

COMMUNIQUE

MAY 2017

INSIDE THIS ISSUE:

UPDATE FROM EXECUTIVE COMMITTEE	2
39TH CONFERENCE	2
MEXICO'S ADVANCES IN PRIVACY	3
COMMISSIONER PROFILES	4-5
CENSUS	5
BLOGGING	6-7

SPECIAL POINTS OF INTEREST:

- Register for the 39 Conference
- Meet the Commissioners from Mali and Philippines
- Basic rules on how to blog
- What's new on the website

MESSAGE FROM THE CHAIR

My term as Chair of the ICDPPC will expire at our Hong Kong Conference, and it is important that the transition to new leadership is an orderly and efficient one. Over the months ahead, I trust you'll see a seamless handover with a new Executive Committee taking over the chairmanship and secretariat roles that New Zealand has held for the past three years.

This transition was one of the topics which we discussed at our meeting in Washington last month as we gathered on the fringe of the IAPP Global Privacy Summit.

Also high on our list of priorities of our meeting agenda was our forthcoming Conference in Hong Kong in September. Although some matters of detail may need to be worked through the Executive Committee provisionally agreed a focus for in-depth discussion for Day 1 of the closed session. The discussion will focus upon the provision of, and sharing, of personal information for provision of government services, including sensitive data (but excluding intelligence purposes which have already been discussed in-depth last year). If you want to contribute any thoughts, we'd be happy to hear from you.

My visit to New York and Washington included meetings brokered in my capacity as ICDPPC Chair as part of my mandate is to make connections between our Conference and other international organisations. These including catching up with the work of the United Nations Global Pulse and meeting with the UN Assistant Secretary-General for Human Rights, Andrew Gilmour.

In my meeting with Mr Gilmour, we discussed connections between human rights and privacy as well



as the different roles of privacy commissioners around the world, and the March report of the UN Special Rapporteur on the right to privacy. We had a very useful conversation and committed to an ongoing relationship between our organisations.

I returned to New Zealand to the news that we had received 90 entries for the ICDPPC Global Privacy and Data Protection Awards. This is the first time that the competition has been run and I am encouraged by the quality of entries, even if, as judge, the quantity is a little daunting. I'm looking forward to recognising innovation and excellence at our awards ceremony in Hong Kong, and hope the tradition will continue for years to come. Meanwhile, summaries of all the entries are available to view on the ICDPPC website and featured in forthcoming newsletters. Categories include research, dispute resolution, compliance and enforcement, education and advocacy and the use of online tools. There is a People's Choice Award so everyone can vote for their favourite initiative.

The working group on the future membership and size of the Conference has been consulted on the form of a questionnaire to poll members views, and we will soon be sending that out for you to complete. I hope that you will. It is important for as many members as possible to have their say, so we have good data to inform our discussion in Hong Kong.

I hope soon to be able to let you know the theme your Executive Committee has selected for the closed session in Hong Kong, but in the meantime the open session is taking shape, and promises to be exciting, and stimulating. Don't forget to register early, here <https://www.privacyconference2017.org/eng/registration.html>

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

EXECUTIVE COMMITTEE MEETING: HIGHLIGHTS OF THE APRIL MEETING

The Executive Committee met in person in Washington, D.C

event to be held in June in Manchester was endorsed by the Committee as an ICDPPC recognised enforcement cooperation meeting.

36th meeting, 19 April 2017

- ◆ The Committee discussed the shortlisted in-depth discussion topics for the 39th Conference closed session. Working title for the topic is "Safe Government Information sharing and sensitive Data: Discrimination and Risk Management".
- ◆ The Chair updated the Committee on the work on the future size and membership of the Conference.
- ◆ An enforcement cooperation

More information available at

<https://icdppc.org/document-archive/committee-documents/>

THE 39TH CONFERENCE IN HONG KONG

By Privacy Commissioner for Personal Data, Hong Kong

We are pleased to announce that the 39th ICDPPC is now open for registration.

