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Your **AI** Doesn't Know Where It Is.

Privacy Foundations for a **Cross-Border** World

A.J. Carter

AI Governance Australia

Foundations for the future

"Zero jargon. Sharp insights. At least one cautionary tale involving iris scans."

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Your **AI** Doesn't Know Where It Is.

Cogito Ergo Sum

A.J. Descarter

Office of Socratic AI

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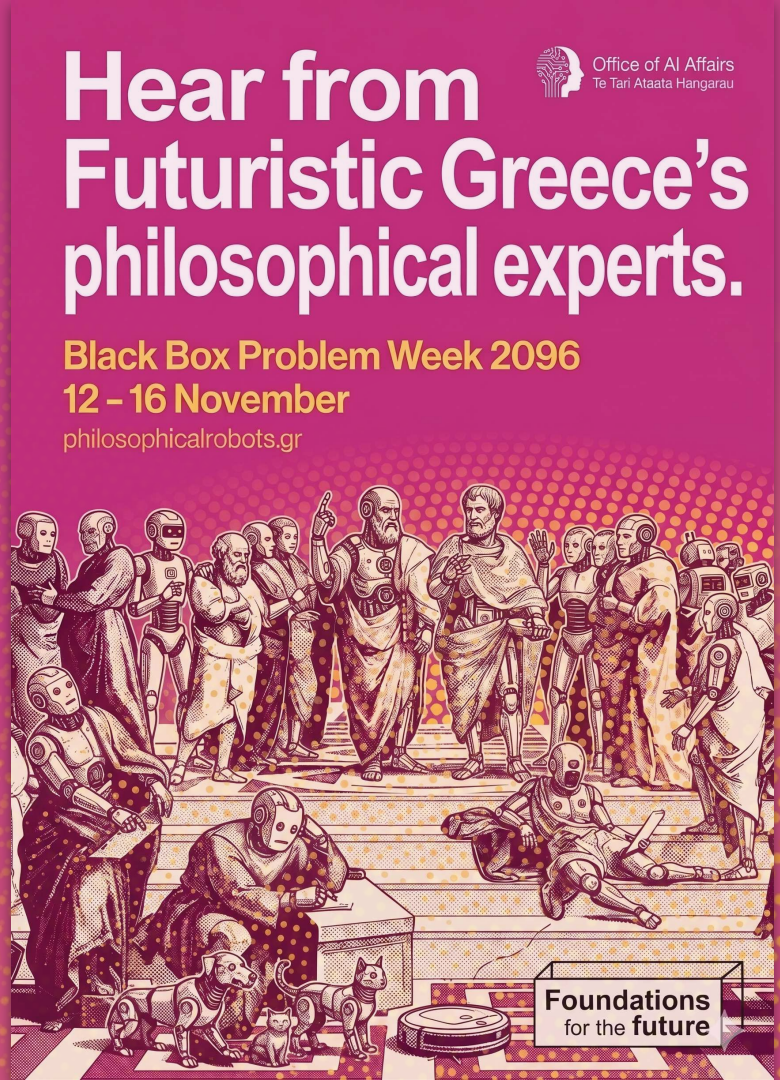

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Adrian J. Carter

Director, Governance and Strategy
AI Governance Australia

Law Society of Upper Canada (2013) · Supreme Court of Queensland (2017)
High Court of New Zealand (2019) · High Court of Australia (2023) **

Young Privacy Professional 2025 — IAPP Melbourne Chapter ·
The Breakthrough Lawyer Program - Bond University · CatalysrX Migrant Entrepreneur Fellow
City of Melbourne 2050 People's Panel ·"Privacy Bar" Specialist Network — IAPP

Prosecutor · Queensland Police Service | **Senior Advisor** · Office of the Chief Ombudsman, NZ Parliament | **Technical Specialist, Acting Border Manager** · Immigration New Zealand
Senior Lawyer · Melbourne | **Governance & Strategy Lead** · Headliners, Australia

***Not currently providing legal services*

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Hear from Aotearoa's privacy experts.

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"The Black Box Problem…. as the "mind" of AI"

*"The idea that we're deploying systems whose internal decision logic is opaque, **even to their builders**, and then regulating the outcomes of those systems using frameworks that were written for human decision-makers.*

*That mismatch is, to me, genuinely **fascinating**."*

Adrian J. Carter

BJUS, JD, PGDip Legal Practice, PGDip Public Policy, Cert Data Privacy Mgmt, Cert AI Governance Professional, Harvard Specialisation in Digital

The *(Octa)* **Core** Problem

AI tools don't respect borders.
Privacy Regulators *(increasingly)* do.

