



# 31<sup>st</sup>

Madrid, 4th, 5th and 6th, november 2009  
international conference  
of data protection  
and privacy commissioners

## 31<sup>ST</sup> INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS

Madrid, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> November, 2009

### PROGRAM

#### Tuesday, 3<sup>rd</sup> November

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20'00 – 22'00: Welcome cocktail at the museum of contemporary art "Museo Nacional Centro de Arte Reina Sofía", with a guided tour of the museum, including the gallery where the "Guernica" painting is exhibited.

#### Wednesday, 4<sup>th</sup> November

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7'30-9'00: REGISTRATION

9'45 - 10'45: OPENING CEREMONY

**Under the presidency of Their Royal Highnesses the Princes of Asturias**

**PARTICIPATING:**

- *Francisco Caamaño Domínguez, Minister of Justice*
- *Artemi Rallo Lombarte, Director of the Spanish Data Protection Agency*

**INAUGURAL SPEECH**

- *Martin Cooper. Inventor of the mobile phone. Prince of Asturias award for Scientific and Technical Research 2009. United States.*

10'45 – 11'15: COFFEE BREAK

11'15-13'15: FIRST PLENARY SESSION

**A SOCIETY UNDER SURVEILLANCE? STRIVING FOR A BALANCE BETWEEN SECURITY AND PRIVACY**

We live in a society of risk. Economic welfare and social development account for the fact that modern societies are less prepared to accept risk and uncertainty. New threats, such as terrorism, cyber-crime or environmental disasters, have come to join more traditional risks such as illnesses or delinquency.

Thus, security has become one of the great values of our time and information technologies play a major role in the rendering of security services. However, this technology is highly invasive and places the citizen's right to a private life and the protection of personal data at risk, forcing us to assess and adopt decisions to balance the privacy/security conflict.

**11'15-12'05: PRESENTATIONS**

- *Alfredo Pérez Rubalcaba. Minister of the Interior, Presidency of the European Union 2010. Spain.*
- *Janet Napolitano. Secretary, Department of Homeland Security. United States*

**12'05-13'15: ROUND TABLE**

**Chair: Alex Türk. President, National Commission for Informatics and Freedom (CNIL). France President, Article 29 Data Protection Working Party, European Union.**



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- *Juan Fernando López Aguilar. President of the Committee on Civil Liberties, Justice and Home Affairs (LIBE), European Parliament. Spain. European Parliament. Spain.*
- *Karim Benyekhlef. Professor of Public Law, University of Montreal. Canada.*
- *Fred H. Cate. Indiana University, Director, Center for Applied Cyber Security Research. United States*
- *Simon Davies. Director, Privacy International. United Kingdom.*

13'15-14'15: LUNCH

## 14'15-16'15: SECOND PLENARY SESSION

### QUO VADIS INTERNET? QUOSQUE TANDEM INTERNET PRIVACY NOSTRA ABUTERE?

Internet feeds from a key element: personal information. We have gone from the solidary and libertarian net originally available to researchers and experts to the Internet used for commercial purposes and, nowadays, to web 2.0, the social networking Internet. Internet will keep on evolving and offering services increasingly more usable, interesting and sophisticated. In a very near future, functions such as localization without a GPS, the universal portability of a medical record or the configuration of schedule proposals depending on the users profile and behaviors will become popular. Users have not faced the need to pay for these services, and this has led to a privacy market where those who sell this privacy, internet users, are not in a negotiating position. Where is Internet headed? Is an Internet with little or no privacy the only one possible?

**Chair: Jennifer Stoddart. Privacy Commissioner. Canada.**

#### Speakers:

- *John Vasallo. Vice President EU Affairs and Associate General Counsel. Microsoft. United States.*
- *Nicole Wong. Associate General Counsel, Google. United States.*
- *Richard Allan, Director of Policy EU. Facebook.*
- *Yves Poullet. Director, Computing Research Centre, University of Notre-Dame de la Paix. Namur, Belgium.*
- *Marc Rotenberg. Executive Director, Electronic Privacy Information Center. United States.*

