

COMMUNIQUE

JUNE 2017

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SPECIAL POINTS OF INTEREST:

- 39 Conference
- Submit resolutions for 39 Conference
- Updates on previous resolutions
- Commissioner profiles
- Update on the digital education working group

MESSAGE FROM THE CHAIR

It is hard to believe that my three year tenure as Chair of your Executive Committee has just about run its course. It has been a lot of work for a small office such as mine to provide the secretariat, but it has been a great pleasure and an honour. But it's not quite over yet! We've got at least two major tasks ahead of us.

The first is our 39th ICDPPC Conference in Hong Kong in September. We've received exciting updates from the host and have great confidence that the Open Session will be a roaring success. If you haven't registered yet, be quick! [Early bird registration](#) ends on 31 July.

The OPC of Canada has been working with my office to develop a programme for our Closed Session. The Executive Committee met last week and endorsed that work. We are sure the themes are going to be relevant to all authorities and that we will be able to present you with world class speakers to provoke a stimulating discussion.

We're pleased to announce that this year's closed session will address information sharing within governments. We've decided to rule out intelligence and security, which we've devoted plenty of time to in recent years, and focus on how governments use and share the administrative data which is often a by-product of the delivery of public services.

Governments around the world are under pressure to "open up" the information they hold for a variety of reasons, such as wider distribution of knowledge, increased efficiency and improved service delivery.

We'll be able to discuss:

- How new technologies are affecting traditional mediation of information-sharing;
- How government shared use of information can trigger public concerns about discrimination and protection of sensitive information.

Our other preoccupation has been the discussion about the future size and membership of the Conference. I am very grateful to the members of the working group who have helped us shape our questionnaire, and to the 70 or so authorities who have taken the time to complete the survey.



This is very important, and I am very pleased that we will be able to go into the discussion at our Closed Session armed with real data about how you think our Conference should look, and who should be part of it. I'm looking forward to sharing the results with you, as soon as we have them in a presentable form.

I'm not that interested in a personal legacy, but it will be good to know I will be leaving the Chair, and the Executive Committee knowing that our Conference has a clear consensus that we are stronger as a global and inclusive fraternity open to all data protection authorities from the small to the large.

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

EXECUTIVE COMMITTEE MEETING: HIGHLIGHTS OF THE JUNE MEETING

The Executive Committee met on 12/13 June through teleconference. Highlights include:

- ◆ The closed session plan for the 39th Conference was endorsed by the Committee.
 - ◆ The Committee discussed interim results of the survey on size and membership of the Conference.
 - ◆ The Committee considered the hosting proposals for the 41st Conference.
- ◆ The Committee reviewed a couple of observer applications.

More information available at <https://icdppc.org/document-archive/committee-documents/>

THE 39TH CONFERENCE IN HONG KONG

Don't miss your chance to enjoy the early-bird rate for the 39th ICDPPC

By Privacy Commissioner for Personal Data, Hong Kong

With the theme of "Connecting West with East in Protecting and Respecting Data Privacy", the 39th ICDPPC will bring together hundreds of global thought-leaders and industry experts in Hong Kong on 25-29 September 2017 to share their insights on the latest data privacy protection topics, such as the data protection trends in Asia, cross-border data transfer, etc. Registration is now open with an early-bird discount offered until 31 July 2017, so don't miss your chance!

Topics to be featured during the 39th ICDPPC include:

- Data Protection in Asia
- Notice and consent
- Cross-border data transfer
- Challenges of new technologies

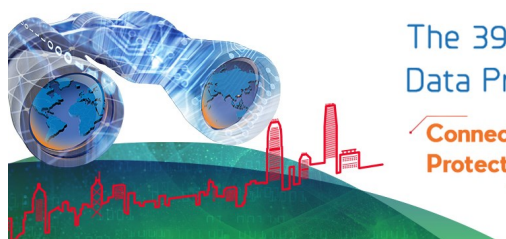
(Note: Preliminary programme. Subject to change without prior notice.)

Register NOW and enjoy an early-bird special discount of 15% off before 31 July 2017.

Please visit the Conference website at <https://www.privacyconference2017.org/eng/registration.html> for online registration and further details.

See you in Hong Kong this September!

