

# ICDPPC NEWSLETTER

## Message from the Chair

Dear colleagues, I'm excited to bring the first edition of the revived International Conference of Data Protection and Privacy Commissioners (ICDPPC) newsletter and to do so on Data Protection Day. Our aim is to publish three newsletters each year in January, May and September.

We have commissioned articles from members across the network to represent our international membership. There is an update from Albania as the 2019 hosts, profiles on Korea's Personal Information Protection Commission (PIPC) and the African Network of Personal Data Protection Authorities, and interviews with New Zealand Privacy Commissioner John Edwards, and new Executive Committee member, Australian Information Commissioner and Privacy Commissioner Angelene Falk.

We also have a retrospective look at the planning behind the 40th conference by the European Data Protection Supervisor (EDPS), an account of Mexico's



*Elizabeth Denham, UK Information Commissioner and Chair of ICDPPC*

accession to Convention 108, and Canada's federal Privacy Commissioner Daniel Therrien shares his experience representing the ICDPPC at a United Nations Security Council Counter-Terrorism Committee meeting in New York.

It has been a particularly busy three months following the superb 40th annual conference in October 2018 co-hosted by the EDPS and the Bulgarian Commission for Personal Data Protection. I returned to the UK inspired by the depth and breadth of the discussions on digital ethics, and by the ambitious path we set at the closed meeting.

Since assuming the chair,

**READ MORE ON P2 ▶**

## INSIDE THIS ISSUE

- ▶ Looking Ahead to Albania. P3
- ▶ Debating Ethics: the 40th ICDPPC. P4
- ▶ Observers on the Road. P5
- ▶ In conversation with John Edwards, New Zealand's Privacy Commissioner. P6
- ▶ Working Group Update: International Enforcement Co-operation. P7
- ▶ Regional Perspectives: Personal data protection networks in Africa. P8
- ▶ Get to Know Your ExCo: Angelene Falk, Australian Information Commissioner and Privacy Commissioner. P9
- ▶ Acceding to Convention 108: Mexico's Journey. P10
- ▶ Meet our Member: About the Personal Information Protection Commission in Korea. P11
- ▶ Data Protection Day. P12
- ▶ Meet the Secretariat. P13

I have worked with the executive and the secretariat to develop a work plan for the year, held three Executive Committee meetings, drafted a communications plan, and we're developing a 2019 - 2021 strategic plan with a policy strategy for adoption in Albania.

In October we said farewell to two members of the Executive Committee: CNIL's Chair and President Isabelle Falque-Pierrotin and Hong Kong's Stephen Wong who both made significant contributions during their terms. We also welcomed new members to the Executive Committee, including Australia's Angelene Falk and Philippines' Raymund Liboro.

We also welcome the hosts of the next two conferences to the Executive Committee: Albania's Commissioner Besnik Dervishi as the host for the 2019 conference and Mexico's President Commissioner Dr Francisco Javier Acuña Llamas joined in an observer capacity ahead of the conference in 2020.

It has also been a busy three months for me in my ICO capacity. In December, my engagements took me to a number of locations in

the Asia Pacific and South Asia regions - a fantastic opportunity to see first-hand the progress of data protection work there. This included Hong Kong's ambitious agenda on digital ethics, Singapore's AI framework, the discussion on algorithmic transparency in New Zealand, and the debate in Australia about children's online protections.



*It is increasingly important for data protection regulators to keep up to date with the challenges and opportunities our colleagues are facing.*

In India, my final stop, I was able to speak to officials and experts about the draft legislation slated to bring data protection rights to 1.3 billion people!

It is increasingly important for data protection regulators to keep up to date with the challenges and opportunities our colleagues are facing. At the India-UK Future Tech Festival in New Delhi I talked

about convergence in the current age of increasing data flows. There has never been a more important time for global coherence in data protection and privacy. Our citizens need to have trust and be confident their personal data is being used and shared in a way that is lawful and meets international standards.

When I think about convergence, policy thinking is foremost on my mind. At the 40th annual conference we agreed to develop a multi-year policy strategy, to strengthen the ICDPPC's policy role and influence in advancing privacy and data protection globally.

As a first step, the Executive Committee will meet in London in March to identify key policy priorities, themes and issues of focus for the ICDPPC 2019-2021. The key output will be a draft Policy Strategy and a roadmap for consultation with the broader ICDPPC community, leading to adoption at the October 2019 conference, alongside the 2019-2021 Strategic Plan.