#### 15'30 – 16'00: Presentation and dialogue by videoconference

- *Vinton Cerf. Co-developer of the Internet Protocol. United States*

16'15-16'30: COFFEE BREAK

## 16'30-17'45: PARALLEL SESSIONS

### A) Ooopsss!!!! Where did I leave my computer? Prevention and reaction in the light of security breaches

Every day arises several news relating to the security in the custody of personal data. Thanks to the advances in Information and Communication technologies, it is becoming simpler to process tremendous amounts of data in tiny and easily portable devices. In light of this scenario, it is worth pondering about whether it is possible to prevent safety risks and what would be the best way to accomplish this. On the other hand, the confirmation that security breaches are a daily event makes us question the best way to react to them. Generally, national and international regulations are not comprehensive enough to confer the user the right to the knowledge regarding security incidents that affect his data. The most recent trends seem to defend the need for the citizen to be informed of those incidents that affect his personal data.

**Chair: Karen Curtis. Privacy Commissioner of Australia**

#### Speakers:

- *Pamela Jones Harbour. Commissioner, Federal Trade Commission (FTC). United States.*
- *Víctor Izquierdo. Director General, National Communications Technology Institute (INTECO). Spain.*



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- *David Smith. Deputy Commissioner, Information Commissioner's Office (ICO). United Kingdom.*
- *Stewart Dresner. Chief Executive, Privacy Laws & Business. United Kingdom.*
- *Victor Chapela. CEO, Sm4rt. Mexico*

## **B) We cannot help you: your data are in international waters. Determining the applicable law in a world of globalization.**

Data circulates through many different countries. Hosting and housing services are hired at the pace set by market demand. Cloud computing techniques seem to even prevent us from knowing the actual place where our personal data is located. In the event of conflict, which country's legislation would be applicable?

**Chair: Peter Hustinx. European Data Protection Supervisor. European Union.**

### **Speakers:**

- *Peter Fleisher. Global Privacy Counsel, Google. United States.*
- *Marta Pertegás. Secretary at the Permanent Bureau, Hague Conference on Private International Law.*
- *Scott Shipman. Senior Counsel and Global Privacy Leader, eBay. United States.*
- *Eduardo Ustarán. Lawyer, Partner at Field Fisher Waterhouse. United Kingdom.*

## **SPANISH SESSION**

**The sociological reality of Data Protection in Spain. Presentation of the "2009 Survey of the Centre for Sociological Research (CIS) on Data Protection in Spain."**

### **Speakers:**

- *Spanish Data Protection Agency.*
- *Spanish Centre for Sociological Research (CIS)*

17'45-18'00: COFFEE BREAK

## **18'00-19'15: PARALLEL SESSIONS**

### **A) Companies, privacy and international data flows**

In a globalized economy, the universal flow of personal data is essential. The speed at which services are hired is somewhat hindered by specific regulation in data protection, which requires us to think about what means would allow the easing of traffic while simultaneously guaranteeing the right to a private life.

**Chair: Roderick B. Woo. Data Privacy Commissioner. Hong Kong.**

### **Speakers:**

- *Ahmed Reda Chami. Minister of Industry, Trade and New Technologies. Morocco*
- *Damon C. Greer. US Department of Commerce, International Trade Administration. United States*
- *Jacob Kohnstamm. President, Data Protection Authority. Netherlands.*
- *Michael Donohue. Policy Analyst, Directorate for Science, Technology and Industry, Organization for Economic Co-operation and Development (OECD).*
- *Christopher Kuner. Chair, Data Protection Task Force, International Chamber of Commerce.*
- *Kamlesh Bajaj. CEO, Data Security Council of India. India.*

### **B) Intellectual property and privacy: profiles of a conflict.**

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File exchanges through peer to peer programs are part of the universal culture of the Internet and have significantly affected the industry that deals with cultural issues. Identifying those who exchange protected contents affects the privacy of all users. This is why it is necessary to make intellectual property rights compatible with the users' right to their privacy.