Early bird registration ends on 31 July 2017



The 39th International Conference of
Data Protection and Privacy Commissioners

Connecting West with East in
Protecting and Respecting Data Privacy

EARLY-BIRD PRICING ENDS 31 JULY

PROPOSED RESOLUTIONS DUE BY 25 AUGUST

Member authorities are reminded that proposed resolutions for consideration by the 39th Conference must be submitted to the ICDPPC Secretariat, with a copy to the host, no later than 25 August. It will help the Secretariat if members provide resolutions earlier than the final deadline to assist with translation and dissemination.



Proposed resolutions or declarations must have at least 3 other co-sponsors representing different cultural, geographic and legal backgrounds. If you are having difficulty identifying sufficient co-sponsors from outside your immediate circle of contacts feel free to contact the ICDPPC Secretariat for assistance to put you in touch with other Commissioners.

Please try to ensure that resolutions are clearly and concisely expressed. Simple direct expression will usually give the resolution greater impact and avoid ambiguity. It may be helpful to use your co-sponsors to carefully scrutinise the wording of the resolution to ensure that it is clear and well drafted.

PRIVACY BY DESIGN: UPDATE ON THE RESOLUTION ADOPTED 7 YEARS AGO

By Maire Iro, Estonian Data Protection Inspectorate

A resolution on Privacy by Design was adopted at the 32nd Conference in 2010. It was resolved to recognise privacy by design as an essential component of fundamental privacy protection and to encourage the adoption of Privacy by Design's foundational principles as guidance to establishing privacy as an organisation's default mode of operation.

Those foundational principles were:

- Proactive not reactive; preventative not remedial;
- Privacy as the default;
- Privacy embedded into design;
- Full functionality: positive-sum, not zero-sum;
- End-to-end lifecycle protection;
- Visibility and transparency;
- Respect for user privacy.

Data Protection and Privacy

Commissioners/Authorities were invited to:

- promote Privacy by Design as widely as possible through distribution of materials, education and personal advocacy;
- foster the incorporation of the Privacy by Design Foundational Principles in the formulation of privacy policy and legislation within their respective jurisdictions;
- proactively encourage research on Privacy by Design;



System Lock by Yuri Samoilov

- consider adding Privacy by Design to the agendas of events taking place on International Data Privacy Day;
- report back to the Conference, where appropriate, on Privacy by Design activities and initiatives undertaken within their jurisdictions with a view to sharing best practices.

These objectives are followed and in the era of rapidly developing technology it is understood that taking a privacy by design approach is essential to minimise privacy risks and to build trust. Therefore the foundational principles are even more relevant today.

Many member authorities have translated and distributed the materials and promoted Privacy by Design in their region. Provisions concerning Privacy by Design are included in General Data Protection Regulation and in proposal for Regulation on Privacy and Electronic Communications.

Data Protection Commissioners recognize further developments, since Privacy by Design has become an important tool in ensuring compliance with laws and regulations.

Looking to propose a resolution to the 39 Conference? Submit it to the Secretariat by 25 August 2017.

WEB TRACKING AND PRIVACY: UPDATE ON THE RESOLUTION ADOPTED 4 YEARS AGO

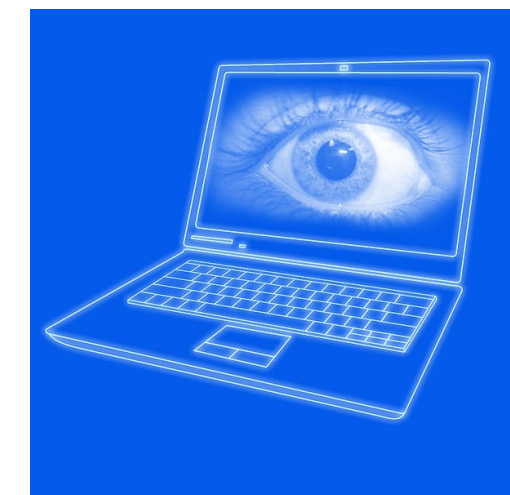
By Ultan O'Carroll, Office of the Data Protection Commissioner, Ireland

In the resolution on web tracking and privacy adopted at the 35th Conference in 2013, members made recommendations to stakeholders to better protect and safeguard individuals' privacy when using web tracking techniques to monitor individuals and build profiles of their activities and behaviours. Among others, these recommendations included:

