Article 14
Online Consumer Protection

1. The Parties recognize the importance of adopting and maintaining transparent and effective measures to protect consumers from fraudulent and deceptive commercial activities when they engage in digital trade.

2. Each Party shall adopt or maintain consumer protection laws to proscribe fraudulent and deceptive commercial activities that cause harm or potential harm to consumers engaged in online commercial activities.

Article 15
Personal Information Protection

1. Each Party shall adopt or maintain a legal framework that provides for the protection of the personal information of the users of digital trade.[12]

2. Each Party shall publish information on the personal information protections it provides to users of digital trade, including how:

(a) natural persons can pursue remedies; and

(b) an enterprise can comply with any legal requirements.

3. Recognizing that the Parties may take different legal approaches to protecting personal information, each Party should encourage the development of mechanisms to promote interoperability between these different regimes.

4. The Parties recognize the importance of ensuring compliance with measures to protect personal information and ensuring that any restrictions on cross-border flows of personal information are necessary and proportionate to the risks presented.

Article 16
Unsolicited Commercial Electronic Messages

1. Each Party shall adopt or maintain measures regarding unsolicited commercial electronic messages that:

(a) require suppliers of unsolicited commercial electronic messages to facilitate the ability of recipients to prevent ongoing reception of those messages; or

(b) require the consent, as specified in its laws and regulations, of recipients to receive commercial electronic messages.

2. Each Party shall provide recourse against suppliers of unsolicited commercial electronic messages that do not comply with the measures adopted or maintained pursuant to paragraph 1.

Article 17
Source Code

1. Neither Party shall require the transfer of, or access to, source code of software owned by a person of the other Party, or the transfer of, or access to, an algorithm expressed in that source code, as a condition for the import, distribution, sale, or use of that software, or of products containing that software, in its territory.

2. This Article does not preclude a regulatory body or judicial authority of a Party from requiring a person of the other Party to preserve and make available[13] the source code of software, or an algorithm expressed in that source code, for a specific investigation, inspection, examination, enforcement action, or judicial proceeding, subject to safeguards against unauthorized disclosure.

Article 18
Interactive Computer Services[14]

1. The Parties recognize the importance of the promotion of interactive computer services, including for small and medium-sized enterprises, as vital to the promotion of digital trade.

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[12] For greater certainty, a Party may comply with the obligation in this paragraph by adopting or maintaining measures such as comprehensive privacy, personal information, or personal data protection laws, sector-specific laws covering privacy, or laws that provide for the enforcement of voluntary undertakings by enterprises relating to privacy.

[13] This making available shall not be construed to negatively affect the software source code's status as a trade secret, if such status is claimed by the trade secret owner.

[14] For greater certainty, Article 18 is subject to Article 3, which, among other things, provides that, for the purposes of this Agreement, the exception for measures necessary to protect public morals pursuant to paragraph (a) of Article XIV of the GATS is incorporated into and made part of this Agreement, *mutatis mutandis*. The Parties agree that measures necessary to protect against online sex trafficking, sexual exploitation of children, and prostitution, such as U.S. Public Law 115-164, the *Allow States and Victims to Fight Online Sex Trafficking Act of 2017*, which amends the *Communications Act of 1934*, are measures necessary to protect public morals.