

## COMMUNIQUE

AUGUST 2016

## INSIDE THIS ISSUE:

38 CONFERENCE	2
CLOUD COMPUTING	3
COMMISSIONER PROFILE: MACEDONIA	4
PRIVACY AND HUMANITARIAN ACTION WORKING GROUP	5
CONFERENCE RESOLUTIONS	6
RECOGNISING NOTABLE ACHIEVEMENTS	7
PRIVACY PARTNER PROFILE	8
COMINGS AND GOINGS	9

## SPECIAL POINTS OF INTEREST:

- Executive Committee meeting highlights
- Update on the 38 Conference
- Calling conference resolutions
- Partner profile: CEEC

## MESSAGE FROM THE CHAIR

The Executive Committee has been working closely with the host for the 38<sup>th</sup> Conference, to be held in Marrakech, Morocco, and I'm very pleased to report that the programme will truly represent the wider conference community in all its diversity.

We've already announced that the closed session will discuss artificial intelligence, robotics and encryption, and we'll let you know the confirmed speakers for that session soon. Meanwhile our colleagues at CNDP have put together a programme that will examine themes such as privacy as a driver for sustainable development, security and privacy, digital education, technology and social trends.

Do not wait and register for the [38<sup>th</sup> Conference](#) which gives you the unique opportunity to discuss privacy and data protection topics with heads of over 110 DPAs.

If your authority is considering submitting a resolution please send it to the Secretariat and host for the 38<sup>th</sup> Conference by 17 September 2016.

The Executive Committee had the pleasure to meet in person in the land of the Lion City of Asia – Singapore where the 45<sup>th</sup> APPA Forum was held. We are very grateful to our hosts from the Personal Data Protection Commission for facilitating our meeting. One of the main discussions was the work of



*John Edwards, Chair of ICDPPC with Leong Keng Thai, Commissioner of PDPC Singapore*

the Committee on strengthening its connections with [other networks](#). Privacy networks should explore options and find ways to collaborate with one another to maximise the use of the limited resources of our community. We will continue to explore ways to work with other networks with an aim to develop supportive connections between networks involved in cross-border data protection and privacy enforcement.

Lastly the Committee is pleased to invite members to submit [proposals](#) to host the 40<sup>th</sup> Conference in 2018.

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

## EXECUTIVE COMMITTEE: HIGHLIGHTS OF JULY MEETING

The Executive Committee met in person on 20 July 2016 in Singapore.

Highlights included:

- The Committee settled the presenters for the closed session. More details will follow later when confirmed.
- A large number of applications to be accredited as members or observers were reviewed.
- The Committee considered possible rule changes to create a more flexible process to approve observers in advance of annual meetings.
- Plans were advanced to promote the Conference's strategic priority to develop supportive connections with other data protection networks.
- Updates from the hosts of both the 38th and 39th Conferences.



## MOROCCO IS OPENING NEW TERRITORIES FOR PRIVACY AND PERSONAL DATA PROTECTION

The Moroccan DPA has taken all logistic and security measures to guarantee a successful, instructive and pleasant edition of the international conference.

Indeed, all milestones of the 38<sup>th</sup> International Conference, which will take place in October in Marrakesh, are at their final stage. The closed session programme will highlight privacy issues related to artificial intelligence, robotics and encryption, whereas the open session will focus on different compelling topics such as "Privacy and sustainable development", "Security and privacy", "Adequacy, localization and cultural determinism", "Technology & science trends and their impact on privacy" and "Digital education".

Many world-class speakers representing all stakeholders (regulators, private sector, civil society and academics) will present their experience and expertise related to the topics mentioned above.

Moreover, major players and networks in the privacy community will organize their own fringe meetings (IAPP, GPEN, DCAF, GIZ, AFAPDP, CIPL, PHAEDRA etc.) to discuss some hot and interesting topics.

The host is also planning social events that will allow attendees to discover not only the epic city Marrakech but also different regions of Morocco through their



gastronomy and art. So if you haven't already registered, join those who already have and seize this opportunity to share the experience of 10 million tourists who visited Morocco last year and share the feelings of TripAdvisor's users who choose the ochre city as the top 2015 destination.