- Providing notice, controls and adequate transparency concerning tracking practices, including device and browser fingerprinting to enable informed choices;
- observing purpose limitation and avoiding the use of "invisible" fingerprinting other than for fraud security and network protection;
- offering easy to use tools for individuals' control over collection and use of personal data, and promoting technical controls such as Do-Not-Track;
- avoiding the tracking of children without verifiable consent;
- observing the principle of Privacy by Design and the usage of tools such as privacy impact assessments and anonymisation.
- detailed but accessible information on the types of personal data collected and the processing purposes;
- the ability for individuals to effectively exercise control and choice concerning the uses, sharing and combination of their personal data over time;
- proportionate and limited collection of personal data to avoid unnecessary or incompatible processing;
- the availability of generated personal data and information about processing algorithms to individuals, while being respectful of organisations' intellectual property;
- minimising the combining or sharing of personal data with disparate data sources into broadly used profiles to avoid incompatible processing and weak conclusions;
- clearly specified retention periods for personal data collected or generated as a result of tracking.

Since then, many member authorities have been engaging on this topic with data controllers, industry bodies such as the IAB and technical standards organisations such as W3C in order to better ensure the protection of individuals' personal data. Some of the strategies in these engagements have been to foster and develop:

- Awareness and recognition that monitoring and tracking involves personal data, can be intrusive, intimate and sometimes unnecessary;
- a clear understanding of the requirements to legitimise processing of personal data when using tracking technologies, particularly when it comes to consent, third parties and individuals' devices;



Laptop spying by EFF Graphics

While usage of the web and smart devices increases every day, and the presence of internet of things devices in individuals' lives grows, the importance of ensuring the protection of individuals' privacy when it comes to tracking and monitoring continues to remain an important aspect of members' work. The prospect of a multiplication in personal data collection, combination and analysis in what may be unreliable or intrusive ways, by more and more organisations, becomes a possibility we must all be aware of and keep a careful watch on.

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PROFILE OF DATA PROTECTION AND PRIVACY COMMISSIONER: ARGENTINA

Eduardo Bertoni. Director, Data Protection Authority, Argentina (Dirección Nacional de Protección de Datos Personales)

Where did you grow up?

Buenos Aires, Argentina

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

Long time ago... During the 90s and as a private lawyer in my country I argued cases –including before the Supreme Court of Argentina and the Inter-American Court of Human Rights- where the main issue was the conflict between the right to privacy and the right to information & the right to freedom of the press.



What did you do before you became a Commissioner?

I was an academic. I founded an academic centre at Palermo University, a private university in my country. We did research on Internet and Human Rights, for example. And as a professor at Palermo University and also at Buenos Aires University and as a Global Professor at New York University, I taught human rights, technology and human rights and cybercrime.

What was the first ICDPPC Conference that you attended?

Last year, in Marrakesh.

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

I am not talking of a ICDPPC Conference, but I remember that many years ago, I was attending a conference in Japan invited by the UNAFEI. Suddenly we heard something like an explosion and the glass on the windows almost crashed. We, most of the participants that were not for that region, did not understand what was going on, because our

hosts continued talking normally. Many of us wanted to leave the building. The ongoing presentation finally stopped and we were explained that was perfectly normal because, even though it was not an earthquake, it was common for the earth to tremble. I am not sure if that situation was funny for me at the first moment, but I am sure that the panic on our faces was very funny for our hosts!

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

We were working on a draft of a new data protection law. I was very happy when the President of my country announced in his state of the union speech that the Executive will send to the congress a draft to change our current data protection law.

What privacy means to you in the form of a ‘tweet’?

For me is very simple. It is a basic human right. And it is inter connected with other fundamental rights. Without privacy people can not express themselves freely!

What is your favourite privacy quotation?

I was very touched by an expression that I first heard from Alec Ross. I am not sure about the accuracy of his statement, but he said something like “Data is the raw material of our current world”.

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

I would try to homogenise the laws as far as possible.

What is your favourite book on privacy and why?

Histoire de la vie privée, by Philippe Aries y George Duby. It is fascinating to see how the concept of privacy has changed over time.

