

# Specialist Accreditation Scheme

## Data and Digital Economy Law 2022

This guide is for legal professionals who are applying for specialist accreditation in Data and Digital Economy Law.

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## Version Control Record

Version	Effective date	Changes	Author
1.00	1 January 2022		GC
1.01	23 March 2022	Paragraph 5.3 inserted. Lists the examinable topics for 2022 specialist accreditation programme Paragraph 5.4 inserted. Specifies the number of examination questions for 2022 specialist accreditation programme	GC
1.02	4 April 2022	Paragraphs 3.4 and 3.8 amended: While the Scheme is aware that inhouse counsel are not required to formally accumulate SILE CPD points, for the purpose of the Scheme, they are required to show some form of continuing learning involvement.	GC

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## 1. Definitions

- 1.1. *Data and Digital Economy (D2E) legal practice.* This is the practice of law relating to “online platforms, and activities that owe their existence to such platforms”, including “all activities that use digitised data”<sup>1</sup> and “economic activities that include using digitized information and knowledge as the key factor of production, modern information networks as an important activity space, and the effective use of information and communication technology (ICT) as an important driver of productivity growth and economic structural optimization”.<sup>2</sup>
- 1.2. *Candidate.* A legal professional who has applied to be an Accredited Specialist or a Senior Accredited Specialist and whose candidature has been confirmed by the SAL and is in the process of being assessed by the SAL.
- 1.3. *Inhouse counsel.* A lawyer who is employed by corporations, associations, non-profits and other public- and private-sector entities located in Singapore to work in-house on their legal matters.

<sup>1</sup> “Measuring the digital economy”, International Monetary Fund, February 2018, para. 6, p. 7 <file:///C:/Users/gillianchee/Downloads/022818MeasuringDigitalEconomy.pdf>.

<sup>2</sup> “G20 Digital Economy Development and Cooperation Initiative”, World Economic Forum and the Group of Twenty (G20), 2016, para. 2, p. 1 <<https://www.mofa.go.jp/files/000185874.pdf>> (accessed 12 January 2022).

- 1.4. *Legal practitioner.* Advocate and Solicitor of the Supreme Court of Singapore with a currently valid practising certificate.
- 1.5. *Legal professional.* Refers collectively to both legal practitioners and in-house counsel.

## **2. What this Guide Covers**

- 2.1 The Specialist Accreditation Scheme attempts to apply the same accreditation framework, as set out in the Information for Applicants - General, across all practice areas.
- 2.2 In cases where there are additions to and/or deviations from the said accreditation framework for a particular practice area, a separate Guide for that practice area will state those variations.
- 2.3 This Guide covers the Substantial Involvement, CPD and References criteria, Examination and Selection Panel Interview topics for Data and Digital Economy Law.

## **3. Substantial Involvement and Continuing Learning Involvement**

### **Accredited Specialist**

#### **Substantial Involvement**

- 3.1 For lawyers, applicants must show that, in the immediate **3 years** prior to application, they have been engaged in full-time practice and have dedicated per year a **minimum 450 hours to 1 core and 1 specialism**.
- 3.2 For inhouse counsel, applicants must show that, in the immediate **3 years** prior to application, they have been engaged in full-time legal work, i.e. work that is a permanent and ongoing feature of their role, in **1 core and 1 specialism** within their organisation(s) **a year**.

#### **Core areas**

Data Privacy and Protection

Digital Trade (e-commerce, markets and platforms, payment systems and electronic contracting)

Intellectual Property

Technology Procurement (technology contracting and vendor legal risk management)

#### **Specialisms**

Artificial Intelligence

Cybersecurity

Digital Asset Management and Protection

Fintech and Regtech Regulation

Internet-of-Things and Computing

Media

Telecommunications

### **Continuing Learning Involvement**

- 3.3 For lawyers, in the immediate **3 years** prior to application, applicants must have accumulated at least **6 public and/or private SILE CPD points a year** in this specialisation.
- 3.4 For inhouse counsel, in the immediate **3 years** prior to application, applicants must have **undertaken the equivalent of at least 6 points a year** in this specialisation, e.g. by:
- attaining a relevant educational graduate qualification or professional certification, e.g. certification from IAPP
  - attending and/or conducting workshops, webinars, seminars, training courses and similar continuing learning events
  - contributing to journals, articles, books, consultation papers and other forms of publications, etc.
  - sitting on a formal organisational committee