**Chair: Francesco Pizzetti. President, Italian Data Protection Authority.**

**Speakers:**

- *María Luisa Rodríguez López, Legal Counsel for Telecommunications and Information Society, Telefónica de España S.A.U.*
- *Jo Oliver, General Counsel, International Federation of the Phonographic Industry*
- *Sebastián Chames. Vicepresident of Business and Legal Issues, MTV Networks Iberia, Viacom. Spain*
- *Eddan Katz. Boardmember, European Digital Rights ( EDRI)*

## **SPANISH SESSION**

### **Presentation of "Data Protection and Business" a guide prepared by the Spanish Data Protection Agency**

The Spanish Data Protection Agency has published several guides intended to provide basic information to allow the fair application of the LOPD (Spanish Law on Data Protection). Experience has shown the need to publish a new guide with the aim of explaining, in a detailed and case study way, the need for data protection within a company.

- *Agustín Puente Escobar. State attorney-Head of the Legal Cabinet. AEPD.*
- *José López Calvo. Deputy Director of Data Inspection. AEPD.*



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Thursday, 5th November

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## 9'30-11'30: THIRD PLENARY SESSION

### PRIVACY AND CORPORATE RESPONSIBILITY

The new possibilities to treat information, the volume of information, and the very global functioning of the economy turn companies into a strategic element within the system necessary to guarantee the right to data protection. Designing management procedures on the basis of an intensive use of information technologies and on a treatment of personal data that respects the privacy of users or company employees can become a competitive advantage. Privacy Impact Assessment policies, application design, -privacy by design-, the establishment of self-regulating policies or the hiring of data protection Experts, whether they are external or part of the staff, are currently an inexcusable requirement.

**Chair: Marie Shroff. Privacy Commissioner. New Zealand**

**Speakers:**

- *Martin Abrams. Executive Director, Centre for Information Policy Leadership, Hunton & Williams. United States.*
- *Sandra Hughes. Global Privacy Executive, Procter & Gamble. United States*
- *Bojana Bellamy. Global Data Privacy Compliance Lead, Accenture. United Kingdom*
- *Fran Maier. Executive Director and President, TRUSTe. United States.*
- *Willemien Bax. Deputy Director General, European Consumers' Organization (BEUC)*

11'30-12'00: COFFEE BREAK

## 12'00- 14'00: FOURTH PLENARY SESSION

### PROTECTING THE PRIVACY OF MINORS: A PRIORITY MISSION

In the information society, the protection of children's rights in relation to the treatment of their personal data is of vital importance if we want to be prepared for future technological developments and their impact in the behavior of the kids themselves and of those with whom they relate. The importance of maintaining the privacy of children spreads out to their family, public authorities, companies and, without a doubt, data protection commissioners.

**Chair: Luis Lingnau da Silveira. President, National Data Protection Commission. Portugal**

**Speakers:**

- *Christine Kormann. Information Society and Media DG, European Commission*
- *Jonathan D. Avila. Vice President, Counsel, Chief Privacy Officer. Walt Disney. United States.*
- *Peter Cullen. Chief Privacy Strategist, Microsoft. United States.*
- *Patricia Luquero. Director. Legal & Business Affairs. Fox International Channels and Fox Interactive Media for Spain and Portugal. My Space. Spain*
- *Jules Polonetsky. Co-chair and Director, "The Future of Privacy Forum". United States.*
- *Miguel Ángel Casado. EU Kids on Line Project 2. Spain*

14'00-15'00: LUNCH

## 15'00-16'30: CLOSED SESSION FOR PRIVACY AND DATA PROTECTION AUTHORITIES

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## 15'00-16'30: PARALLEL SESSIONS

### A) "Smile! There's a camera behind the ad" or "Send it to a friend": privacy in light of the new advertising techniques.

Technological developments seem to imply that the possibilities for new advertising techniques are endless. However, if there is one thing that many of the new advertising models have in common this is that they are based in the personal information of their potential targets. Therefore, it is necessary to discuss how to establish sufficient privacy protection criteria to achieve a balance between the business interests and the citizens' right to the protection of their data.