With the theme of "Connecting the West with the East in Protecting and Respecting Data Privacy", the 39th ICDPPC will feature a wide range of topics to provide insights into the development of data protection laws in today's fast evolving privacy landscape, offering a prime arena and excellent platform for all international and local stakeholders to pick one and another's expertise and map out the way forward in data privacy protection. Professionals and representatives from data protection authorities from around the world will attend the Conference to exchange views on the latest trends in data protection and privacy, share experiences and discuss strategies. The Conference has also been accepted by the Government of the Hong Kong Special Administrative Region as one of the celebration events of the 20th anniversary of the establishment of the Hong Kong Special Administrative Region.

In addition to the close session and open session, numerous side events will be organised by organisations and groups which are active in the privacy community during the 39th ICDPPC.

Apart from the above events, the host of the 39th ICDPPC, Privacy Commissioner for Personal Data, Hong Kong, will also offer plenty of exciting novelties and greens to

you and your companion. In the evening of 28 September, a unique social event, the Sky Reception, will be held at Sky 100 Hong Kong Observation Deck which is on the 100th floor of the tallest building in Hong Kong, at 393 m above sea level.

Please visit

<https://www.privacyconference2017.org/eng/registration.html> for registration. Seats are limited.

Please register on or before 31 July 2017 to enjoy the early-bird discount!

See you in Hong Kong in September!

**Register now to
enjoy early bird
discount**



REPORT ON MEXICO'S ADVANCES REGARDING PERSONAL DATA PROTECTION (2012-2017)

By José Joel Peña Llanes, INAI Mexico

Since 2009, the right to personal data protection, established by the Mexican Constitution, has been consolidated as a fundamental right. Specifically, article 16 (second paragraph) provides a resounding example as to why this right has gained such significance, not just nationally, but at a global level. It is also important to note the promulgation of the first Federal Law regarding the right to personal data protection in the possession of private parties (2010).

These legislative advances have produced a series of legal instruments which strengthen the national regulatory framework related to this right. Furthermore, the implementation of tools and mechanisms facilitates compliance with the personal data protections imposed on all obliged subjects including: federal and local bodies, moral or natural persons.

To efficiently steward the right to personal data protection, Article 6 of the Constitution was reformed, granting the National Institute for Transparency, Access to Information and Personal Data Protection (INAI) with autonomy (2014). This reform recognizes the INAI as the guarantor of this right and the Institute was granted the necessary faculties to thoroughly exercise its obligations.

Regarding the issue of personal data protection in the public sector, The General Law for the Protection of Personal Data in Possession of Obligated Subjects came into effect on January 2017. It establishes the principles and procedures that any public authority, entity belonging to the Executive, Legislative, and Judicial Powers, as well as autonomous organisms, political parties, trusts and public funds, that is in the possession of personal data, must guarantee the right to personal data protection.

In this manner, Mexico reaffirms its commitment to work towards promoting human rights and benefiting its people while also, becoming one of the countries that possesses ample legislation on this innovative subject.

Regarding the effective application of this right in the private sector during the 2012-2017 period, the INAI has attended to approximately 1,900 citizen complaints regarding alleged violations of the current legislation. From that amount, about 100 complaints have warranted the start of verification procedures.

Also, the INAI has substantiated more than 350 protection procedures, specifically regarding the right to access, rectify, cancel and opposition, and has imposed over 190 sanctions.



Privacy by Sean MacEntee

Finally, it is important to mention the Institute's international activity. This especially considering that the International Conference of Data Protection and Privacy Authorities' "Resolution on the Future of Privacy" (adopted at the 34th Conference), refers to the need to intensify cooperation, on an international level, between supervisory authorities.