I hope you enjoy this newsletter and wish you all a happy, healthy and productive 2019.

*Elizabeth Denham*



## Dates for your diaries, January - May

- ▶ **28 JAN** [International Data Protection Day](#)
- ▶ **08 MAR** [International Women's Day](#)
- ▶ **11 MAR** [International Conference of Information Commissioners \(ICIC\), South Africa](#)
- ▶ **15 MAR** [World Consumer Rights Day](#)
- ▶ **22 APR** [Earth Day](#)
- ▶ **26 APR** [World Intellectual Property Day](#)
- ▶ **30 APR** [IAPP Global Summit 2019, Washington DC](#)
- ▶ **06 MAY** [OECD, WPSPDE, Paris](#)
- ▶ **09 MAY** [Spring Conference of Data Protection Authorities, Tbilisi, Georgia](#)
- ▶ **29 MAY** [51st APPA Forum, Tokyo, Japan](#)
- ▶ **TBC** [GPEN Practitioners' Event, Macau](#)

# LOOKING AHEAD TO ALBANIA

## The hosts of the 41st ICDPPC share details of the planning progress.

In 2017, the Information and Data Protection (IDP) Commissioner's Office of Albania was announced as the host of the 41st International Conference of Data Protection and Privacy Commissioners. The then Chair of the Executive Committee, John Edwards, motivated the selection as follows:

“As a Conference providing leadership at international level in data protection and privacy, it is appropriate to meet in a country that has transitioned to democracy and to learn from people who retain memories of the harshest communist dictatorship of Eastern Europe.”

Hosting the ‘go-to’ and major international event of data protection and privacy is a considerable responsibility. Alongside the early stage preparations for the International Conference, the IDP Commissioner of Albania also committed to host the 2018 European Conference of Data Protection Authorities. That was held in May 2018 in Tirana, and it proved a challenging test for the staff, yet very fruitful in enabling a better understanding of the significance of undertaking a global event; particularly when considering that many important decisions relating to both the future direction and policy of the International Conference will be taken in Tirana.

The Commissioner's Office

made use of the lead time to prepare a logistics plan, together with a content strategy. Although the logistics have proved to be a major concern for the relatively limited budgets of DPAs, the IDP has complemented its institutional budget with that allotted by the Assembly of Albania, combined with many mechanisms resulting from the cross-institutional co-operation for the purposes of the organisation of the Conference, established upon the initiative of our Office, as of 2018.

As agreed with the Executive Committee, the 41st ICDPPC will be held from 21-24 October 2019. The conference and related events will be arranged in Tirana, the capital of Albania. In taking this decision, we evaluated several imperatives, ranging from the ease of access to hosting premises to accommodation facilities. Accordingly, the main event will be at the premises of the Palace of Congresses, which is located in the heart of the capital. The main venue's capacity is approximately 2,000, with additional halls available for 300 attendees; there are also adjacent venues for side events.

The Palace of Congresses is encircled by all the major hotels of Tirana and within walking distance of the most important tourist attractions in the city. Periodic meetings have and will be held with accommodation managements in order to guarantee availability and smooth hosting of delegates. Both local and central authorities in Tirana will also be involved in organising the special activities and specific arrangements for the International Conference.

A dedicated Conference website with separate sections for the Open and Closed Sessions, as well as a conference app, are currently being designed. The IDP Commissioner's Office will rely on the contributions of counterpart authorities to provide translation of specific sections of the website, reflecting the linguistic diversity and to ensure accessibility.

A final note: ‘The Telegraph’ (UK national newspaper) once labelled Albania as “the best-kept secret in the Mediterranean!”, while ‘The Spectator’ (UK magazine) urged: “Visit Albania now, before it changes too much.”



Albanian DPA

# Debating Ethics: the 40th International Conference of Data Protection and Privacy Commissioners

The 40th International Conference of Data Protection and Privacy Commissioners (ICDPPC) was an event unlike any of its predecessors. Hosted by the European Data Protection Supervisor (EDPS) and the Bulgarian Commission for Personal Data Protection (CPDP), this was the first time the Conference had been held by an EU institution in collaboration with a national supervisory authority.

We kicked off the week with the closed session, which took place from 22-23 October 2018 in the historic Palais d'Egmont in Brussels. In another first for the Conference, the central theme of the closed session was directly connected to the theme of the public session. With the agenda set by the ICDPPC Executive Committee, discussion focused on the topic of ethics and Artificial Intelligence (AI).