**Chair: Chris Graham. Information Commissioner. United Kingdom.**

**Speakers:**

- Jörg Polakiewicz. *Head of the Law Reform Department. Council of Europe.*
- Beatriz Fernández de Bordons. *Managing Director, VivaKi Nerve Center Iberia. Spain.*
- Brooks Dobbs. *Chief Privacy Officer. Phorm. United States.*
- José Domingo Gómez Castallo. *General Manager, Advertising Self-regulation Organization (Autocontrol). Spain.*
- Alastair Tempest. *Director General. Federation of European Direct and Interactive Marketing (FEDMA).*
- Jeffrey Chester. *Founder and Executive Director, Center for Digital Democracy. United States*

### B) Digital journalism and journalist citizens: challenges for private life.

The birth of the blog era has revolutionized the right to information. In order to dish out news it is no longer necessary to have a certain economic level or professional ability, nor any kind of business structure. Today, a citizen can exercise his freedom of speech with the sole restriction of being read. On the other hand, the agility of the digital media from information companies generates a new type of journalism which reflects the traditional requirements of remaining truthful and keeping the public interest in mind but it is combined with the pressure of immediacy. Risks associated to rumors, lies and libels are multiplying.

**Chair: Jacqueline Peschard Mariscal, President Commissioner, Federal Institute of Access to Public Information. Mexico.**

**Speakers:**

- Telecinco. *Spain*
- Milagros Pérez Oliva. *Press Ombudsman, El País. Spain*
- Fernando Jáuregui. *Director of Diario Crítico. Spain.*
- Collin Bennett. *Professor. University of Victoria. Canada*
- Gilles Klein. *Journalist and blogger. France*

## SPANISH SESSION

### Professionals in the field of privacy in Spain

Privacy professionals play a major role in the promotion of privacy. In this session, experts will be able to share and relate their different professional experiences.

**Chair: María Belén Cardona Rubert, President of the Spanish Professional Privacy Association - APEP.**

**Speakers:**

- Trevor Hughes. *Executive Director, International Association of Privacy Professionals (IAPP). United States.*
- Adèle Kendler. *Project Manager, Privacy Laws & Business - European Privacy Officers' Network (EPON). United Kingdom*



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- *Christoph Klug, Deputy Executive Director, German Association for Data Protection and Data Security (GDD). Germany*

16'30-16'45: COFFEE BREAK

16'45- 18'30: PARALLEL SESSIONS

### A) Do you have a private life at work?

The workplace is becoming an environment increasingly subject to more controls. In the last few years, the implementation of monitoring techniques in computer terminals has become common: the employees surfing history, his electronic mail, his space in the hard disk or his work with certain programs, everything is registered and subjected to scrutiny. In addition, the use of video surveillance is well known. Furthermore, technology is forever going forward in its development, and geo-localization, biometrics, RFID, sensors that can detect the physical or emotional state are starting to become available.

**Chair: Peter Schaar, Federal Data Protection Commissioner. Germany.**

#### Speakers:

- *Giovanni Buttarelli. Assistant Supervisor, European Data Protection Supervisor Office*
- *Regis Brillat. Executive Secretary, European Social Charter. Council of Europe.*
- *Aurelio Desdentado. Magistrate of the Social Courtroom, Supreme Court. Spain.*
- *Nick Ciancio. Senior Vice President, Marketing & Business Development, Global Compliance. United States*
- *Rik van Steenberg. Legal Expert, Netherlands Trade Union Confederation - European Trade Union Confederation.*

### B) Sub-national or federate data protection authorities and Public Administrations: experiences and proactive strategies in education and healthcare.

Sub-national or federate agencies have a leading role in the promotion of the principles regarding personal data protection and privacy issues. Their proximity to the citizen, and their proximity to federal authorities, regional or autonomic, confers them a great capacity to influence their closest environment. Actions from these agencies are usually characterized by their proactive nature and they generally do a great job in areas such as the training of the people in charge in the public sector and raising public awareness.

