



Communique

Newsletter of the Executive Committee of the International Conference of Data Protection and Privacy Commissioners

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March 2015

HIGHLIGHTS:

- Message from the Chair
- March Executive Committee meeting
- Progress towards the Amsterdam Conference
- Working group on digital education
- Bruce Phillips - an appreciation
- Honouring Peter Hustinx
- Profiles from AFAPDP, Burkina Faso, Norway and OECD

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Message from the Chair

With so many members of the Executive Committee in Washington DC for meetings and conferences, the Federal Trade Commission kindly agreed to host our March meeting.

Our agenda was full, and the meeting productive. The Committee discussed possible topics for the Closed Session of the Amsterdam Conference, and decided to divide the available time between two broad subject areas.

More detailed proposals are now being prepared for one half day session on emerging issues with health data and genetic privacy, and one on intelligence and security, and the role of data protection authorities in a post-Snowden, post Charlie Hebdo world.

The common thread is the need for Data Protection Au-

thorities and Commissioners to remain current and responsive to emerging issues, in changing times.

The Dutch DPA briefed the Committee on the programme for the Open Session which will be exclusively devoted to the "Privacy Bridges Project", with working groups intended to generate options for areas of co-operation. You can read more about that at <http://privacybridges.mit.edu/>.

Despite the trans-Atlantic focus of the work to date, host Jacob Kohnstamm, Chairman of the Dutch DPA assured the Committee that the programme design would have appeal to the wider international community of data protection authorities.

The Committee Secretariat is continuing to work towards

establishing the Conference on a sound footing, and we will be back in touch later this month to launch the new permanent website of the Executive Committee which was also approved in Washington.

That site will be an enduring repository for resolutions and other material of use to members. Look out for it!

John Edwards - New Zealand Privacy Commissioner and Chair of the ICDPPC Executive Committee

Executive Committee meeting in March

The Executive Committee met on 6 March by teleconference in Washington DC.

There were several items for discussion on the agenda. A few highlights were:

- The committee had an extensive discussion and settled themes for the Amsterdam closed session
- The Secretariat updated the committee on the call for expressions of interest

to host the 2016 Conference

- The committee received an update on planning for the Amsterdam Conference
- The Executive Committee approved the Secretariat's proposal to launch a permanent Conference website as a repository of Conference documents and source of information.
- Reports were received from the Conference's

observers to several meetings of international governmental organisation.

Resolution on Big Data

The 36th International Conference for Data Protection and Privacy Commissioners ('the Conference') unanimously adopted a resolution on Big Data.

Why is an international resolution on Big Data important?

Firstly, the resolution shows that data protection authorities throughout the world are paying close attention to this topic. Personal information flows across borders and it is not possible to solve the challenges associated with Big Data at the national level alone. Closer international cooperation is necessary. The resolution on Big Data is an important step in that direction.

Secondly, the resolution clearly states that there are some common international privacy principles that must be respected. Big data cannot be used without regard to the principles of purpose limitation and data minimisation. The protection provided by these privacy principles is more important than ever at a time when an increasing amount of information is collected about us. The principles provide the foundation for safeguards against extensive profiling in an ever increasing array of new contexts. A watering down of key privacy principles, in combination with more extensive use of Big

Data, is likely to have adverse consequences for the protec-

tion of privacy and other fundamental rights.

Finally, the resolution is important because it gives clear recommendations to public and private enterprises on how Big Data must be used in order to respect the individual's privacy. It states that consent must form the basis for the collection of personal data, that greater transparency about how data is collected and used is essential and that ethical and accountable use of data is vital in order to prevent discriminatory outcomes of data analysis and profiling.

Catharina Nes, Norwegian Data Protection Authority

2015 Roadmap for working group on digital education

Where have we got to on the Digital education work?

- * Adoption of the "Resolution on Digital Education for All" at the 35th Conference in September 2013;
- * In application of the Resolution, creation of an International Working Group on Digital Education in the 1st quarter of 2014, composed of 30 data protection authorities and run by the French data protection authority (the Digital Education Department of the CNIL);
- * The CNIL conducted in 2014 an international survey among DPAs to provide an overview of the available educational initiatives and resources aimed at raising the awareness of young people and the public at large with regard to data pro-

tection and privacy issues and assessing requirements in this regard (see the final report of the survey circulated to all DPAs accredited to the Conference).