In planning the public session, which took place in the Hemicycle of the European Parliament from 24-25 October 2018, our aim was not to focus on privacy or data protection, or on specific laws such as the General Data Protection Regulation (GDPR). Rather, through Debating Ethics: Dignity and Respect in Data Driven Life we wanted to stimulate an honest and informed discussion about what digital technology has done and is doing for us as individuals and as societies, and to consider future scenarios. The Conference programme was therefore very different to what might have been expected.

Those who attended the public session of this year's Conference were confronted not with the usual parallel sessions, but with one coherent discussion, divided into five sessions, each building on the ideas of the one preceding it. It was an approach that allowed us to experiment with a variety of presentation techniques. Keynotes,

panels, statements and interviews from a range of distinguished speakers provided varied and interesting insights into the discussion. What's more, through the Conference app, everyone attending the Conference had an opportunity to get involved.

The programme began with an overview of how technology is evolving before diving into pure ethics, how it has taken shape around the world, and how it is applied in different fields. The debate then moved on to explore what technology is doing to us as humans, to our minds, relationships and interactions, to society and the economy, and to the power and reach of the state. To do this, we had the honour of welcoming some very special speakers from around the world, including Apple CEO Tim Cook and founder of the World Wide Web Sir Tim Berners-Lee.



Working in parallel to the session in the Hemicycle on the Thursday morning, and drawing on the ideas raised in the discussion there, we had the Creative Cafe. This interactive group-work session involved some of the world's leading thinkers from the data protection sphere and beyond. Small working groups made up of people from different disciplines engaged in in-depth discussions on some of the most urgent questions of digital ethics.

We are delighted to report that the 40th International Conference was a resounding success. Debating Ethics has helped kick-start a much-needed debate and instilled a sense of responsibility and commitment in those who are shaping our world through the development of new technologies. Thank you to everyone that took part.

A detailed report on the conference will be available soon on the [EDPS website](#).



## Observers on the Road

# Resolution 2396: Privacy and data protection considerations shared at the UN Counter-Terrorism Committee side event

*Daniel Therrien, Privacy Commissioner of Canada, shares his experiences at a United Nations event.*

On 13 December 2018, I had the pleasure of representing the International Conference of Data Protection and Privacy Commissioners (ICDPPC) at a United Nations Security Council Counter-Terrorism Committee meeting in New York.

The purpose of the meeting was to discuss [Addenda](#) to the [Madrid Guiding Principles](#) – a document billed as a practical tool for member states to stem the flow of foreign terrorist fighters.

I had an opportunity to [address delegates](#) at a well-attended side event hosted by the [Counter-Terrorism Committee's Executive Directorate \(CTED\)](#) on the challenges associated with protecting privacy and personal data while effectively combatting terrorism. In my remarks, I stressed:

- ▶ That privacy is an internationally recognised human right and that counter-terrorism measures related to the collection, sharing and analysis of personal information must respect that right;
- ▶ The importance of necessity, proportionality and independent oversight – principles that are central to most data protection and privacy laws, and particularly relevant in the context of national security; and
- ▶ How these key tenets of data protection could inform potential improvements to the Madrid Guiding Principles.

While many of the Madrid principles already indicate that they will apply in ways consistent with international human rights law, I proposed clarifying in the addenda that they specifically reference necessity, proportionality and independent oversight.

I also expressed concern that key principles related to the collection and analysis of information to help identify and prevent the movement of foreign terrorist fighters currently make no mention at all of international human rights law.

Lastly, I highlighted a need to expand the notion that data protection and human rights considerations apply to all stages of data processing, be it collection, analysis, sharing, storage or use.

The overall response from delegates was positive and many were clearly attuned to the privacy concerns arising from counter-terrorism. Indeed, many spoke strongly about the importance of respecting human rights, not just because it's the right approach, but because it makes counter-terrorism more effective. Ignoring human rights and data protection, many agreed, can lead to mistrust and further radicalization.

On 2 January 2019, CTED issued [addenda to the Madrid Guiding Principles](#). The document includes 17 additional good practices to assist member states. It stresses states' obligations to comply with international human rights law. It also emphasises the importance for states to incorporate proper oversight of the collection and use of data, as well as safeguards for

personal information received and shared by governments. This helps address the privacy and protection of personal data, while also ensuring that precautions are taken against the misuse or abuse of the data by state authorities. Additionally, the addenda calls for the respect of data subjects' right to freedom from arbitrary or unlawful interference with privacy under international law, as well as for relevant protections under national law, which may include access, rectification, restrictions on use and judicial redress.