On that matter, the INAI leads an active participation in different fora and cooperation mechanisms (both regional and international) including: Ibero-American Data Protection Network (RIPD); International Conference of Data Protection and Privacy Authorities (ICDPPC); Asia-Pacific Privacy Authorities Forum (APPA); Global Privacy Enforcement Network (GPEN); is an Observer to the Consultative Committee of the Council of Europe's 108 Convention; Organization for Economic Co-operation and Development (OECD) and Asia-Pacific Economic Cooperation Forum.

Furthermore, the INAI regularly participates in the meetings organized by the International Association of Privacy Professionals and the International Conference on Computers, Privacy and Personal Data.

This reform recognizes the INAI as the guarantor of this right and the Institute was granted the necessary faculties to thoroughly exercise its obligations

PROFILE OF DATA PROTECTION AND PRIVACY COMMISSIONER: PHILIPPINES

Raymund Enriquez Liboro, Chairman and Privacy Commissioner, National Privacy Commission (NPC), Philippines

<https://privacy.gov.ph/>

Where did you grow up?

I grew up in Manila, the capital city of the Philippines. I spent my formative years, however, at the University of the Philippines in the neighbouring Quezon City, where I took my bachelor's degree in Economics.

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

I first became involved in data privacy protection in 2014, when I was working as Assistant Secretary of the science department. I was, back then, tasked to review the Philippine Health Information Exchange proposal, which was collaborative project between the science and health departments to promote e-health services. The project involves delivering remote health services throughout the country through the use of health devices and tele-health facilities, so there's considerable data privacy issues. We wanted the project to be compliant with the Philippines' Data Privacy Act of 2012 – an existing law which, at the time, has yet to have a governing body that would demand compliance. Of course, little did I know then that I would end up becoming the country's first Privacy Commissioner in 2016.

What did you do before you became a Commissioner?

I served as Assistant Secretary of the Department of Science and Technology (DOST), where I functioned as one of the agency's de facto chief spokesperson and point person in a number of important inter-agency committees. Concurrently to the position, I also served as the OIC Director of the Science and Technology Information Institute, the DOST's public information bureau.

What was the first ICDPPC Conference that you attended?

The one in 2016, at Marrakesh in Morocco, together with my two deputy commissioners.

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

I once attended an international conference in Sendai, Japan on disaster risk-reduction. On the event's first morning, I

happen to misread the weather forecast, so I came in my usual clothing. To my horror, as the day slowly progressed, the temperature dropped lower and lower, until all my mind could muster to focus on was the fact about how painfully under dressed I was. Determined to avert total fashion disaster, however, I decided to put on a brave face and feign that everything is okay – for an entire day!

Please briefly tell us about one of your favourite achievements over the last year?

I consider our landmark decision on the data breach of the COMELEC (our nation's election body) as my favourite achievement of the year. Our agency was virtually unknown, severely under manned and with practically no resources at all to rely on. We had meetings at cafés and conducted hearings in borrowed offices. Against all odds, our barely-a-year-old agency immediately took on one of the biggest cases of data privacy breach in the world as its maiden case, and managed to come up with a timely and credible decision that is widely accepted. After we went public with the decision, the issue of data privacy almost suddenly became a staple of national broadsheets.

Who is your privacy hero?

Edward Snowden.

Please explain what privacy means to you in the form of a 'tweet'

Privacy underpins human rights such as human dignity and freedom of association and freedom of speech.

What is your favourite privacy quotation?

"The Data Privacy Act is a 21st century law, meant to deal with 21st century crimes".

If you had a superpower what change would you bring to the current global privacy scene?

I would like to see Data Privacy advocates in every organization, that or Data Protection Officers.

What is your favourite movie or song about privacy?

"Jason Bourne" is a recent movie that comes to mind. In the movie, it was mentioned that "privacy is freedom" and it is!

What inspires you?

Waking up everyday knowing that the work you do has the potential to safeguard the future. There's just no better inspiration than to simply wield this influence, maximize this opportunity to create a safer place for my children as they grow in this digital world.

What makes it fun to work in your office?