- * A workshop was held on 12 October 2014, in parallel with the 36th Conference in Mauritius on the issue "Which best practices and most efficient privacy tools to **spread a digital education to all?** It invited on that occasion some actors of the civil society, international organizations and the industry.
- * The members of the 36th Conference endorsed during the closed session the 2015 Action Plan Program of the International Working Group on Digital Education and launched the work on the 3 priority issues by end of 2014:

- * The creation of a common web platform for hosting initiatives and educational material
- * The production of training kits for educators in the field of data protection and privacy
- * The creation of a competition pack on the basis of the best initiatives in the area of digital education.
- * The CNIL has offered to work with some member authorities as co-coordinators on the proposed working themes in 2015.

Nicolas de Bouville, European and International Department, CNIL

Upcoming meetings

Berlin Group, 27-28 April 2015: berlin.de.

The 57th meeting of the International Working Group on Data Protection in Telecommunications will be held in Seoul, Korea. Discussions to range over topics such as wearable computing, biometric signatures, intelligent video analytics, VoIP, tracking customers in retail stores, transparency reporting, e-learning and much more. If you're planning to attend, please register by 9 April with the IWGDPT secretariat at [IWGDPT\[at\]datenschutz-](mailto:IWGDPT[at]datenschutz-)

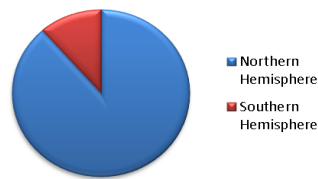
berlin.de.
Enforcement cooperation meeting, Ottawa, 3-5 June 2015:

The Office of the Privacy Commissioner of Canada will be hosting an opportunity for those particularly interested in enforcement and coordination to meet and share experience and enforcement best practice. Details available from: [Rachel.Desjardins\[at\]priv.gc.ca](mailto:Rachel.Desjardins[at]priv.gc.ca).

Pie charts caption: Conference factoids (Source - Conference Secretariat 2015)

Conference Factoid

Conferences in the Northern/ Southern Hemisphere



Gender Breakdown of current Data Protection and Privacy Commissioners



Obituary

Bruce Phillips - an appreciation

Bruce Phillips was a very distinguished Canadian. His self-education was in small-town, and then large-town, print journalism, followed by a prestigious and innovative career as a TV journalist and commentator for the CTV network.

In the 1980s, he became Minister, Public Affairs at the Canadian Embassy in Washington, DC, and then communications director for Prime Minister Brian Mulroney. When his appointment as Privacy Commissioner of Canada occurred in 1991, I was quick to denounce it as the patronage appointment of an amateur. As I worked with him thereafter, I had more than one occasion to eat my

words and, of course, to change my opinion.

Bruce quickly became a passionate privacy advocate who could give a good speech and persuade members of the public of the importance of what he and his very loyal staff were trying to do. Bruce could also master any file as required and also know what levers of power he could push in the corridors of Ottawa. His strategic sense and political knowledge, coupled with his fluid prose and presentation, were key to Canada securing a private sector privacy law.

Once Bruce and I both lived in British Columbia, our personal friendship blossomed. He was

a wonderful, highly-entertaining conversationalist, who knew far too many stories about the peccadilloes' of the high and the mighty than could be printed or broadcast; perhaps that is why we failed to get him to write about his colourful life, with its predictable mix of achievements and sadness.

His friends and supporters were just delighted at his recent receipt of the Order of Canada, the country's highest honour. Of Bruce Phillips, more than most, it can be truly said that "he did it his way."

David Flaherty, former Information and Privacy Commissioner of British Columbia.

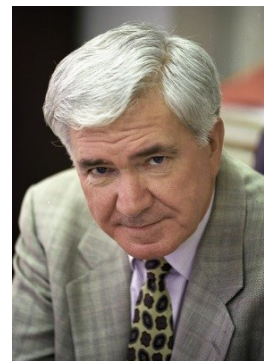


Photo credit: The Canadian Press

Pilgrim's progress

Australia's Privacy Commissioner, Timothy Pilgrim, was honoured in January 2015 in the Australia Day Honours.

He received a Public Service Medal for outstanding public service in the development

and implementation of major reforms to the Privacy Act 1988.

If you have news you think should be shared with the Conference members please let the Secretariat know.