Not because the tool changed. Because **the border** did.

Do you know which **jurisdictions your AI systems operate in?**

Not where your servers are. Not where your HQ is.
Where your data subjects wake up in the morning.

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Regulatory landscape → AI-specific triggers → Practical foundations

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Seven **Jurisdictions**, Seven Speeds

Jurisdiction	Status	Key Fact
Australia	Reforming	POLA Act 2024 - most substantial overhaul since 1988
New Zealand	Active, enforcement gap	Privacy Act 2020 has no direct fining power above NZD 10K
Thailand	**Enforcing**	Real fines. Real arrests. PDPC is not a paper tiger.
Singapore	Mature	SGD 1M or 10% annual SG turnover penalty ceiling
Philippines	Emerging	NPC active; Worldcoin C&D issued Oct 2025
Indonesia	Theoretical	PDP Law in force Oct 2024; enforcement body not established
Vietnam	Theoretical	PDPD in force; full PDPL status unconfirmed

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Seven **Jurisdictions**, Seven Speeds

Not a single wave.
Overlapping tides at different heights.

ASEAN **DEFA** - The Big Picture

73% of core provisions agreed (Oct **2025**)
Signing target: **November 2026**

Cross-border data flows + personal data protection standards: TBD

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Australia: Privacy Act Reform in Motion

Mid-reform. Moving target. The clock is running.

Dec 10, 2024 — POLA Act: Royal Assent

- Tiered civil penalty regime
- New OAIC search & seizure powers
- Mandatory technical & org security measures
- Compliance notices - no court required

Jun 10, 2025 — Statutory Privacy Tort commences

- First private right of action for serious invasion of privacy in Australian history
- Damages ceiling: **AUD 478,550**

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Watch: Tranche 2 reform (fair & reasonable test, expanded consent definitions) — no Bill

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Australia: Privacy Act Reform in Motion

Mid-reform. Moving target. The clock is running.

Jul 1, 2026 — AML/CTF Tranche 2 carve-in (s 6E)

- Real estate agents, lawyers, conveyancers, accountants, dealers in precious metals/stones
- Applies **only** to AML/CTF-related personal information handling
- General small business exemption (s 6D) remains in force

Dec 10, 2026 — ADM Transparency Cliff

- APP entities must disclose when 'substantially automated' programs make decisions that 'significantly affect' individual rights
- *Definition of 'significantly affect': OAIC guidance*
- **Conservative read: start mapping now. Err toward disclosure.**

Dec 2026 - Children's Online Privacy Code

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Aotearoa New Zealand

Functioning Framework. Enforcement Gap.

The structural problem:

- Direct Commissioner fining power: **NZD 10,000 per offence**
- Human Rights Review Tribunal: up to **NZD 350,000** per complainant — but requires private action
- Orders of magnitude below AU, SG, TH regulator-wielded penalties

May 2026: IPP 3A — notification required when personal information collected **indirectly** (trackers, data brokers)

The data:

- +21% complaints YoY → 1,598 cases (2024–25)
- +43% serious breach notifications → ~600
- 75% (Mar 2025 OPC survey) support Commissioner fining power

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Commissioner Webster (Dec 2025): *"…**we need to keep up**"*

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APAC: **Thailand**

From Warnings to Wallet Hits.

First PDPA fine: Aug 21, 2024 THB 7M (maximum) — major online retailer ↳ No DPO + inadequate security + failure to notify breach affecting 100,000+ customers

Aug 2025: 8 orders across 5 cases
Total fines since enforcement began: ~THB 21.5M (~USD 640K)

The hospital case: Patient records reused as food wrappers by destruction contractor Hospital fined **THB 1,210,000** ↳ *Controller liability for processor failure. Remember this.*

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The headline number: **72 hours** — breach notification window from discovery

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APAC: **Thailand**

From Warnings to Wallet Hits.

"…. over 1,000 medical record documents had leaked during the document destruction process.."

"…these sensitive documents ….entered the public domain through not being properly deleted or destroyed, in violation of the law".

*"…taken the documents home, failed to follow the agreed-upon procedures and **did not inform the hospital** of the data breach."*

Hospital **fined** = THB 1.2 million.

Operator **fined** = THB 16,940.

