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ORIGINAL ARTICLE

Comparison of Personal Data Protection Laws: Unique General Regulations under the European Union's General Data Protection Regulation (GDPR) and United States Laws

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EXTENDED ABSTRACT

Interdiction:

In an increasingly digital world, the protection of personal data has become a critical concern for individuals, businesses, and governments alike. The European Union's General Data Protection Regulation (GDPR) represents one of the most comprehensive legal frameworks for data protection, setting a high standard for privacy and security across member states. In contrast, the United States lacks a unified federal data protection law, relying instead on a combination of

sectoral regulations and state laws, which leads to a more fragmented approach to data privacy. This research aims to compare these two approaches with the goal of offering informed recommendations for the development of a robust data protection framework in Iran. Given Iran's evolving digital landscape and increasing interaction with global digital markets, it is crucial to develop data protection laws that not only safeguard personal information but also align with international standards.

Method:

This study employs a mixed-methods approach, integrating both qualitative and quantitative research methods to provide a thorough analysis. Data were collected through extensive library research, which involved reviewing existing literature on data protection laws in the European Union, the United States, and Iran. Additionally, structured questionnaires were distributed to key stakeholders, including legal experts, data protection officers, and IT professionals, to gather their perspectives on the effectiveness of current laws and the challenges faced in Iran. Semi-structured interviews with data protection experts further enriched the qualitative data, offering in-depth insights into the practical implications of data protection regulations in different jurisdictions. Quantitative data collected from the questionnaires were analyzed using SPSS software to identify trends and correlations, providing a statistical foundation for the qualitative findings.

Results:

The analysis reveals significant contrasts between the GDPR and U.S. data protection laws. The GDPR is noted for its comprehensive and unified approach, which covers all EU member states and ensures a high level of protection for personal data. Key principles such as transparency, consent, and the right to be forgotten are central to the GDPR, giving individuals significant control over their personal information. The regulation also imposes stringent obligations on businesses, including requirements for data breach notifications and the appointment of data protection officers, which enhance transparency and accountability.

In contrast, the U.S. lacks a federal data protection law, leading to a fragmented legal landscape characterized by a mix of sector-specific regulations (such as HIPAA for health data and COPPA for children's online privacy) and state laws like the California Consumer Privacy Act (CCPA). This fragmented approach results in inconsistencies and legal uncertainties, making it difficult for businesses to navigate and comply with the various regulations. Moreover, the absence of a unified framework often leaves gaps in protection, particularly for individuals whose data does not fall under the specific categories covered by sectoral laws.

The research also highlights that the implementation of the GDPR has resulted in increased public trust in digital systems within the EU, as individuals feel more confident that their data is being handled securely and transparently. Conversely, in the U.S., the complexity and variability of data protection laws can lead to confusion and lower levels of trust among the public.

Conclusions:

The study concludes that Iran would benefit from adopting a comprehensive and unified data protection framework similar to the GDPR. Such a framework would provide clear and consistent guidelines for the collection, processing, and storage of personal data, thereby reducing legal ambiguity and enhancing the protection of individuals' privacy. To ensure the effectiveness of this

framework, it is crucial to establish strong enforcement mechanisms, including the creation of a dedicated regulatory body with the authority to monitor compliance and impose penalties for breaches.

Additionally, public awareness and education should be prioritized to ensure that both individuals and organizations understand their rights and obligations under the new law. This can be achieved through targeted campaigns and educational initiatives. Furthermore, while the GDPR offers a valuable model, it is essential to tailor the new laws to Iran's specific cultural and socio-economic context. This means considering local values, traditions, and economic conditions when drafting the regulations, ensuring that they are both effective and culturally appropriate.

Collaboration between public and private sectors is also recommended to foster innovation and the development of new technologies that enhance data protection. By encouraging the private sector to invest in advanced security measures and by facilitating dialogue between different stakeholders, Iran can create a more resilient and secure data protection environment.

In summary, by adopting a comprehensive data protection law modeled after the GDPR and implementing effective enforcement and educational strategies, Iran can significantly improve its data protection standards. This will not only protect individuals' privacy but also enhance public trust in digital services, foster economic growth, and align Iran with international data protection standards. The successful implementation of such a framework would position Iran as a leader in data protection in the region, capable of navigating the challenges of the digital age while respecting its unique cultural identity.

Data Availability Statement

Data available on request from the authors.

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Ethical considerations

Not applicable.

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Conflict of interest

The authors declare no conflict of interest.

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