Profile of Partners in Privacy

OECD member profile: Michael Donohue



Michael Donohue, Senior Policy Analyst at the OECD

What does your role involve? How long have you been performing this role?

Since 2009 I have led a small unit in the Organisation for Economic Co-operation and Development (OECD) Secretariat supporting the Working Party on Security and Privacy for the Digital Economy and contributing more generally to the OECD's work in raising privacy issues.

What is your background? How did you become involved in data protection or privacy?

I joined the OECD in 2001, having previously worked as an attorney at the US Federal Trade Commission and in private practice. I have had the lead on privacy issues at OECD since 2005, with prior responsibilities in the area of consumer policy. My educational background is in philosophy and law.

How does the OECD carry out its work on privacy?

Work on privacy at the OECD is carried out by the Working Party on Security and Privacy in the Digital Economy (SPDE), under the Committee for Digital Economy Policy (CDEP). Like other OECD committees, the CDEP is accountable to the organisation's governing body, the council.

What is the role of the OECD?

What are its objectives?

The OECD works to promote policies that will improve the economic and social well-being of people around the world, serving as a forum in which governments can work together to share experiences and seek solutions to common problems.

Security and privacy are essential for the digital economy to continue to serve as a platform for innovation, new sources of economic growth and social development.

The SPDE focuses on the development of better policies to ensure that security and privacy foster economic and social prosperity in an open and interconnected digital world.

What have been its most notable achievements in the last few years regarding privacy? What has OECD been working on recently in this area?

In July 2013, all 34 OECD member governments agreed to the first ever revision to the OECD Privacy Guidelines.

First released in 1980, the original OECD Privacy Guidelines were the first internationally agreed set of privacy principles.

Two themes run through the 2013 update.

First is a focus on the practical implementation of privacy protection through an approach grounded in risk management.

Second is the need for greater efforts to address the global dimension of privacy through improved interoperability.

Since the revisions to the Guidelines, the OECD has worked to addressing privacy and related trust issues associated with data driven innovation ("big data"). This work will be launched as part of a publication planned for release in the 2nd quarter 2015. Building on a 2007 OECD Council recommendation, the OECD continues to foster cross-border co-operation among privacy enforcement

authorities, including through support for the Global Privacy Enforcement Network (GPEN).

What is the OECD focusing on in 2015? What might be of most interest to data protection and privacy commissioners?

Work in 2015 is oriented around understanding and implementing the risk-based approach to privacy in the context of privacy management programmes – a key element of the revised 2013 OECD Privacy Guidelines.

Particular focus will be paid to the challenges facing SMEs and those of applying a risk-based approach to health data privacy.

The broader context for this work is preparations for a ministerial meeting on digital economy issues in 2016, which offers an opportunity to highlight the increased visibility and importance of effectively addressing privacy.

How can you be contacted?

I can be reached by email at [michael.donohue\[at\]oecd.org](mailto:michael.donohue[at]oecd.org). Information about our work is available at <http://oe.cd/privacy>

Developments of the Amsterdam Conference

The preparations for the 37th Conference are in full swing. The location has been confirmed: we will meet at the Passenger Terminal Amsterdam, in walking distance from the city centre and the central train station of Amsterdam.

Also, the first names of possible keynote speakers have been identified. Our aim is to get some out-of-the-box speakers to give us all some new perspectives on privacy and data protection that will be useful both today and in the future.

Our web team is working hard to finalise the Conference website and ensure the registration will work smoothly. You should be able to see the results within a few weeks via privacyconference2015.org.

Once the registration starts, all DPAs will also receive their personal invitation.

Paul Breitbarth, Project Leader: 37th International Privacy Conference Amsterdam 2015, Dutch Data Protection Authority

Tour du Monde

During the 37th Conference, the Dutch DPA intends to introduce a new plenary session during the Open Session of the Conference: a presentation on recent developments impacting the field of privacy around the world.

We have asked Ms Emily Barabas, a researcher with experience in the field of privacy, to help us with the preparations for this session. Although we will try to follow everything that happens

around the world on a regular basis, we will certainly miss (important) developments. We therefore ask your help and invite all DPAs to share their input and expertise.

Have there been major developments in jurisprudence, legislation, local DPA funding or structure, or other significant events related to data protection in your jurisdiction since April 2014?

What other developments around the world have most significantly impacted your work and the field since April 2014? Please email your feedback to Ms Barabas (if possible before 1 May) via [da.ta.protection.year.in.review\[at\]gmail.com](mailto:da.ta.protection.year.in.review[at]gmail.com).

