrinsic restriction of The Trade-Off Between Depth and Breadth. Because of this structure, there must be a trade-off between covering a large number of jurisdictions (breadth) and going into great detail about each one (depth). As a result, there is a chance that some jurisdictions won't receive as much attention as others due to the sheer volume of content. Small jurisdictions are especially affected since they could feel underserved in comparison to larger actors like the US or the EU.

Recommendations: The third restriction of the book concerns its recommendations, which include the use of cautious and proactive regulatory design. In particular, some readers or practitioners may find the suggestions for proactive regulatory design for AI and emerging technologies to be more conservative than they would want. The critical review does, however, provide a Justification for Caution, pointing out that this cautious tone makes sense considering how quickly the law and technology are changing in this area. The cautious tone on these forward-looking concerns may be explained by the fact that this approach is consistent with Cortez's general technique, which is described as Responsive, Not Predictive.

Rapidly Evolving Field: The fourth major drawback is that privacy legislation is a rapidly changing field, which makes published books inherently difficult. Some legislative developments that took place after the book's publication date will result in Dated Content because the book was released in late 2020 or early 2021. The implementation of Brazil's General Data Protection Law (LGPD), the adoption of India's DPDP Act (Digital Personal Data Protection Act), and modifications to data frameworks at the African bloc level are a few examples of these post-publication changes. In order to contextualise the material, academics utilising the book must include and debate these new regulatory evolutions with their students.

CONCLUSION

Elif Kieaow Cortez's *Data Protection Around the World: Privacy Laws in Action* is a scholarly and captivating comparative analysis of privacy law's history, current state, and potential

futures. Through legislation, courtrooms, boardrooms, and living rooms, Cortez takes the reader on a worldwide tour that demonstrates how privacy is negotiated, defended, and occasionally violated on every continent with uncommon analytical depth and sympathetic insight. This book provides uncommon clarity and scope for anybody interested in digital rights, be they a practising attorney, in-house compliance officer, activist, legislator, or just a citizen. Cortez's message is obvious in a world where personal data is both valuable and vulnerable: the only solutions are debate, adaptable reform, and vigilance.