You can stay tuned in four languages (English, French, Spanish and Arabic) to the 38<sup>th</sup> international conference

([www.privacyconference2016.org](http://www.privacyconference2016.org)) and in case you need any further details, don't hesitate to contact the organizing team using the conference social networks accounts (<https://twitter.com/icdppc2016>) or ([www.facebook.com/PrivacyConference2016](http://www.facebook.com/PrivacyConference2016)) and email ([info@privacyconference2016.org](mailto:info@privacyconference2016.org))

By Lahoussine Aniss, Moroccan DPA

*"Open session will focus on Privacy and sustainable development, Security and privacy, Adequacy, localization and cultural determinism, Technology & science trends and their impact on privacy" and Digital education"*



## CLOUD COMPUTING

*Update on the resolution adopted 4 years ago on cloud computing*

A resolution on cloud computing was adopted at the 34th Conference in 2012, with members recommending that the following steps should be taken to better safeguard the privacy of individuals when using cloud computing services:

- greater transparency from cloud service providers regarding their practices
- privacy impact and risk assessments by data controllers before engaging in cloud computing
- further research into privacy by design technologies, to improve the privacy measures that are built in to IT systems and business processes
- assessing the adequacy of existing legal frameworks with respect to cross-border data transfer
- the continual provision of information by privacy and data protection authorities to data controllers, cloud service providers and legislators on issues of privacy and data protection.

In recognising the need to preserve existing privacy and data protection standards for cloud computing, many member authorities have produced guidance materials and commissioners have delivered speeches all over the world on how we can better ensure privacy and data protection. Some of the strategies that have been recommended to mitigate the risks that cloud computing can pose to privacy include:

- understanding relevant legal obligations and authority to send personal data to the cloud, particularly when transferring data across borders
- building a business case to legitimise the use of cloud computing, over other data storage and processing options



- limiting the amount of personal data collected to that which is necessary
- negotiating comprehensive and enforceable contracts with in-built privacy and data protection clauses, with the ability to monitor the performance of cloud service providers
- clear retention and deletion protocols, to minimise indefinite storage of data
- stringent security measures, including encryption and access controls, to maintain the confidentiality, integrity and availability of data.

The importance of ensuring individual privacy is protected when using cloud computing services has continued to increase in the 4 years since the resolution was adopted. With the proliferation of disruptive technologies such as big data and the internet of things, the potential for personal data to be used in new and unexpected ways is greater than ever before.

*By Jeannette Van Den Bulk, Office of the Commissioner for Privacy and Data Protection Victoria, Australia.*

*“The importance of ensuring individual privacy is protected when using cloud computing services has continued to increase in the 4 years since the resolution was adopted”*

## COMMISSIONER PROFILE REPUBLIC OF MACEDONIA: GORAN TRAJKOVSKI

Goran Trajkovski, Director of the Directorate for Personal Data Protection (DPDP) of the Republic of Macedonia.  
[www.privacy.mk](http://www.privacy.mk)

The Director of the DPDP represents the Directorate, organizes lawful and efficient performance of the activities of the Directorate, issues decisions in accordance with the law, issues regulations authorised for and performs other activities within the competence of the Directorate, and in accordance with law.

### Where did you grow up?

In Skopje, capital city of the Republic of Macedonia.

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

The first time I got involved was when I was Director in the Public Revenue Office.

### What was the first International Conference that you attended?

On 11-12 May, 2016 in Sarajevo, Bosnia and Herzegovina, an 18th CEEPDA international conference was held of authorities to protect the personal data of Central and Eastern Europe (Central and Eastern Europe Data Protection Authorities – CEEPDA).



### What did you do before you became a Commissioner?

Director of Public Revenue Office of the Republic of Macedonia.

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

Possibility of exchanging experiences.

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

Starting of inspection in State Security Office of the Ministry of Interior and the starting of implementation of IPA Project.

Contact the Directorate for Personal Data Protection (DPDP) of the Republic of Macedonia at [www.privacy.mk](http://www.privacy.mk) follow on twitter [@DZLP\\_MK](https://twitter.com/DZLP_MK)

*“The greatest achievement of my office has been starting inspection in State Security Office of the Ministry of Interior and of implementation of IPA Project”*

## RECENT MEMBER PUBLICATION OF INTEREST

The Office of the Privacy Commissioner of Canada (OPC) has released the latest edition of Real Results, a publication highlighting the innovative and socially relevant independent privacy research and knowledge translation projects funded by the OPC Contributions Program over the past few years. The new edition of Real Results features funded projects that explore a range of emerging privacy issues police background checks, the use of geological information, and telematics

systems in cars as well as innovative approaches for helping young people learn to protect their privacy. The OPC Contributions Program funds independent privacy research and knowledge translation initiatives.