As you may know, this is not the first time CTED has reached out to the data protection community on the intersection of counter-terrorism and privacy protection. In October, I had the opportunity to co-host a side event at the International Conference in Brussels with CTED on behalf of the ICDPPC Executive Committee.

CTED has expressed interest in maintaining contact with the data protection community. It is also interested in co-developing a best practices document and making DPAs part of the conversation when it comes to reviewing member states' implementation of the UN counter-terrorism framework.

This type of collaboration is integral to improving global standards. We appreciate the CTED's invitation and look forward to further discussions on these important issues.

*If there is an event you would like to attend and represent the ICDPPC, please contact the Secretariat.*

# IN CONVERSATION WITH John Edwards, New Zealand Privacy Commissioner



**The Secretariat catches up with John Edwards to understand more about the recent Asia Pacific Privacy Authorities (APPA) 50 conference and John's data protection priorities for 2019.**

**Tell us about your office – what projects are you busy with this year?**

My office is an Independent Crown Entity and was established by the Privacy Commissioner Act 1991. Like other DPAs, my office has a range of functions, including investigating complaints about breaches of privacy, running education programmes, and examining proposed legislation and how it may affect individual privacy.

This year much of our attention will be focussed on the new Privacy Bill which is currently before Parliament and which we expect will pass and come into force in 2020. The bill will introduce

mandatory data breach notification, compliance notices, new criminal offences, and binding decisions on access requests.

While getting ready to implement the new Act will be a top priority, we continue to work towards our strategic goals of increasing citizen and consumer trust in the digital economy, promoting, supporting and improving personal information practices across the economy.

**Can you tell us more about the APPA Forum network, including how it is structured and your membership arrangements?**

The APPA Forum is the principal network for privacy and data protection authorities in the Asia Pacific region. The Forum was formed in 1992, and members take turns to host its twice-yearly meetings. At each Forum, members discuss and focus on different topical issues.

Privacy and data protection

authorities based in the Asia Pacific region are eligible for APPA membership through three pathways to membership:

- ▶ an accredited member of ICDPPC; or
- ▶ a participant in the APEC Cross-border Privacy Enforcement Arrangement (CPEA); or
- ▶ a member of the Global Privacy Enforcement Network (GPEN).

APPA is supported by a secretariat currently hosted by the Office of the Information and Privacy Commissioner of British Columbia.

**What was on the agenda and what were the main successes of the conference?**

Over two days, APPA members and invited guests discussed global privacy trends, exchanged domestic experiences and sought opportunities for co-operation on education and enforcement activities across the Asia Pacific Region.

We were able to coordinate, in order to host at the same time, a meeting of the International Working Group on Data Protection in Telecommunications (the Berlin Group) to present a truly international series of events, with representation from all five continents.

It was a great thrill to have representatives from the African network of DPAs, the EDPB, ICDPPC, and the Iberian and Francophonie



APPA 50 Conference

**READ MORE ON P7 ▶**

networks all present in New Zealand with APPA to discuss emerging trends and matters of common interest.

### What are APPA's main objectives for 2019?

APPA's objectives include to:

- ▶ Facilitate sharing knowledge and resources between privacy authorities in the region;
- ▶ Foster cooperation in privacy and data protection;
- ▶ Jointly promote privacy awareness activities;
- ▶ Promote best practice amongst privacy authorities;
- ▶ Work to continuously improve our regulatory performance;
- ▶ Support efforts to improve cross-border co-operation in privacy enforcement.

The complete statement of objectives is [available online](#). In 2019, we will meet in Japan and Philippines.

### What are the opportunities for better data protection collaboration in Asia Pacific?

There are more jurisdictions to join our network yet and many more opportunities for our APPA to grow and strengthen. More countries are investigating the APEC Cross Border Privacy Rules (APEC-CBPR) and using the Cross-Border Privacy Enforcement Arrangement (APEC-CPEA). There is strong and growing support for GPEN, and our monthly Pacific teleconferences are well attended.

In 2019, we will collaborate again on Privacy Awareness Week in our domestic jurisdictions, with a common theme across the region.

### What are the main challenges to data protection collaboration in Asia Pacific?

The Asia Pacific region is rapidly developing in terms of privacy laws. However, each country takes its own approach and that presents challenges for common standards and responses to emerging issues and investigation. Some very significant economies in the region do not yet have comprehensive data protection or privacy laws. As

more legislate or update their laws, the challenge is ensuring they are able to work together across the region.