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Bangkok Post

NEWS THAILAND BUSINESS LIFE GURU LEARNING

Data leak case a timely reminder

EDITORIAL

PUBLISHED : 10 AUG 2025 AT 03:30
WRITER: EDITORIAL

Add as a preferred source on Google

Imagine the shock of enjoying a mini-pancake snack, only to discover it was wrapped in a paper pouch made from a reused patient record -- one that specified a diagnosis of hepatitis B.

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APAC: **Thailand**

From Warnings to Wallet Hits.

A government agency *"offering online services via a web application"* fined after system hack resulting in *"personal data of over 200,000 individuals being stolen and sold on the Dark Web"*

Found to *"have weak cybersecurity measures… weak passwords… lacked ongoing risk assessment…. failed to establish a Data Processing Agreement (DPA)."…*

Govt agency **fined** = THB 153,120
Private system developer **fined** = THB 153,120

Computer equipment retailer fined = THB 7 million.

Cosmetics company fined = THB 2.5 million

Collectible toys retailer fined = THB 500,000 (as data controller), THB 3 million (as data processor

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AI-Specific Compliance Triggers

Missing in *(AI Act)*ion : Privacy law IS the AI law

The core problem: Existing privacy law was written for **human** decision-makers.
AI decisions are generated by models nobody fully understands, at a scale no human could achieve, across multiple jurisdictions simultaneously.

Jurisdiction	Key AI trigger	Status
Australia	ADM transparency disclosure	**Deferred to Dec 2026**
Australia	Biometrics as sensitive information	**In force NOW**
Thailand	Biometrics = sensitive personal data (s.26 PDPA) — explicit consent required	**In force. Enforced.**
Singapore	PDPA purpose limitation + consent applies to all AI	**Active. Model AI Framework = voluntary only.**

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This is not a hypothetical. This is ***operational reality***.

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The **Cross-Border** Conflict

One AI, Three Consent Architectures

AI-Powered Recruitment

Behavioural analysis · Linguistic profiling ·
Facial expression screening ·
Single cloud deployment ·

Candidates in Sydney, Singapore, Bangkok ·

Structural consequence of no APAC-wide harmonised standard. Managed jurisdiction by jurisdiction until DEFA resolves it.

Australia — GREY ZONE

ADM transparency obligations apply from Dec 2026 'Significantly affect' = still undefined pending OAIC guidance *Conservative read: disclose*

Singapore — INTERPRETIVE UNCERTAINTY

PDPA purpose limitation + consent applies Facial/emotional analysis = biometric-adjacent No specific PDPC guidance on AI hiring tools

Thailand — CLEAR. AND STRICTER.

Section 26 PDPA — full stop Facial recognition or voice analysis in recruitment = sensitive data provisions engaged **Explicit consent. Per candidate. Not bundled. Not inferred.** Threshold exceeds Australia and Singapore for the same product.

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Cautionary Tale

Iris scans + Cryptocurrency = **Regulatory Combustion**

World (formerly **Worldcoin**) | Co-founded by Sam Altman

World ID:
Scan your iris at a physical Orb device → prove you're human → receive WLD cryptocurrency tokens

By February 2025:
Operating across SEA

The three-part regulatory tension:

1. Iris scan data = biometric **sensitive** data → explicit, informed, **freely given** consent
2. Offering **cryptocurrency for consent** may undermine "*freely given*"
3. **Cross-border** transfer of biometric hashes to **non-local servers** → transfer compliance

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Meta AI glasses Meta Quest Explore Meta

Technologies Product News Innovation Public Policy Youth Well-Being

Takeaways

- International law enforcement joined Meta, the Royal Thai Police, the FBI, and the DOJ Scam Center Strike Force to disrupt criminal scam centers in southeast Asia that targeted the United States, the United Kingdom, and countries across Asia and the Pacific region.
- Based on information shared by law enforcement partners, Meta disabled over 150,000 accounts involved in or supporting scam center networks, and the Royal Thai Police Anti-Cyber Scam Center arrested 21 individuals for their involvement in scam activity.
- This was our second joint enforcement surge since December, demonstrating how global law enforcement continues to partner with Meta and peer companies to disrupt organized online crime and protect people from scams.

Online scams have become significantly more sophisticated and industrialized in recent years, with criminal networks often based in Southeast Asia in countries like Cambodia, Myanmar, and Laos running what amount to full-scale business operations. These operations cause real harm — they upend lives, destroy trust, and are deliberately designed to avoid detection and disruption. The work to protect people against scammers is never done, and requires ongoing collaboration with partners across the tech industry and law enforcement to ensure a safer experience

"We are proud to partner with the Royal Thai Police, the FBI, the DOJ Scam Center Strike Force, and law enforcement agencies from around the world to combat these sophisticated scam networks. This operation is a testament to how sharing information and coordinating our efforts can make real progress in disrupting this criminal activity at its source. Our work to combat scams is never done, and we will continue to invest in technology and partnerships to stay ahead of these adversaries."