What makes it a lot of fun to work at the National Privacy Commission is the opportunity to collaborate with dedicated, young people. Their idealism and innovative optimism are simply infectious. We are a government agency but people say the ambience in our office is more akin to that of an entrepreneurial start-up, dedicated to quality and excellence. Being a small, underfunded government agency, this creatively inspiring work environment is our biggest asset.



Privacy underpins human rights such as human dignity and freedom of association and freedom of speech

PROFILE OF DATA PROTECTION AND PRIVACY COMMISSIONER: MALI

Ms. Sow Ahminata Sidibé, Director of Technical and Control, to the Mali Personal Data Protection Authority (APDP)

<http://apdp.ml/>

Where did you grow up?

Mali.

When did you first become involved in data protection or privacy?
2015.

What did you do before you became a Commissioner?

Head of application development section at the Information and Communication Technology Agency before becoming Director of Technical and Control at Mali's Personal Data Protection Authority.

What was the first ICDPPC Conference that you attended?
38th Conference.

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

Discussions with representatives of other authorities during breaks.

Please briefly tell us about one of your favourite achievements over the last year?

Organisation of the first videoconference on data protection in Mali, bringing together participants from Bamako and the two regional capitals of Mali (Kayes and Sikasso), as part of the International Day of Data Protection and Privacy Regional awareness of the protection of personal data).

What smart devices do you use? And how have you protected your privacy while using them?

I use a Smartphone that is locked after a certain period of inactivity and access to which is password-protected.

What makes it fun to work in your office?

The strong motivation of the team and the sense of knowledge sharing contribute to the creation of a pleasant working environment within.



ICDPPC INAUGURAL CENSUS ALREADY DELIVERING RESULTS

On 24 March 2017 all member authorities were requested to complete online the inaugural [ICDPPC Census](#). By the time of writing (early May) more than 60% of authorities had completed the survey. However, the ICDPPC Secretariat is aiming for 100% participation so if your authority hasn't yet filled in the survey please do so without delay!

The ICDPPC Census supports the Conference's [Resolution on developing new metrics of data protection regulation](#) which aims to have the Conference:

- Play a part in helping to develop internationally comparable metrics in relation to data protection and privacy, and
- Support the efforts of other international partners to make progress in this area.

The Census will produce some statistics and provide a sound basis for further work. In terms of supporting the efforts of other partners it has been designed with input from other partners (e.g. OECD Secretariat, IAPP and the Asian Privacy Scholars Network) and delivered with the assistance of the OECD Secretariat. The ICDPPC Secretariat has reached out to

other networks of DPAs and privacy researchers to express a willingness to cooperate in research using the census data.

Even before the final returns are in, the ICDPPC Census is already delivering results. The ICDPPC Secretariat has launched a new web page called "[Members Online](#)" which provides links to the online sites maintained by member authorities. This is perhaps the first directory to conveniently list not only websites but all the social media sites maintained by DPAs around the world.

So now you can easily find your Facebook (Commissioner) friends, see the latest data protection snaps on Snapchat and view racy privacy videos uploaded by DPAs on YouTube!

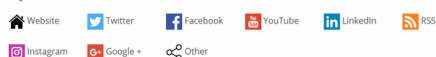
The Census will produce some statistics and provide a sound basis for further work

Members Online

Most Conference members have a website and many have a social media presence as well.

To obtain more information about our many data protection and privacy authority members and the laws they administer visit the online sites below. These details were drawn from the responses to the ICDPPC Census 2017 and were correct as at March 2017. Please let the Secretariat know of any changes or broken links.

Key to common sites



A to C D to F G to I J to L M to O P to R S to U T to V W to Z

DOES YOUR OFFICE BLOG?

Charles Mabbett, Office of the Privacy Commissioner New Zealand

Have you told us if your office blogs? A couple of months ago, we asked all our international privacy and data protection watchdog colleagues to let us know if your office was using blogging as a communications tool. The results received have been mixed and modest.