Commissioner Profile Norway: Bjorn Erik Thon

Bjørn Erik Thon, Commissioner in the Norwegian Data Protection Authority.

What does your role involve?
We monitor the Data Protection Act, the Health Register Act and the Health Filing Systems Act. In addition to that we have the mandate to act as an ombudsman for privacy and data protection issues.

Where did you grow up?
In Askim, Norway, but I moved to Oslo when I was 19 years old to study law.

When did you first become involved in data protection or privacy?
I was head of the legal section in the Consumer Council (an NGO) from 1996-99. We put data protection and privacy on the agenda several times, for instance when

we questioned whether a consumer should be obliged to sign a contract that gave a training centre the right to ask you to take a doping test.

At the same time I became involved in politics with the Social Liberal Party and we raised several issues concerning civil liberties and data protection.

What was your first International Conference?
Jerusalem, 2010.

What did you do before you became a commissioner?
I was a Consumer Ombudsman for 10 years.

What is the best thing about participating in the International Conference?

To get inspiration from other representatives and countries, to get new contacts and take part in decision of great im-



portance for the citizens.

What is the best thing about becoming a data protection commissioner?

Data protection and privacy are some of the most important questions in today's society, and it is a great privilege to have the possibility to influence on the development.

Our issues concern every single citizen in every country, and is a prerequisite for democracy and the right to live a free life.

Profile of Partners in Privacy

AFAPDP member profile: Floriane LeClerq



Floriane LeClerq, Coordinator of the French-Speaking Association of Data Protection Authorities (in French: Association francophone des autorités de protection des données personnelles - AFAPDP).

What does your role involve? How long have you been performing this role?

I work for the Executive Committee in governance of the association, project planning and management, public affairs and data protection expertise. I have been performing these roles for five years.

What is your background? How did you become involved in data protection or privacy?

I received a university education in political science and European lobbying. I have professional experience in international cooperation and project management. In 2009, I was European Affairs Manager for EuroCham Maroc (Association of European Chambers of Commerce in Morocco). Since 2010, I have been working at the AFAPDP to institutionalise and develop the association, its network and activities.

Please describe the structure of your organisation,

AFAPDP consists of one plenary assembly (16 voting members in 2014 and observers). It also has one executive committee (four members and one observer). DPA members of the EC (for 2013-2016) include one chairman (Quebec), two vice-chairmen (Switzerland and Burkina Faso) and a general secretary (France),

What is the role of the entity?

What are its objectives?

AFAPDP supports govern-

ment initiatives to adopt data protection laws and assist the establishment of data protection authorities. It manages Francophone DPA networks and cooperation (from information sharing to training or common enforcement tools). It also promotes Francophone expertise and vision in the data protection field.

What have been its most notable achievements in the last few years? What has the entity been working on recently?

Among the most notable achievements since 2007 when the AFAPDP was created:

- seven data protection laws adopted between 2007 and 2014 on the African continent
- compilation of francophone data protection laws: www.afapdp.org/pays
- eight general assemblies and seven conferences organised in six different countries: gather francophone specialists, adopt resolutions, send message to the hosting country and authorities in the region and the Francophonie (OIF) in favour of data protection
- one regional conference organised in Hanoi (2010)
- three training programs organized in Paris (2010), Dakar (2011) and Ouagadougou (2013)
- several visits (co) organised in Africa, Canada or Europe each year
- handbook on how to consolidate civil state, elections and data protection: common contribution of three francophone networks (notaries, electoral commissions and DPA) and the OIF (2014)

- protocol on cooperation between DPA plus one specific resolution on Francophone BCR (international data transfers) (2013 and 2014)
- two campaigns on corporate social responsibility (2011) and child awareness (2011 & 2014)
- one study on Francophone doctrine on child data protection (2010)
- promotion and financing of French interpretation at the International Privacy Conference since 2011.

What is the AFAPDP focusing on in 2015? What might be of most interest to data protection and privacy commissioners?

- a general assembly and conference in Brussels in June this year
- Francophone contribution to international resolutions
- Francophone partnership on civil state and data protection (parliamentarians, mayors, notaries, DPAs etc)
- dialogue with businesses based on BCR resolution (2013) and innovation resolution (2014)
- training program focused on control procedures

Please add any contact details or websites where people can follow the work of the AFAPDP.