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

iPhone. The usual protection plus cover the camera.

What is your favourite movie or song about privacy?

I am not sure if it is my “favourite” but I was very impressed with some chapters of Black Mirror.

What inspires you?

More than what, who: Mandela

What makes it fun to work in your office?

I enjoy helping people to protect their privacy.

“Data is the raw material of our current world”

PROFILE OF DATA PROTECTION AND PRIVACY COMMISSIONER: BRITISH COLUMBIA

**Drew McArthur, Acting Information and Privacy
Commissioner for British Columbia**

Where did you grow up?

Well there's a debate as to whether or not I've ever grown up, but I have aged mostly in the province of BC, and since high school I have lived in the greater Vancouver area.

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

When Canada's federal privacy legislation, PIPEDA, was announced, a lawyer in the company I worked for asked if I was interested in helping prepare the organization for the legislation coming into force in 2001. That was the start of a fascinating career in the area of privacy.

What did you do before you became a Commissioner?

I was the Chief Compliance and Privacy Officer for TELUS, a national telecommunications company, until my retirement in 2007, when I started my own part-time consulting company. In 2010 I was invited by former BC Privacy Commissioner Elizabeth Denham to join her External Advisory Board, which I served on until my appointment as Acting Commissioner in July 2016.

What was the first ICDPPC Conference that you attended?

I first attended the Montreal ICDPPC conference in 2007. That was hosted by the Office of the Privacy Commissioner of Canada (when Jennifer Stoddart was Privacy Commissioner for Canada). It was my first exposure to the international community on first-hand basis and was very fascinating. I remember one of the keynote speakers was the former head of national security in the US. It was fascinating hearing from the most privacy invasive practitioner how they were compliant with privacy laws.

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

I must admit that I have attended very few international conferences, but the one that impressed me the most was APPA 46 in Manzanillo Mexico, the first time I attended representing our role as the secretariat of APPA. The people were so friendly and the issues were fascinating. It was a wonderful opportunity to meet so many of our international colleagues.

The most embarrassing thing happened when I was putting my coffee cup down at my assigned place, and I accidentally (well, I accused Timothy Pilgrim of jostling my arm) spilled coffee on our gracious host, Xemina Puente, President Commissioner of INAI. She was so polite and made me feel less of a klutz.



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

The achievement I am most proud of is how my staff attacked our backlog of complaints and reduced it from around 290 files to below 40 in just 6 months. That speaks volumes to the ability and dedication of the staff in my office.

What privacy means to you in the form of a 'tweet'.

My information belongs to me! I control the use and dissemination of my personal information.

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

I have spent my life working with technology, so I am highly dependent upon my iPhone and iPad to keep me up to date and to simplify some things in my life. I have always used password protection on my smart phones, and I keep them out of public view and in a safe place. But I also am very aware that they are becoming a social stigma, and people are all too often heads-down into their smartphone, instead of engaging with the people they are with. We need to acknowledge that they are a tool, and we need to be present when we are with our friends and family.

What makes it fun to work in your office?

We have the greatest team to work with, including our social atmosphere. There are numerous social activities that make the office such a great place, including monthly staff barbeques, the afternoon espresso coffee klatch and our office Christmas party, complete with deputy-produced video and a dancing commissioner!

The achievement I am most proud of is how my staff attacked our backlog of complaints and reduced it from around 290 files to below 40 in just 6 months. That speaks volumes to the ability and dedication of the staff in my office.

PROFILE OF DATA PROTECTION AND PRIVACY COMMISSIONER: MAURITIUS

Drudeisha Madhub, Data Protection Commissioner,
Data Protection Office, Republic of Mauritius



Where did you grow up?

Rose-Hill, Mauritius.

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

Since August 2007 when I joined the Data Protection Office as Data Protection Commissioner.

What did you do before you became a Commissioner?

Prior to becoming Data Protection Commissioner, I worked as Senior State Counsel at the Attorney-General's Office.

What was the first ICDPPC Conference that you attended?

The Strasbourg Conference in 2002/3.

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

The funniest happening in 2014 Conference was when one of my colleague refused to sit down and participate in the closed session because the flag of his country was missing but the name of his country was on his table.

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

Mauritius's accession to Convention 108 in June 2016.