There were seven positive replies out of 115 ICDPPC members – the Office of the Commissioner for Privacy and Data Protection (Victoria, Australia), the Norwegian Data Protection Agency, Britain's Information Commissioner's Office, the Information and Privacy Commissioner (Ontario, Canada), Office of the Information and Privacy Commissioner (British Columbia, Canada), Office of the Privacy Commissioner of Canada and New Zealand's Office of the Privacy Commissioner.

We saw in the last ICDPPC newsletter that many DPAs are happily using some social media tools such as Twitter to promote their activities and messages. While it may be easy to create and source content for Twitter, blogging presents a more difficult challenge. Is it worth the investment in terms of setting up the web infrastructure and cultivating the energy and inspiration needed to create a lively and vibrant blog?

The best answer lies in noting how government agencies everywhere communicate their work and messages to the taxpayers that fund them. In many cases, it can be said government agencies engage poorly with the public (Centrelink in Australia, anyone?).

Important information about how people can get what they want from a government agency is often hard to find and not easily explained. How can government agencies be open about what they do and make it easy for people to understand how they work? How can they communicate their work better and contribute to building greater public trust and confidence?

Blogs have the capacity to humanise the often impersonal bureaucratic face of government. Aside from producing an annual report (which few people read), trying to get the news media's attention, and having an up-to-date website, blogs give government agencies an alternative way to showcase their work. You can

explain reports which are highly technical and legalistic in plain language. You can allow interested parties and the media to republish posts (as well as quote from or link to them), widening the reach of a blog post's message or a lesson learned. You can build a way to allow people to give direct feedback to a post by building a comment function.

When it comes to resourcing a busy blog, the workload can be shared. At the Norwegian Data Protection Authority, all staff members are encouraged to write posts about their specific areas of expertise. A senior adviser, Gro Stueland Skorpen, advised us her agency's most popular post in 2016 was on whether Norwegian businesses would be in compliance with the new GDPR requirements. Other popular posts were about genetic testing, ID theft from information in discarded mobiles and the Norway's data protection commissioner's post about the EU Court of Justice's decision that member states may not impose a general obligation to retain data on providers of electronic communications services.

<https://www.personvernbloggen.no/2016/06/29/nye-regler-kommer-er-dere-klare/>

Ms Skorpen says some of their best output is published on the blog, rather than on their main website. "One reason is perhaps that the blog format enables us to sweep across themes, such as privacy and technology development, privacy and new business models, privacy and the rights of children, privacy and new legislation and so on, in a manner that is conducive to analysis in a complex and ever-changing field."

With over 100 posts, the Norwegian Data Protection Agency has been blogging since February 2013. Meanwhile, the Office of the Privacy Commissioner of Canada has published nearly 300 blog posts since August 2007. In New Zealand, the Office of the Privacy Commissioner has racked up just over 200 blog posts since May 2014, with 238 moderated comments posted. The New Zealand approach is also to have a one team approach with everyone contributing posts offering insights on different aspects of its work.

If your agency doesn't have a blog, we encourage you to be inspired by what other data protection authorities are doing with their blogs. There are few rights or wrongs when it comes to blogging, as long as you follow some basic rules:

- Use photos, colour, infographics, video and other types of images
- Keep it short, if possible—otherwise it will be TL:DR (too long, did not read)

If your agency doesn't have a blog, we encourage you to be inspired by what other data protection authorities are doing with their blogs

DOES YOUR OFFICE BLOG (CONTD.)

- Use concise and punchy headlines
- Make that introductory paragraph exciting
- Share the post using email and social media
- Respond to comments where appropriate
- Try and inject light and shade among your range of blog subjects
- Be personable, be human!

Finally, did we miss anyone out? Tell us if we did and we'll update the list of data protection authorities which are blogging. If the low return is any real indication of a lack of interest, evidently the case for using a blog as a communications tool has yet to be made to most privacy and data protection regulators. But for the small group doing it, the case for blogging appears to outweigh the case for not doing it.