Website: www.afapdp.org

Twitter: @AFAPDP

Commissioner Profile

Burkina Faso: Marguerite Ouedraogo Bonane

Marguerite Ouedraogo Bonane, Présidente de la Commission de l'Informatique et des Libertés (CIL), Burkina Faso (President of the Commission for Computing and Liberties).

Where did you grow up?
I was born and grew up in Burkina Faso.

When did you first become involved in data protection or privacy?

I was appointed to CIL in September 2013 and began the role in October, so that's a little over a year that I have worked in the field of the protection of personal data and privacy for Burkinabe citizens.

What was the first International Conference that you attended?

The 36th International Conference of Mauritius is the first one I participated in.

What did you do before you became a commissioner?

Before CIL, I was in the electronic communications sector, specifically at the Authority Communications and Posts (ARCEP) of Burkina Faso for 11 years. I worked continuously as a legal counsellor in general management and general counsel.

What is the best thing about participating in the International Conference?

The topics were interesting and rich experiences are exchanged. We were also able to combine business with pleasure with cocktails offered at the end of our working days.

What was the funniest thing that you saw, or happened to you, at an International Conference?

Nothing funny! On the contrary, with the exchanges, I

learned a lot of the Internet of Things.

Who is your 'privacy hero' and why?

All participants were heroes !!!!

Please explain the meaning of privacy and why it is important in the form of a 'tweet' (140 characters max).

All personal data that concerns us is our privacy.

Similarly, our freedom of space is our privacy.

Our family life is our private life.

In the last 12 months, what has been the greatest achievement of your office?

The actions of increasing awareness that we conducted at secondary schools and other places of future decision makers to enable them to better protect their personal data.



Recent Retirement Peter Hustinx—“The privilege of working with you”

How to sum up Peter Hustinx? I can only be selective to be effective by extracting just a few of the words and phrases scattered across 24 essays in a book* published (somewhat prematurely as it turned out) in January 2014 to mark Peter's exodus as EDPS.

“The Godfather”

“A sort of walking data protection encyclopaedia - remembering and sharing historical background and knowledge on all relevant developments”

“C o n s i s t e n c y ...
Pragmatism.....Patience...
P e r s e v e r -
ance....Availability....Hard
work”

“A big picture man.....Not a 'privacy freak', but with sharp and robust insights into complementary rights”

“A passionate advocate of reform and modernisation”

“Always ensuring consensus and finding common ground”

“Puts forward his views with conviction and ardour.... and then presents his audience with probing questions to elicit opinions, objections and criticisms”

“A role model for privacy regulation advocacy”

“Five decades of public service”

“Peter's contribution to EU policymaking on data protection is difficult to overstate. Technician and politician, engineer and ambassador, activist and supervisor, he has played an instrumental role in establishing the European brand of data protection as a global gold standard”

“The constants were his dedication, independence and his force of intellect.”

“A major role in privacy regulation debates”

“Known – and sometimes feared – for his Socratic method of questioning”

“His wisdom stays in the fingerprints he is leaving behind”

“A mentor, an inspiration, a collaborator, a challenger, a critic – but above all a wonderful personality, colleague and friend”

“Inspires national data protection authorities all over the world”

I especially enjoyed the transatlantic contributions from Peter Swire and Danny Weitzner. Swire's essay shows how – after graduating from Michigan University – Peter's career revealed flaws in three clichés about the contrasts between US and EU approaches to privacy and data protection.

- The US approach has firm roots in fundamental rights to data privacy;
- Europe is just as concerned about privacy invasions by the public sector;
- Both sides use a mix of legislation, self-regulation and multi-stakeholder engagement.

Weitzner develops the theme of privacy for a global Information Society by quoting remarks made by Peter at the Jerusalem conference in 2010: “Despite a largely common view of privacy principles in the 1970's and 1980's, the US and Europe may have diverged, with the United States being especially strong on implementation, while Europe

was strong on principle. Now, it's time that both sides learn from each other.”

In every chapter, the book brings to life Peter as a man of principle and a pragmatist. I can think of no higher tribute.

But I must also pay tribute to Peter's wife, Beatrijs, veteran of so many international conferences. Not only has Beatrijs been a fantastic support for Peter, but she has also done much to raise the cultural awareness of so many Commissioners and their own partners.