### What is your vision for data protection in 2019, and how would you define the success of this?

2018 was a watershed year in privacy and data protection. The big challenge for the international community is to reach some agreed international standards, and the development of international law. That won't happen in 2019, but I would hope that we are able to capitalise on the momentum that has been building and convince legislators and politicians of the urgency of the issues we are facing.

Success will be industry recognising the real likelihood of a co-ordinated international approach, and making a real commitment to 'walk the talk', rather than paying lip service to a self-regulatory approach. When our citizens can have confidence that their data will be protected as they go about their lives, we will all be able to reap the benefits of the digital revolution.

## Working Group Update International Enforcement Cooperation

Did you know that promoting effective enforcement cooperation amongst conference members has now been a big feature on the conference agenda for more than a decade? This is thanks to the conference members who have contributed to the work during that time and the relationships that the Conference has been able to build with others active in the space too, such as OECD, GPEN, Council of Europe, and more.

The work is still very much alive and kicking, and the Working Group on International Enforcement Cooperation is about to move to its next phase of work, just over half way through its mandate granted in 2017. The Working Group will hold a promising face-to-face meeting in The Hague in late February to discuss important updates to

maximise members' understanding and take-up of the enforcement co-operation tools available to improve their practices on the ground in each jurisdiction. Activities will include discussing draft proposals to create a repository for ICDPPC members to share enforcement co-operation materials such as MOUs, and to further develop the ICDPPC Global Cross Border Enforcement Co-operation Arrangement.

Of the work that the previous ICDPPC Group of Experts on Legal and Practical Solutions to Cooperation developed prior to the current Working Group beginning its work in 2017, the Working Group (WGIEC) has been taking forward workstreams across two main areas:

- ▶ Workstream one currently provides for evaluation of the option to implement a secure space. As part of this evaluation, the WGIEC will consult with those working on the Future of the Conference. The WGIEC would then present

**READ MORE ON P8 ▶**

recommendations and options to the ExCo in the Spring of 2019 for their consideration. This involves both scoping and defining and also evaluating the potential tools (like the authorities database, document library and/or discussion forum) that could exist on a secure site (or elsewhere), and evaluation of the appropriateness and value-for-money of implementing a secure space.

► Workstream two is looking at possibilities for developing model bilateral or multilateral cooperation tools, including but not exclusively updates to the Global Cross-border Enforcement Cooperation Arrangement.

The Working Group will present its final recommendations at the 2019 ICDPPC Conference

in Tirana. Members of the Working Group are about to receive their invitations to the meeting in The Hague. If Conference members have enquiries about the activities of the WGIEC, please contact the WGIEC Secretariat at [Internationalaal@autoriteitpersoonsgegevens.nl](mailto:Internationalaal@autoriteitpersoonsgegevens.nl)

New ICDPPC website updates have also been recently added on international enforcement co-operation, providing the latest existing version of the [Global Cross-Border Enforcement Co-operation Arrangement \(GCBECA\)](#) and the history of the work of the [Group of Experts on Legal and Practical Solutions to Co-operation](#), the precursor to the current WGIEC.

## Regional Perspectives: Personal data protection networks in Africa

As far as regional diversity goes, Africa is impressive. There are over one billion people speaking thousands of languages and living across 54 countries. Approaches to data protection are diverse, too. According to a [Deloitte report](#), there is no unified approach to personal data protection: 17 countries have enacted comprehensive data protection legislation, around 18 have no legislation in place, and others are at various stages in the process of drafting and implementing supporting legislation.

Establishing a collaborative and co-operative data protection framework across such diversity is certainly challenging. The *Réseau Africain des Autorités de Protection des Données Personnelles* (The African Network of Personal

Data Protection Authorities - **RAPDP**) was established in September 2016 to do exactly that, and its aims are ambitious.

RAPDP is a young and dynamic network finding and establishing its voice. It aims to offer members a framework for co-operation and synergy between African data protection authorities, public institutions, the private sector, and civil society, with the aim of promoting best practice and sharing experiences.

In February 2018, members including South Africa, Benin, Burkina Faso, Cape Verde, Ivory Coast, Ghana, Mali, Morocco, Tunisia and Senegal met in Casablanca, Morocco. During this meeting, ICDPPC Executive Committee Member Marguerite Ouedraogo Bonane was elected as President



and a permanent Secretariat.