HTML version [click here](#)

PDF version [click here](#)

*By Daniele Chatelois, Office of the Privacy Commissioner of Canada*



## PRIVACY AND HUMANITARIAN ACTION WORKING GROUP

PHAWG Coordinators Catherine and Floriane participated in two workshops organized by the International Committee of the Red Cross (ICRC) and the Brussels Privacy Hub (BPH) on June 13 and 14 in Geneva. The first workshop was dedicated to biometry and the second to cash assistance programmes.

**Use of biometrics for Humanitarian Work: example at the High Commissioner for Refugees (HCR)** The HCR uses a biometric registration system called proGres developed since 2003. This [system](#) should help better register and protect people, verify their identity and target assistance for the forcibly displaced in operations around the world. It is now used by 97 countries and contains around 7.2 million files. It is the main tool for storing and managing personal data of persons of concern to HCR. Read the [presentation](#) of the system by Microsoft.

**Use of cash assistance programs: example of the ICRC.** Cash assistance programs include financial support like vouchers to buy certain specific goods and the distribution of cash according to several modalities: by mobile phone, prepaid cards, bank transfers, smart cards, etc. Those programs are part of the response of the humanitarian organizations to help meet the basic needs of the persons of concern and to (re) establish livelihoods. Families can also buy what they need most or set up their own little business. A first step for a return in dignity .

**Privacy concerns.** Papers for the two workshops included the following topics:

- use of technologies in humanitarian work
- collected data and the different actors.
- possible impact of the use of technologies for data protection and privacy of concerned persons.
- basic principles of data protection
- legal bases for personal data processing
- rights of data subject
- data sharing

Several questions were raised by ICRC and BPH that warn the use of technologies and makes humanitarian actions more effective but must not in any case lead to endangerment or harm the beneficiaries of these actions. A majority of the participants shared those concerns, but on the field data protection is always not taken into account.

One of the main difficulties pointed out is the context of interventions and multiplicity of involved

actors in the definition of the purpose. Also the means used to put processing in place: the international organisations, donors and public authorities and on the field: local organizations and technical and financial contractors. All these actors follow different interests and belong to various jurisdictions. To this extent, humanitarian organisations have trouble determining which law is applicable. Humanitarian organisations regret the absence of an international data protection framework which would help put into place sharing of data with public authorities and states on the basis of this text .

In order to clarify the context and purpose of the processing established by humanitarian organisations, several discussions were held on the purpose principle. Those purposes often multiple and are not always clear at the time of collection (emergency situation). Therefore principles of proportionality and minimisation are not always taken into consideration. Participants also thoroughly discussed consent and information of beneficiaries. Some organisations give priority to obtaining consent and providing information at the time of data collection. Sharing of data (biometrics and financial) also formed an important part of the discussion. Participants also exchanged their views on other aspects like data security, privacy and data protection impact assessments, retention period, archiving of the data.

ICRC and BPH will use conclusions of the workshop discussions to review their working papers and add recommendations from participants. PHAWG will be involved in the preparation of the final drafts of those two documents.

Last but not least, the intervention of Prof. Joe Cannataci, the first-ever UN Special Rapporteur on the right to privacy came to present his [first set of priorities](#), asked humanitarian organisations to share their concerns with him.

**Further meetings**

[9th AFAPDP Conference](#) will have a session on data protection in international humanitarian action on 22 September 2016 in Ouagadougou, Burkina Faso. [Workshops](#) on data protection in humanitarian action by BPH in collaboration with ICRC will take place in Brussels on 28 and 29 September. The workshops will be focused on the use of cloud services and bulk SMS and mobile messaging in humanitarian action.

*By Floriane Leclercq, AFAPDP and Catherine Lennman, FDPIC (Switzerland)*



***“PHAWG will be involved in the preparation of the final drafts of the ICRC and BPH documents”***

## CONFERENCE RESOLUTIONS

Since starting in earnest at the 25<sup>th</sup> annual meeting, the Conference has adopted [48 resolutions](#). This year we might expect to pass the milestone of adoption of our 50<sup>th</sup> resolution.