Who is your 'privacy hero' and why?

Justice Louis Brandeis and Edward Snowden for their unique insights and contributions to understanding privacy.

What privacy means to you in the form of a 'tweet'?

The state of being free from unwanted intrusion in one's private life; freedom to live one's own life as per one's core beliefs.

What is your favourite privacy quotation?

"All human beings have three lives: public, private, and secret." Gabriel García Márquez

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

I would have launched massive sensitisation campaigns globally to increase awareness on privacy and data protection issues especially amongst teenagers and young adults who deserve specific protection with regard to their personal data particularly in the context of social networking, as they are less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data.

What is your favourite book on privacy and why?

Data and Goliath: The Hidden Battles to Collect Your Data and Control Your World by Bruce Schneier.

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

Smart phone. I use password and configure privacy settings in such a way not to share too much information with others or give unknown apps permission to access my information.

What is your favourite movie or song about privacy?

"It's my life" – Dr Alban.

What inspires you?

The opportunity to represent my country in international conferences and meetings.

What makes it fun to work in your office?

I am called upon to innovate and create new concepts and ideas through projects that have never been implemented before. Even the decisions I deliver are novel ones since there is no juridical precedence.

"All human beings have three lives: public, private, and secret." Gabriel García Márquez

UPDATE FROM THE DIGITAL EDUCATION WORKING GROUP

Since the adoption of the latest resolution in Privacy Education in October 2016, DPAs worldwide have been working to implement the International Competency Framework's themes and competencies in curricula and in-school practices.



First results progress has been collected through a summary chart inventorying the initiatives undertaken by DPAs. What can be learned from this review?

- The first step of this implementation was to promote the framework.

Most DPAs advertised it on their website and their social media, translating it. For further support, many countries have contacted their relevant ministries, and are currently collaborating with them, via co-organising events and development of partnerships. Globally speaking, the contacted Ministers of Education have reacted very positively to the framework and are highly interested.

- The second step recommended to experiment it in schools, with teachers and students.

Their feedback was particularly useful for plugging it with the best available

resources. Countries have done so in varied ways, from launching consultation campaigns with the educational community to trying out different competencies from the framework in workshops. Although this is early stage of implementation, school and field partners have shown their interest and hundreds of students across the world have taken part in these try-outs, giving precious feedback. Some countries are also looking at how to raise awareness amongst parents, beyond the school.

- The third step aimed to integrate the framework into curricula.

This requires designing appropriate resources for every age group, connecting the competencies with specific classes and other educational content and developing suitable training programs for teachers. CNIL is currently developing a specific textbook adaptable per school cycle connecting the framework to existing teaching programs with the support of the Ministry of Education. Additional resources and specific training programs are being worked on across countries, hand in hand with educational experts.



For more information, please, contact Pascale RAULIN-SERRIER, Coordinator of the DEWG at pserrier@cnil.fr

The CPEA was one of the first specialist privacy enforcement networks to be established. It was developed as part of a multi-year APEC 'Pathfinder' project devoted to developing tools to address a number of cross-border privacy issues (another principal outcome of the Pathfinder was APEC's 'Cross-border Privacy Rules system' or 'CBPRs').

MILESTONES IN PRIVACY HISTORY

On 16 July 2010 APEC launched the **APEC Cooperation Arrangement for Cross-border Enforcement**, generally shortened to 'Cross-border Privacy Enforcement Arrangement' allowing for its common abbreviation 'CPEA'.

The CPEA was one of the first specialist privacy enforcement networks to be established. It was developed as part of a multi-year APEC 'Pathfinder' project devoted to developing tools to address a number of cross-border privacy issues (another principal outcome of the Pathfinder was APEC's 'Cross-border Privacy Rules system' or 'CBPRs').

The Pathfinder was an inter-governmental project but split into



subprojects that included input from other stakeholders such as businesses. The sub-project on enforcement cooperation was led by Timothy Pilgrim, Deputy Australian Privacy Commissioner (later to be appointed Commissioner).

The APEC Pathfinder work in this context drew heavily upon the OECD's recently adopted recommendation on cross-border privacy enforcement. The APEC Data Privacy Subgroup was careful to ensure that its approach to enforcement

MILESTONES IN PRIVACY HISTORY (CONTD.)

cooperation remained compatible with the OECD approach given that effective enforcement in the digital age cannot end at regional borders any more than it can end at national borders.