Members agreed an action plan which involves promoting the data protection agenda in Africa, developing co-operation among members, increasing its visibility internationally, and identifying exchange channels with African authorities.

At the 40th ICDPPC in Brussels, RAPDP

was accredited with observer status.

During this period, RAPDP also hosted a side event which brought together representatives of African authorities to review progress of work achieved so far. It also provided members with an opportunity to discuss avenues for collaboration with the UN and GSM Association.



# Get to know your ExCo

## Angelene Falk, Australian Information Commissioner and Privacy Commissioner

**Hello Angelene, and welcome to the ICDPPC's Executive Committee (ExCo). What made you want to join the ExCo and get more involved in the leadership of the ICDPPC?**

Thank you for the warm welcome. I am certainly honoured by this appointment.

I was motivated to join the ExCo to help lead the next phase of the ICDPPC's important mission to foster international collaboration on global privacy issues. Membership of the Executive Committee builds on Australia's history of international engagement on privacy issues, including our work with the Asia Pacific Privacy Authority (APPA), the Global Privacy Enforcement Network (GPEN) and the Common Thread Network (CTN), and our active role in cross-border privacy investigations.

I look forward to supporting Chair Elizabeth Denham and other ExCo members to drive the Conference objectives, as I bring Australia's experience of almost a decade as the former secretariat of APPA to this global forum.

**What interests you most about the ICDPPC, and where do you see the future of the conference heading?**

International collaboration is now essential to meet the regulatory challenges of the modern data protection and privacy landscape. The ICDPPC is uniquely placed to strengthen co-operation and encourage the sharing of knowledge and resources across our diverse cultural and legal landscape. I am particularly interested in the role of its resolutions in advancing data protection globally when they are applied in a local context.

I have joined the Working Group chaired by Canada on the Digital Citizen and Consumer. The role of both data protection and consumer protection laws is of great interest to Australia as we prepare to implement a new data portability right using both consumer protection and privacy frameworks.

**This is certainly an exciting time to be working in data protection in Australia and globally. What are some of the opportunities**



**and challenges you see before the data protection community?**

Data protection has become a high order issue for both governments and businesses around the world. It has been elevated by recent high profile data breaches and regulatory changes. This increased awareness is driving heightened community expectations around transparency and accountability.

As regulators we have an opportunity to ensure personal information is handled in a way that aligns with community expectations and increases trust and consumer confidence. Our challenge is to use our collective knowledge to do so in an increasingly complex technological environment.

**What key events are in your data protection diary for 2019?**

2019 will be a big year for domestic and international

engagement and regulatory developments. Our annual Privacy Awareness Week takes place in May, followed by the commencement of the Consumer Data Right (CDR) on 1 July. This will be a big step forward for data portability in Australia, initially starting in the banking sector.

We will also be engaging closely with the Australian Competition and Consumer Commission on Digital Platforms, including its preliminary recommendations about Google and Facebook's data handling practices.

**How is life as an Australian Information Commissioner. What does a typical day look like for you?**

A typical day is hard to describe. I don't need to explain how fast-paced the data protection and privacy landscape can be, but my very capable team adapts to every challenge with diligence and skill.

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My goal is to ensure transparency and accountability in personal data handling practices, and so my daily efforts are focused proactively on prevention and education as well as on exercising regulatory powers.

### **What has been your career highlight so far?**

Implementing Australia's Notifiable Data Breaches scheme in 2018 has been a highlight. The scheme increases transparency and accountability in personal data handling practices and acts as an incentive to lift the information security posture of regulated entities, which is essential to the success of the digital economy.

### **There are so many women in data protection and privacy leadership roles, it's certainly inspiring for young women to see. Why do you think**

### **women are attracted to these roles and what advice would you offer young women considering a career in data protection?**

My advice to young women considering a career in data protection is to take the step: we need independent thinkers who can navigate law, policy, technology, human behaviour, economics.... the list goes on. It is work with meaning, purpose and real impact for individuals and the global economy.

### **Tell us some more about your office. What key projects is your team currently working on?**

We're focused on regulating effectively by engaging constructively with other regulators, organisations, agencies and the community. We are currently providing more advice to government,

business and the community than ever before. Part of that is our continuing regulation of the mandatory Notifiable Data Breaches scheme in Australia, which is still in its first 12 months of operation.