A list of a few offices that blog

Office of the Commissioner for Privacy and Data Protection, Victoria, Australia <https://www.cdp.vic.gov.au/menu-privacy/privacy-blog>

Privacy Commissioner of Canada <http://blog.priv.gc.ca/>

Information and Privacy Commissioner for British Columbia, Canada <https://www.oipc.bc.ca/news/>

Information and Privacy Commissioner of Ontario, Canada <https://www.ipc.on.ca/media-centre/blog/>

Office of the Privacy Commissioner, New Zealand <https://www.privacy.org.nz/blog/>

Data Inspectorate, Norway <http://www.personvernbloggen.no/>

Information Commissioner's Office, United Kingdom <https://iconewsblog.wordpress.com/>

WHAT'S NEW ON THE CONFERENCE WEBSITE?

The Secretariat is always trying to make improvements on the Conference website for the Conference community. Three notable new additions on the website are:

Enforcement cooperation meetings

A new dedicated page for ICDPPC recognised enforcement cooperation meetings. At present the Executive Committee has endorsed [three meetings](#) for 2017.

- Manchester
- Sydney
- Uruguay

Enforcement Cooperation Meetings

Training workshop: A Global Journey through Privacy Enforcement – leveraging the skills and experience of international practitioners, 21-22 June 2017 Manchester, UK

ICQ, UK, GPEN are hosting a training workshop, themed A Global Journey through Privacy Enforcement – leveraging the skills and experience of international practitioners. The workshop will provide many opportunities for participants from authorities enforcing data protection (and across other regulatory disciplines – e.g., consumer protection or electronic threats) to: (i) share/learn practical experiences, skills and strategies relevant to all stages of the enforcement life-cycle; and (ii) develop operational level relationships that will create the foundation for future collaboration.

To register for the workshop email Alain Kapper at ICQ, UK, GPEN or alain.kapper@ico.org.uk and Jolana Klobouk at the OPC-Canada jolana.klobouk@priv.gc.ca before 5 May 2017.

Workshop to discuss innovative developments in best-practice complaints management, 13 July 2017, Sydney, Australia

The Office of the Australian Information Commissioner and the Office of the Privacy Commissioner in New Zealand are co-hosting a half day workshop to discuss innovative developments in best-practice complaints management on the morning of Thursday 13 July 2017. The workshop has been scheduled to coincide with the 47th APPA Forum in Sydney.

RSS

We've recently launched RSS for members that do not use social media. RSS is used to send out updates and important messages. So don't wait and subscribe to the Conference RSS <https://icdppc.org/feed/>.

**International Privacy Law Library**

An IPLL portal is placed on the Conference website for all those interested in privacy laws, case notes etc. from different jurisdictions. The portal is available at <https://icdppc.org/>.

INTERNATIONAL PRIVACY LAW LIBRARY

The International Privacy Law Library contains the largest freely accessible and searchable collection of privacy law materials in the world.

New tools introduced to connect with the Conference

ICDPPC

Email: ExCoSecretariat@icdppc.org
Follow us on twitter @ICDPPCsec

SHARE THE
NEWS

Please share the
newsletter with
other staff.

HISTORICAL PRIVACY DATES OF SIGNIFICANCE

The month of May witnessed a few activities related to oversight and intelligence surveillance. A few dates to mention are:

- 17 May 2010 UN HRC released good practices on legal & instrumental frameworks for intelligence services & their oversight.
- 18 May 1977 US Senator Ted Kennedy introduced Foreign Intelligence Surveillance Bill.
- 20 May 2013 Edward Snowden flew to Hong Kong.

Other interesting historical privacy events are listed [here](#).



Surveillance by Chris-Håvard Berge

ICDPPC CENSUS

If your authority has not yet submitted its census then please do so as soon as you can. Thank you!



Hourglass by Jamie