**Chair: Alexander Dix. Data Protection Commissioner, State of Berlin. Germany.**

#### Speakers:

- *Jacques Saint Laurent, Privacy Commissioner of Québec. Canada.*
- *Esther Mitjans, Director of the Catalan Data Protection Agency. Spain.*
- *Helen Versey. Privacy Commissioner. Victoria, Australia.*
- *Iñaki Vicuña, Director of the Basque Data Protection Agency. Spain.*
- *Ann Cavoukian, Privacy Commissioner of Ontario. Canada.*
- *Antonio Troncoso. Director of the Data Protection Agency of Madrid. Spain.*
- *Agustín Millán. Commissioner, Mexico City Access for Public Information Institute (InfoDF). México.*

## SPANISH SESION

### Dialogue with the Spanish Data Protection Agency. Presentation of the self-evaluating program regarding the Spanish Data Protection Act by companies and public sector

The Spanish Data Protection Agency is constantly and proactively seeking to become closer to the people in charge of the files. Throughout 2009 it has developed a computer tool that will allow a self-evaluation on the compliance of the regulation regarding personal data protection.

- *Ricard Martínez Martínez. Head of the Research Area. AEPD.*



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- *Manuel Villaseca. Head of the Private Sector files of the Spanish Data Protection Register*

**20'00: GUIDED TOUR OF THE PRADO MUSEUM**

**22'00: GALA DINNER AT THE WESTIN PALACE HOTEL IN MADRID**





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Friday, 6<sup>TH</sup> November

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## 9'00-10'15: FIFTH PLENARY SESSION

### «PRIVACY BY DESIGN»

It is often the case that the protection of personal information is not taken into account at the time of designing the organization's procedures or information and communication systems. The question, therefore, is how to make personal information protection become part of the corporate culture and be included within the catalogue of questions that designers and managers must resolve, such as encouraging the use of protocols and technologies that contribute towards guaranteeing privacy from their origin and design.

**Chair:** *Yoram Hacoheh. Head. Law, Information and Technology Authority, Ministry of Justice. Israel.*

**Speakers:**

- *Adi Shamir. Professor, Weizmann Institute. Co-inventor RSA algorithm. Israel*
- *Scott Taylor. Chief Privacy Officer, Hewlett-Packard. United States.*
- *Marie-Claire Pfeifer. CEO, GigaTrust Spain. Spain.*
- *Adam Warren. Professor, Loughborough University. United Kingdom.*
- *Kai Rannenberg. Chair, Working Group "Privacy and Identity Management Technologies". ISO\**

10'15-10'45: COFFEE BREAK

## 10'45- 12'30: SIXTH PLENARY SESSION

### TOWARDS A GLOBAL REGULATION ON PRIVACY: PROPOSALS AND STRATEGIES

The different regional areas in the world have achieved the privacy objective from many different cultures and diverse points of view, but all of them sharing the core idea: human beings, as social entities, need their own and reserved space, they need to have control over their private lives and personal data. This phenomenon has been called intimacy, privacy, *vié privée*, *riservatezza*, informational privacy, *autodeterminación informativa* or the fundamental right to personal data protection. Globalization places us before an unavoidable challenge. The different cultures must find a common element for dialogue. In a borderless world without time barriers, the flow of information must be guaranteed and for this to be possible we need a minimum common denominator. It is necessary to find a balance that allows the control of our private life and, at the same time, the circulation of information.

**Chair:** *Artemi Rallo Lombarte. Director, Spansih Data Protection Agency*

**Speakers:**

- *Jennifer Stoddart, Privacy Commissioner. Canada*
- *David C. Vladeck. Director of the Bureau of Consumer Protection. Federal Trade Commission. United States.*
- *Alex Türk, President, National Commission for Informatics and Freedom (CNIL), France. President, Article 29 Data Protection Working Party, European Union.*
- *Ricardo Morishita Wada. Director, Department of Consumer Protection and Defence. Ministry of Justice. Brazil.*
- *Jean Philippe Walter. Deputy Federal Data Protection Commissioner. Switzerland*
- *Alimata Ouattara, President, Commission for Informatics and Freedom (CIL). Burkina Faso.*
- *Marie Shroff. Privacy Commissioner. New Zealand*
- *Román V. Sheredín, Deputy Head of the Federal Service for Control of communications, information technologies and media. Russian Federation.*

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\* Presentation by videoconference



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**12'30-12'45: INTRODUCTION OF THE ORGANIZING COMMISSIONER FOR THE CONFERENCE 2010**

**12'45- 13'00: CLOSING CEREMONY**