As I mentioned, we're preparing for the new Consumer Data Right and engaging with data sharing initiatives of government.

We are also working on a number of investigations, such as the Facebook data incident revealed in 2018. This matter is high on the list for regulators around the world, so we are conferring with international authorities as part of our investigation.

### **How do you like to spend your time when you're not working?**

Simple things. Family, the garden, music.

## **Acceding to Convention 108: Mexico's Journey**

On 1 October 2018, the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108), and its Additional Protocol regarding supervisory authorities and transborder data flows, came into force in Mexico, concluding an interesting process that involved different administrative units of the Council of Europe and the Mexican government.

The process formally began in August 2017, when Mexico's Liaison Office in Strasbourg delivered the request of the Mexican State to receive a formal invitation for accession to the General Secretariat of the Council of Europe. Following this, the Consultative Committee of Convention 108 and the Rapporteur Group on Legal Cooperation issued a favourable opinion on the degree of adequacy of Mexican legislation in line with Convention 108 and its Additional Protocol. In December 2017, the Council of Europe's Committee of Ministers unanimously decided to extend the formal invitation to Mexico for its accession. What followed was the corresponding procedure for the conclusion of treaties in Mexico.

Firstly, the President of the Republic submitted the approval of both international instruments for the Senate's consideration. The Senate's Commissions of Foreign Relations with Europe, Foreign Affairs and Anticorruption and Citizen Participation then analyzed the content, allowing the Senate to issue the decree approving the accession, which was published in the Official Gazette of the Federation on 12 June 2018.

The President of the Republic signed the instrument of accession which was deposited with the Secretary General of the Council of Europe on 28 June 2018.

Finally, for its due observance, the decree affirming Convention 108 and its Additional Protocol was published on 28 September 2018 in the Official Gazette of the Federation. This decree includes the Spanish versions of both instruments that are obligatory.

It should be noted that throughout the process, the Instituto Nacional de Transparencia (INAI), together with the Secretariat of Foreign Affairs and other departments of the Federal Public Administration, worked collaboratively to prepare the documents. This provides a good

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example of the high level of compatibility between the Mexican regulators for the protection of personal data with Convention 108 and its Additional Protocol.

The main motivations for Mexico's accession of Convention 108 and its additional protocol include:

- ▶ Improving the national legal framework on personal data protection in accordance with Article 133 of the Constitution, which states that the international treaties on human rights (to which Mexico is a party) are, together with the Constitution itself, the Supreme Law of the Federal Republic;
- ▶ Accession provides opportunities for INAI to formalize their international networks for information sharing and exchange;

▶ Personal data is an important asset for the development of the contemporary digital economy. Mexico benefits by setting the rules to protect data transfers between national companies and institutions and those of the States' Parties;

▶ Accession allows Mexico to participate as a full member in the meetings of the Consultative Committee and its Bureau and, therefore, it has the great opportunity to participate in the preparation of reports, studies and high-level technical opinions on emerging themes that are closely related to personal data protection, such as artificial intelligence, biometrics, big data and health-related data, among others.

The INAI hopes that, going forward, accession will further support the rights of Mexican citizens to uphold their data protection rights.

## Meet our Member

# About the Personal Information Protection Commission (PIPC), Korea



Mr Hyun Ik Kim joined the Personal Information Protection Commission (PIPC) on 28 December

2011, and currently carries out activities regarding international relations within the organisation. Prior to this, he held various positions at public agencies, such as the Civil Service Commission and Seoul Metropolitan Government.

The PIPC is a top-level data protection authority in Korea, under the jurisdiction of the President of Korea in accordance with the Personal Information Protection Act (PIPA) enacted in 2011. It carries out its functions independently. These include: drawing up a comprehensive plan which serves as a framework at the national level

for data protection; assessing privacy risks in the laws to be enacted or revised; approving action plans submitted by each government agency for data protection; interpreting data protection laws covering different sectors; and approving exemptions for personal data processing by public agencies for a purpose other than the initial purpose for data protection.

The PIPC consists of 15 members, including the chairperson (ministerial level) and the standing commissioner (vice-ministerial level). The Secretariat provides administrative support for the Commission, comprising of 48 central government officials, including the director general. The Personal Information Dispute Mediation Committee – affiliated with the PIPC and composed of not more than 20 members commissioned by the PIPC Chairperson – mediates

disputes with regard to personal data protection, with the administrative support of the PIPC's Secretariat.