– Chris Sonderby, Vice President and Deputy General Counsel at Meta

"Online scams are not a faceless crime. They target our families, our friends, and our neighbors. Criminal scam syndicates are operating across borders and causing real harm to our communities and our economy. Tackling this issue calls for a joint effort between the public and private sectors. This joint operation is a testament to the power of partnership. This operation also sends a clear message to criminals that the Royal Thai Police and our partners will continue to suppress and eradicate all forms of online crime to the fullest extent, to make Thai society and our region a safe place for all citizens."

– Police Lieutenant General Jirabhop Bhuridej, Assistant Commissioner General of the Royal Thai Police (RTP) and Deputy Director of the Police Cyber Task Force (PCT)

World: **APAC Enforcement** Timeline

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Same device. Same data. Same consent flow.

Six enforcement actions. Different mechanisms.
Same conclusion: **halt.**

Jan/May 2024 — 🇭🇰 Hong Kong
10 covert visits (Dec 2023–Jan 2024) → court warrants at 6 premises (31 Jan 2024) Enforcement notice: 22 May 2024 — operations ordered to cease
Basis: iris data collection "unnecessary and excessive" — data minimisation, not consent

Sep 2024 — 🇰🇷 South Korea USD 790,000+ combined fine — Worldcoin Foundation + Tools for Humanity *Basis: collecting iris data without proper consent* **Largest single APAC financial penalty against World**

May 2025 — 🇮🇩 Indonesia Operating permit suspended by Ministry of Communication and Digital *Basis: sectoral licensing law — not the PDP Law*
↳ Multiple legal pathways. Dedicated enforcement body still doesn't exist.

Oct 2025 — 🇵🇭 Philippines National Privacy Commission: cease-and-desist
Basis: Data Privacy Act violations + "exploitation of vulnerable populations"
World appealed. Order remained in effect.

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World: **APAC Enforcement** Timeline

Oct 2025 — 🇹🇭 **Thailand SEC + CCIB** Joint raid on Bangkok Orb scanning centre. **Arrests made.** *Basis: unlicensed digital asset business — financial services licensing, not privacy law*

Nov 2025 — 🇹🇭 **Thailand PDPC** Suspend all biometric enrollment. Halt processing. **Delete records of 1.2M+ Thai users.**
↳ PDPC finding: cryptocurrency for iris scans may **create coercive dynamic** invalidating consent

Jan 8, 2026 — 🇹🇭 **Thailand DSI** Specialist financial crimes agency — 5 locations raided across Bangkok Special Investigation — 4 Orb devices seized *Basis: Computer Crime Act + Digital Asset Emergency Decree + PDPA — simultaneously* **Fourth legal pathway. In the same jurisdiction.**

World's response throughout: "*Operating in compliance with local laws and regulations.*"

April 2026: World announces partnerships with Tinder, Zoom, and DocuSign. *The project didn't stop. It **pivoted**.*

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Four Lessons

One AI, Three Consent Architectures

1. Regulatory fragmentation is not theoretical.

Same consent flow.
Enforcement under: data protection law · licensing law · criminal investigation · GDPR - *simultaneously, multiple jurisdictions.*

2. The "technical anonymisation" argument failed everywhere.

World's position: biometric hashes ≠ personal data stored **Every APAC regulator rejected it**.

Regulators apply a functional standard, not a technical one. If the data can identify you — directly or in combination — it's personal data. **This applies to your AI outputs too**.

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Four Lessons

One AI, Three Consent Architectures

3. Financial incentives for biometric consent attract deep scepticism.

Brazil: banned on this basis explicitly
Thailand PDPC: flagged as potentially invalidating consent
Philippines NPC: cited exploitation concerns

Cash doesn't fix this. ***This is a principle****, not a cryptocurrency problem.*

4. "We comply with local law" is not a defence when eleven countries cannot agree on what the law requires.

World had legal advice. They believed they were compliant. Eleven legal systems. Different frameworks. Different standards. Identical conduct.