### **Senior Accredited Specialist**

#### **Substantial Involvement**

- 3.5 For lawyers, applicants must show that, in the immediate **5 years** prior to application, they have been engaged in full-time practice and have dedicated **per year a minimum 650 hours to 1 core and 1 specialism**.
- 3.6 For inhouse counsel, applicants must show that, in the immediate **5 years** prior to application, they have been engaged in full-time legal work (i.e. work that is a permanent and ongoing feature of their role) in **1 core and 1 specialism** within their organisation(s) **a year**.

#### **Core areas**

Data Privacy and Protection

Digital Trade (e-commerce, markets and platforms, payment systems and electronic contracting)

Intellectual Property

Technology Procurement (technology contracting and vendor legal risk management)

#### **Specialisms**

Artificial Intelligence

Digital Asset Management and Protection

Fintech and Regtech Regulation

Internet-of-Things and Computing

Cybersecurity

Media

Telecommunications

### **Continuing Learning Involvement**

- 3.7 For lawyers, in the immediate **5 years** prior to application, applicants must have accumulated at least **6 public and/or private CPD points a year** in this specialisation.
- 3.8 For inhouse counsel, in the immediate **5 years** prior to application, applicants must have **undertaken the equivalent of at least 6 points a year** in this specialisation, e.g. by:

- a. attaining a relevant educational graduate qualification or professional certification, e.g. certification from IAPP
- b. conducting workshops, webinars, seminars, training courses and similar continuing learning events
- c. contributing to journals, articles, books, consultation papers and other forms of publications, etc
- d. sitting on a formal organisational committee

#### **4. References**

- 4.1. Referees can be D2E and/or non-D2E legal professionals. They must be able to attest to the applicants' involvement and competence in the specialisation.
- 4.2. For referees who are D2E legal professionals, criteria set out in Information for Applicants – General section 4 apply.
- 4.3. For references in general, considerations set out in Information for Applicants – General section 8 apply.

#### **5. Examinations**

- 5.1 The selection of topics will depend on topical areas in a given year, and subject to periodic updates over a two- to three-year cycle to keep pace with developments in the field.
- 5.2 Candidates who have applied to be Accredited Specialists will be examined on the following topics:

##### **Core areas**

a. **Data Privacy and Protection**

Digital consumer protection

b. **Digital Trade**

Markets and platforms

Payment systems

Electronic contracting

c. **Intellectual Property**

d. **Technology Procurement**

Technology contracting

Vendor legal risk management

##### **Specialisms (structured around interconnectedness of the various areas)**

e. **Artificial Intelligence**

Liability and negligence

f. **Cybersecurity**

Computer misuse

Technology risk management

g. **Digital Asset Management and Protection**

h. **Fintech and Regtech Regulation**

Blockchain and cryptocurrency  
Distributed ledger technology

i. **Internet-of-Things and Computing**

Platforms and systems including cloud computing  
Quantum computing

j. **Media**

Mainstream and social media  
Online gaming  
Content regulation

k. **Telecommunications**

Connectivity technologies  
Software layer  
Regulatory issues

5.3 For the 2022 specialist accreditation programme, the following topics will be examined:

**Core areas**

- a. Data Privacy and Protection
- b. Digital Trade
- c. Intellectual Property
- d. Technology Procurement

**Specialisms**

- e. Artificial Intelligence
- f. Cybersecurity
- g. Digital Asset Management and Protection
- h. Fintech and Regtech Regulation

5.4 For 2022, specialisms g. and h. will be merged and treated as one topic.

5.5 For the 2022 specialist accreditation programme, there will be 3 Core questions and 3 Specialism questions. Candidates are to answer all Core questions and 2 Specialism questions.

## **6. Selection Panel Interviews**

6.1 Similar to the examination, the interview will assess the candidate's grasp and understanding of locally and universally applicable D2E concepts and issues.

6.2 Other topics can include:

**Contextual knowledge**

- a. Geopolitics and Regulation
- b. Technology Law and Economics
- c. Society and Ethics