CPEA currently has 10 participant authorities with the FTC appointed as Administrator.

More information at: <http://www.apec.org/Groups/Committee-on-Trade-and-Investment/Electronic-Commerce-Steering-Group/Cross-border-Privacy-Enforcement-Arrangement.aspx>

NEWS OF MEMBERS AND ALUMNI: APPOINTMENTS, AWARDS AND HONOURS

In April, the distinguished host of the 38th Conference in Marrakesh, Professor **Said Ihrai**, has been appointed as President of the new Moroccan Constitutional Court.

Professor Ihrai had been Chairman of the National Commission for Data Protection Supervision (CNPDP) since August 2010 culminating in the hosting of the international conference in October 2016. Amongst other positions held during his career, he had been Professor of International law and Public Law at Mohammed V University and was the author of numerous books on Morocco's external relations, humanitarian law, public law of the sea and the collective security under the United Nations system.

Created by the Constitution of 2011, the new Constitutional Court replaces the Constitutional Council. It inherits all of its prerogatives and adjudges new ones, with expanded powers as might be brought before a court of law. This is reported as representing a change in the kingdom of Morocco. King Mohammed VI has installed the new Constitutional Court and Said Ihrai was appointed as its head on 4 April.

"This is a decisive step and the Constitution of 2011 has brought a lot of novelties, such as enabling Morocco to align itself with international parameters and standards in the areas of freedoms and privacy," stated the newly appointed President of the Court, Said Professor Ihrai, in a [report](#) of the appointment.

The ICDPPC Chair, John Edwards, acknowledged Said Ihrai's notable contribution to the international data protection community through the hosting of the 38th Conference and through his service on the ICDPPC Executive Committee and wished him well in the new position.



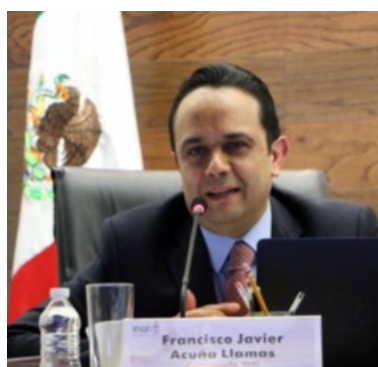
In another welcome development, the ICDPPC Chair, John Edwards, is also pleased to acknowledge the announcement that **Dr Anne Cavoukian** has been granted Meritorious Service Medal (M.S.M.) from the Governor General of Canada. Dr Cavoukian is well known as having been the former Information Privacy Commissioner of Ontario and as having been a prime mover in efforts focused upon Privacy by Design both within and beyond the International Conference.

*In April, the distinguished host of the 38th Conference in Marrakesh, Professor **Said Ihrai**, has been appointed as President of the new Moroccan Constitutional Court.*

COMINGS AND GOINGS

Dr. Francisco Javier Acuña Llamas was appointed as Commissioner President for Mexico's National Institute for Transparency, Access to Information and Personal Data Protection for the 2017-2020 period. Dr. Acuña Llamas substitutes Dr. Ximena Puente de la Mora, whose term has concluded but who will continue as Commissioner until 31 March 2018.

Mr Eduard Răducan was appointed the director of National Center for Personal Data Protection of Moldova. He replaces Vitalie Iacov Paniș and started his term in April 2016.



ICDPPC SECRETARIAT

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COMINGS AND GOINGS (CONTD.)

Samantha Gavel was appointed the Privacy Commissioner for the Information and Privacy Commission New South Wales, Australia. Ms Gavel will replace Dr Elizabeth Coombs.



40 CONFERENCE IN BRUSSELS IN 2018

The 40th Conference will be co-hosted by the Commission for Personal Data Protection of the Republic of Bulgaria and the European Data Protection Supervisor held in Brussels on 22–26 October 2018.

ICDPPC GLOBAL PRIVACY AND DATA PROTECTION AWARDS

Members and staff are encouraged to vote for the People's Choice Award. So get in quick and vote by 30 June 2017. Use the link to complete your voting <https://www.surveymonkey.com/r/V73Y6S9>