The ***outcome is structural****, not accidental. And it remains open to be repeated.*

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Doing the Basics Well: Five **Foundational Controls**

The most common failure mode is not sophisticated. **It is foundational.**

Unclear data maps · Undemonstratable consent · No processor agreements · Paper-only breach plans · Aspirational privacy policies

#	Control	Why it matters
1	**Data Mapping & Inventory**	Prerequisite for everything else. APP 1 (AU) · Art. 30 equivalent (TH, ID). Without this, you cannot do the rest.
2	**Consent Architecture** Granular. Documented. Withdrawable.	Most common enforcement trigger across all 5 active APAC jurisdictions. Can you produce the consent record? If not — there's a **problem**.
3	**Data Processing Agreements**	Thai hospital: fined for contractor failure. **Controller liability** for processor failure. Thailand s.40 + Indonesia PDP Law require written DPAs.
4	**Breach Response Protocol** Test it before you need it.	72 hours: Thailand + Indonesia. 30 days: Australia NDB scheme. A procedure document ≠ a breach response capacity. Run a tabletop, proactively.
5	**Privacy Impact Assessments for AI**	Legally required for high-risk processing (AU, ID). Evidence of accountability in enforcement. Shows you thought before you deployed — not after.

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Consent Architecture: in Focus

The most frequent failure mode. The most misunderstood standard.

What "granular, documented, withdrawable" means in practice:

🇦🇺 **Australia** Voluntary · Informed · Current · Specific · Demonstrable *POLA Act expanded enforcement machinery — inadequate consent records are more consequential now*

🇹🇭 **Thailand — Section 19 PDPA** Clear affirmative action · In writing or electronic · Evidence retained by controller *Withdrawal must be as easy as giving consent* ↳ The PDPC has applied this in enforcement.

🇳🇿 **New Zealand — IPP 3A (effective May 1, 2026)** Notification required when data collected indirectly — trackers, data brokers, any indirect sourcing

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On **Purpose**: Case Study

"Smart Health Futures" Roundtable

- Co-moderated by **AASYP** (ASEAN-Australian Strategic Youth Partnership) and **AIYA** (Australia-Indonesia Youth Association).
- **Context:** Cross-regional youth and expert perspectives on AI innovation and data ethics.
- **Key Insight:** [Insert the specific issue shown in your screenshot here, e.g., "Addressing the trust gap in AI-driven diagnostics."].
- **About AASYP:** A leading youth-led organization building a closer partnership between ASEAN and Australia through policy, innovation, and people-to-people links.

Source: KAROONUTHAISIRI, Nareuchaya : AASYP & AIYA Roundtable: *Smart Health Futures: Innovation for ASEAN–Australia Collaboration* (9 May 2026).

For more information on their regional impact, visit **aasyp.org**.

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ASEAN-AUSTRALIA STRATEGIC YOUTH PARTNERSHIP

aiya AUSTRALIA INDONESIA YOUTH ASSOCIATION

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The AI compounding problem

One AI model. One dataset.

Potentially **five separate processing purposes:**
Training · Inference · Personalisation · Quality improvement · Analytics

The practical minimum:
Map your AI system's processing purposes explicitly → match each to a consent or lawful basis → document the mapping.

*When the regulator asks — **and they will** — show your working.*

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One tick box at account creation covers one purpose.
Regulators treat the other four as unconsented processing.

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Sharp **Takeaways**

What you should do before you land back at the office.

01 — Map your AI systems to the jurisdictions they touch. Not where your HQ is. Not where your servers are. *Where your data subjects are.*

02 — Biometrics are a bright line everywhere in APAC. Iris · Face · Fingerprint · Voiceprint Heightened consent requirements: **Not the same as ordinary personal data**. *Higher. In some jurisdictions, significantly higher.*

03 — December 2026 is not far away for Australian ADM compliance. OAIC guidance on "significantly affect" TBD→ you are in a grey zone ***Start the internal mapping now***. *Calibrate when guidance lands.*

04 — The Worldcoin lesson applies to every AI product. Technical anonymisation arguments → functional standard applies Financial incentives for consent → voluntariness scepticism "We comply with local law" → must be jurisdiction-specific and demonstrable

The boring stuff is load-bearing.
Data maps · Consent records · DPAs · Breach response protocols · PIAs
Regulators check these first. Every time. In every jurisdiction covered today.

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Your **AI** doesn't know where it is.

Make sure **you** do.

The organisations that navigate this well are not the ones with the biggest compliance teams or most sophisticated AI.

They're the ones that know **what** data they hold, **where** it goes, **who** touches it, and **what** their obligations are in each jurisdiction where it touches a human being.

*That's not a complicated framework. It's just **unglamorous**.*

*And unglamorous work, done consistently, is what **good governance** is.*

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Thank you.

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