The current governance structure for data protection in Korea is divided into different sectors, with the PIPC at the forefront, whose function is to supervise personal data processing by the constitutional agencies, central administrative agencies, and local government. Different sectors are covered respectively by the Ministry of the Interior and Safety (general), the Korea Communications Commission (online) and the Financial Services Commission (credit information processing by companies dealing with commercial transactions, exclusive of processing by financial institutions).

We are in the age of the fourth Industrial Revolution

[READ MORE ON P12 ▶](#)

where demand for data use is on the increase, but the divided governance system causes individuals and businesses confusion. This is in addition to the burden of duplicated regulation, and a lack of consistency in the application of privacy principles.

As a result, the Korean Government has decided to unify different data protection laws and functions into the PIPA and the PIPC, aiming for the consistent application of privacy principles and safe data use. A relevant Bill has been submitted to the National Assembly, which also covers concepts stipulated in the GDPR, such as legitimate interests, comparability and pseudonymisation.

The proposed Bill, once enacted, will lead to the establishment of a data protection authority with complete independence and robust powers (the restructured PIPC), and will lay the groundwork for better data protection.

The PIPC also strives to actively engage in international activities to further co-operate with authorities in other regions by attending international conferences such as the ICDPPC and the APPA as a member, and plenary and bureau meetings hosted by the Council of



*Seoul, Korea*

Europe as an observer, since 2012.

Once a unified governance system is launched, the PIPC will be in a position to better coordinate efforts currently made by different government agencies to promote international cooperation. In this regard, the PIPC has been conducting research on cases both at home and abroad involving global privacy issues, and will be seeking to share the research findings at international conferences to be a part of global efforts to step up data protection.

## **DATA PROTECTION DAY // 28 JANUARY 2019**

On 28 January 2019, the 13th annual Data Protection Day will be celebrated globally. This initiative aims to raise awareness on the right to data protection. The date marks the anniversary of the opening for signature of Convention 108 on 28 January 1991. Initially launched by the Council of Europe in 2006, this initiative is now celebrated worldwide.

The main goal of Data Protection Day is to educate global citizens about data protection challenges, and inform them about their rights and how to exercise them. The Council of Europe provides you with an opportunity to be informed of the various national initiatives of the nearly 70 countries contributing to the work of the Committee of Convention 108 through a yearly online compilation available on the data protection website of the Council of Europe.

This year, the Committee of Convention 108 will present the first Stefano Rodotà Award, intended to reward innovative and original academic research projects in the field of data protection. More news on the winner(s) will be made public soon...

# Meet the Secretariat

The ICDPPC Secretariat is hosted by the ICO's International Engagement Group.



## **Anneke Schmider, Director of Strategic Policy - International**

Anneke joined the ICO in September 2018. She has previously held positions at the World Health Organization

and World Bank, and worked with the Canada International Development Research Centre. Outside work, Anneke is currently completing a PhD in global innovation systems at Aberystwyth University, UK, and is an Associate Fellow at UK's Chatham House.



## **Christine Ferguson International Strategy Adviser**

Christine joined the ICO's International Engagement team in April 2018 as a secondee from the Foreign and Commonwealth Office (FCO), where she

spent many years engaged in multilateral policy work, including with the UN, EU and OSCE. In addition to diplomatic assignments in Cairo, Geneva and Vienna, Christine was recently in charge of FCO compliance with Data Protection, FOI and Public Records legislation, where she first encountered the ICO and became interested in their work.



## **Hannah McCausland Group Manager**

Hannah has more than six years experience leading the ICO's international teams and almost 20 years of working with the public and private sectors

in international roles. During her time with the ICO, she has led the coordination of the ICO's involvement in the Article 29 Working Party and EDPB, international conferences - including the ICDPPC - and network co-ordination and taken a leading role in the rollout of the ICO's first International Strategy.



## **Annabelle McGuinness Policy Officer**

Annabelle has three years' experience at the ICO, following an extensive career in public sector publishing, events management and digital

communications both at home and abroad. Her roles at the ICO have included co-ordinating the comprehensive internal Information Rights training programme and leading the Strategic Policy Business Support Unit in the ICO Private Office.

## Submit articles to the ICDPPC Secretariat

If you are interested in getting more involved in the ICDPPC's work, by joining one of the Working Groups, becoming part of the translator network or representing ICDPPC as an observer, please get in touch with the Secretariat at [ExCoSecretariat@icdppc.org](mailto:ExCoSecretariat@icdppc.org)