The resolutions in the first year, 2003, touched upon the effectiveness of DPAs at international level (resolutions on data protection within international organisations, the need for improved communication of data protection messages) as well as very specific current or technical topics (resolutions on automatic software updates, RFI, passenger data).

As the years passed by the Conference has focused upon a diverse range of important policy and structural issues. It has on occasion returned again and again to issues that required further attention. In other cases it has branched out in new directions. We wonder what the creative minds of the assembled world's privacy and data protection regulators will focus upon as a priority in 2016?

## EVENTS CALENDAR

### Watch out for upcoming privacy events

If you are planning an international privacy event you should check the ICDPPC website [events calendar](#) to have an idea about what else is going on. You may want to avoid clashing with another meeting or even coordinate with another meeting organiser so that DPA participants can attend both events.

Please let the Secretariat know of any relevant conferences and meetings you know of that are missing from the calendar.

Coming up in August and September:

- August features the APEC Electronic Commerce Steering Group Data Privacy Subgroup's meeting in Lima, Peru.

September is an exceptionally busy month including, for example:

The deadline for submitting resolutions to the Secretariat is **17 September**. It will be helpful if sponsors of resolutions do not leave it until the last minute but instead aim to submit resolutions a few days earlier.

Please carefully bear in mind the substantive and procedural requirements and guidelines set out in the Conference [rules and procedures](#).

Each resolution must have a member authority proposer and at least three member authority co-sponsors. The co-sponsors should represent a variety of cultural, geographic and legal backgrounds.

To assist in allocating an appropriate amount of time for discussion of resolutions, it would be helpful if member authorities that are planning to submit resolutions could notify the Secretariat of their intentions at the earliest opportunity.



**Submit  
proposed  
resolutions by  
17 September  
to the  
Secretariat.**

- The deadline for ICDPPC resolutions and the final ICDPPC Executive Committee meeting before we convene in Marrakesh for the annual meeting;
- Network meetings including the AFAPDP meeting in Ouagadougou and ICPEN in Bavaria;
- Fittingly the month ends with 'International Right to Know Day'.

To see full details visit: <https://icdppc.org>

Please notify the Secretariat to list your event or if you know of other unlisted events.

## KUDOS: RECOGNISING NOTABLE ACHIEVEMENTS

The ICDPPC Chair congratulates the following commissioners:

**Brian Beamish** Information and Privacy Commissioner/ Ontario received the Ontario Bar Association's 2016 Karen Spector Memorial Award for Excellence in Privacy Law. This award recognises excellence in privacy law.



**David Watts** Commissioner for Privacy and Data Protection for the Australian State of Victoria was recently selected by the UN Human Rights Council's special rapporteur on the right to privacy to lead a global study on big data and open data that will culminate in a paper presented to the UN General Assembly in October next year.



**Jean-Philippe Walter**, the Swiss federal Deputy Data Protection Commissioner was awarded the Council of Europe Pro Merito medal for his work to promote the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and safeguard the right to data protection in Europe and beyond.



*"The ICDPPC Chair congratulates Brian Beamish, Jean-Philippe Walter and David Watts on their notable achievements"*

## ON THIS DAY IN PRIVACY HISTORY

The month of August witnessed events as diverse as.

- Publication of George Orwell's *Animal Farm* (1945).
- The launch of the highly influential Australian Privacy Foundation (1987).
- The first Asia Pacific APPA Privacy Awareness Week (2007).
- Formal recognition of Uruguay's data protection law by the European Commission (2012).

To one of these can be credited the ironic saying "All Animals Are Equal. But Some

Animals Are More Equal Than Others." To another can perhaps be credited the farsighted "Right to Anonymity".

While the history [calendar](#) has 149 notable events we still have many days to fill. Members and observers are encouraged to email the Secretariat with suggested dates from your personal knowledge or your jurisdiction.

## PROFILE OF PARTNERS IN PRIVACY: CENTRAL AND EASTERN EUROPE DATA PROTECTION AUTHORITIES (CEEDPA)



Urszula Góral, Director of the Social Education and International Cooperation Department, GIODO

The Inspector General for Personal Data Protection (GIODO) acts as the Secretariat of the Central and Eastern Europe Data Protection Authorities (CEEDPA).

