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Cross-Border Transfer of Personal Data in International Arbitration: Legal and Procedural Challenges

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As digital technologies transform the global economy, control over data has emerged as a key component of national sovereignty. As of December 2025, 144 jurisdictions have enacted comprehensive data protection laws. These laws regulate, among other things, cross border data transfer. International arbitration involves data transfers. However, there is minimal clarity regarding their management and governance, largely due to the multiplicity of relevant legal regimes. This paper demonstrates that the existing regulatory landscape governing cross border data transfers is fragmented. This presents legal and procedural challenges to international arbitrations that operate at the interaction of multiple legal regimes. Deploying an exploratory method to identify the international, regional and national regulatory initiatives, this paper maps cross border data transfers within arbitration, paying particular attention to the use of Standard Contractual Clauses and the specific challenges they present in arbitral settings. The paper concludes by exploring practical strategies to help arbitration participants manage data flows in a legally compliant and procedurally sound manner.

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