And I conclude by adding my delight that, in January 2015, Peter was appointed to the Board of the International Association of Privacy Professionals (IAPP). Truly a great Privacy Professional.

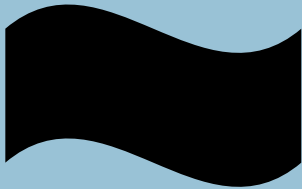
* Data Protection Anno 2014: How to Restore Trust? Contributions in honour of Peter Hustinx.

Richard Thomas - Former UK Information Commissioner, 2002-09

The International
Conference of Data
Protection and Privacy
Commissioners
Executive Committee
Secretariat

NZ Office of the Privacy
Commissioner:
Blair Stewart
Vanya Vida
Linda Williams

Email:
ICDPPCEXCo[at]
privacy.org.nz



Executive Committee^{ICDPPC}
ICDPPCEXCo[at]privacy.org.nz

Calling former commissioners for an alumni network

Following several requests, the Executive Committee Secretariat has agreed to maintain a mailing list of former commissioners (or assistant or deputy commissioners) who would like to receive the Conference newsletter. If you would like to be added to the list please contact [ICDPPCEXCo\[at\]privacy.org.nz](mailto:ICDPPCEXCo[at]privacy.org.nz). In the course of arranging the list the Secretariat discovered there exists an informal 'alumni network' of former commissioners coordinated by Richard Thomas. We are delighted to give that network – which is separate from the Secretariat's contact list – some publicity and circulate the following note from Richard - The Secretariat

Over 30 former privacy and data protection commissioners and equivalents have now joined together in a world-wide alumni network. This is very informal arrangement with just the following "non-rules".

This is a network without any status, rules or other formalities. The primary aim is simply to keep in touch, across the globe, with former friends and colleagues. The main activity is therefore nothing more than sharing personal contact details and trying to keep them up to date.

But there may occasionally be more, for example:

- a dinner or cocktail if we discover in advance that a few of us will be in the same place at the same time;
- exchanging news about our current activities (whether relevant or irrelevant);
- bilaterally and privately exchanging thoughts on current or past data protection issues - but not to attempt any collegiate view and certainly not seeking to "get in the hair of" our successors;
- finding other excuses to keep alive the bonds of friendship and co-operation.

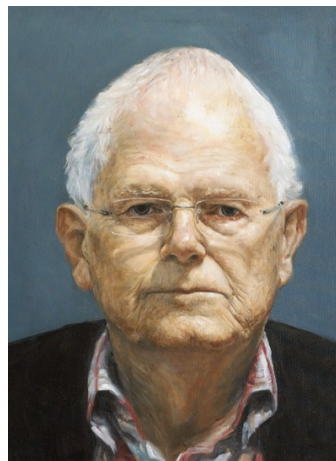
It has (quite rightly) not always been easy to track down the private contact details of former commissioners. Please contact me if you know of anyone who may like to join us:
Richard Thomas - UK Information Commissioner, 2002-09 - [Richard.Thomas\[at\]which.net](http://Richard.Thomas[at]which.net).

Quiz answers: Identifying the commissioners

In the last issue we gave you clues to 11 commissioners or former commissioners. No one was able to supply all the correct identities.

The answers were:

- **Jacques Fauvet** as WWII tank commander, POW and member of the Légion d'honneur
- **Bruce Slane** the beknighted father of a privacy cartoonist
- The subgroup leader that produced the APEC Cross-border Privacy Enforcement Arrangement was **Timothy Pilgrim**
- The late **George Radwanski**, Trudeau's biographer, was an outspoken critic of surveillance
- Judge **Kevin O'Connor** was a researcher on Michael Kirby's privacy



Portrait painting of Bruce Slane by his grandson Henry Christian Slane

- law reform project
- **Peter Hustinx** was the first A29WP Chair
- **David Flaherty**, author of a famous privacy book, was the student of the late Alan Westin
- **Jennifer Stoddart** led the OECD privacy enforcement work
- The first DPC appointed in a former Eastern bloc country was **László Majtényi**
- and **Juan Antonio Travieso** was the prolific author and playwright.

But who was the first privacy or data protection commissioner appointed anywhere in the world?

We leave that for the May newsletter. Send your answers to [ICDPPCEXCo\[at\]privacy.org.nz](mailto:ICDPPCEXCo[at]privacy.org.nz).