### CEEDPA

CEEDPA is a group that was set up at the initiative of the Inspector General for Personal Data Protection (Polish Data Protection Authority), which acts as the Secretariat, at the end of 2001, thus initiating international co-operation between Central and Eastern Europe personal data protection authorities (DPAs). During the meeting organised on 17 December 2001 by the Inspector General for Personal Data Protection, representatives of respective personal data protection authorities from Czech Republic, Hungary, Lithuania, the Republic of Estonia, the Republic of Latvia, Poland and Slovakia declared the will of co-operation and mutual help in the scope necessary to ensure proper personal data protection in their countries. At present, in addition to the countries listed above (excluding Estonia) Bulgaria, Croatia, Macedonia, Romania, Albania, Moldova, Serbia, Ukraine, Bosnia and Herzegovina, Montenegro, Georgia, Russian Federation, Kosovo and Armenia co-operate within the framework of this forum.

### Objectives

The fundamental objective of the CEEDPA is mutual cooperation and providing support to other DPAs for the purpose of ensuring proper personal data protection in CEEDPA member countries.

Meetings of Central and Eastern Europe personal data protection authorities are aimed at supporting EU candidate countries and new EU Member States, exchanging information and experience, raising awareness of personal data protection, as well as, what is most

important, further harmonization of the national provisions with the EU law.

Furthermore, in order to facilitate the co-operation, the Inspector General for Personal Data Protection has established a special website ([www.ceecprivacy.org](http://www.ceecprivacy.org)) which makes a source of information on personal data protection in every country of the group and allows for a quick exchange of information between personal data protection commissioners, including making up joint solutions of problems arising in this field.

### Achievements

In the last few years focus has been on mutual cooperation between CEEDPA member states, exchanging information and experiences on data protection issues, raising awareness of data protection and supporting other DPAs for the purpose of ensuring proper data protection in CEEDPA member countries and candidate countries.

To mention just a few significant developments, in 2010 at the 12<sup>th</sup> CEEDPA Meeting organised by the Inspector General for Personal Data Protection in Sopot, Poland, a declaration referring to the works on amending the Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data was adopted by CEEDPA member states. DPAs declared a will to participate in the works on the new regulatory framework for personal data protection in the European Union. Continuing these works, at the 14<sup>th</sup> CEEDPA meeting organised by the Ukrainian DPA in Kyiv in 2012 the CEEDPAs declared their support for the European Data Protection reform, by way of a declaration. In 2014, during the 16<sup>th</sup> CEEDPA Meeting held in Skopje, Macedonia, the Declaration on mutual assistance and enhanced cooperation, which was aimed at expressing the joint need for strengthening co-operation and marking the current state of works on change of the EU data protection framework, was adopted by CEEDPA members.

The CEEDPAs has grown to as many as 20 members, which stresses the interest in participation in this significant forum of cooperation between DPAs in the region of the Central and Eastern Europe.

***“CEEDPA’s fundamental objective is mutual cooperation and providing support to other DPAs for the purpose of ensuring personal data protection in CEEDPA member countries.”***

**Current focus**

CEEDPA's main focus on further cooperation and exchange of experience on the topical data protection issues, including the European data protection reform, remains unchanged.

Having in mind CEEDPA's objectives of sharing experience and supporting other DPAs, in particular the newly established ones, the Inspector General for Personal Data Protection has been hosting in its seat representatives of other DPA's, for example from Kosovo, Albania, Bulgaria, Georgia etc. with study visits, as well as paying visits to other DPA's, for example Georgia in 2014.

CEEDPA website: [www.ceecprivacy.org](http://www.ceecprivacy.org)  
 Website of the Inspector General for Personal Data Protection: <http://www.giodo.gov.pl/>.

**COMINGS AND GOINGS**

Drew McArthur is the Acting Commissioner for the Office of the Information & Privacy Commissioner for British Columbia until the legislative assembly of British Columbia appoints a permanent Commissioner



Tamar Kaldani is re-elected as the Personal Data Protection Inspector for Georgia for a second term.



**Notify the ICDPPC Secretariat of comings and goings.**

Ed Ring retired as Information and Privacy Commissioner for Newfoundland and Labrador and has been replaced by Donovan Molloy, Q.C



Ha-Kyung Jeong retired as Chairman of the Korea Personal Information Protection Commission and has been replaced by Lee Hong-Sub.



