

ICDPPC NEWSLETTER

May 2019 Issue

Message from the Chair

Dear colleagues, How can the ICDPPC give its members an impactful voice? That was the question the Executive Committee considered when we met in March to sow the seeds of a new policy strategy for the Conference.

This is a crucial piece of work. The policy strategy was part of the request from the Conference membership in Brussels last October, as we committed to strengthen our committee's core policy role and influence in advancing privacy and data protection at an international level.

The Executive Committee devoted two days to exploring

the issues, focused on the importance of identifying priorities to maximise our global impact. The result, I hope, is an approach that can position us to remain relevant for the years ahead, and I hope you will take the opportunity during our consultation phase to add your expertise and insight into the process to shape the Conference's future.

The London meeting was the fiftieth the Executive Committee has held, quite a milestone for the ICDPPC as a whole in recognising its maturity as a self-governing

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The ICDPPC Executive Committee marked its 50th meeting in London.

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global community. While we still have important discussions ahead of us in Tirana this year, the Conference is already proving in so many ways to be the leading forum of data protection and privacy authorities.

The working groups are a key part of this forum. By providing a focus on priority areas, they help shine a spotlight on the issues that impact so many of us, and help us provide a united response when talking to our governments, our parliaments, the media and other stakeholders influencing our work. The Executive Committee will continue to develop close engagement with the working groups, which produce such valuable insight during Conference week from their ongoing mandates.

That Conference week draws ever closer. You can read more about this year's event from the Host Authority, Commissioner Besnik Dervishi at Albania's data protection authority IDP, in this newsletter. The focus this year will be on global convergence and where we should be going next; concepts linked to analysing what can make our laws more interoperable, and which I am excited about exploring in more depth. Other timely topics during the open session will build discussion around integrating ethical and focal

points into the data protection authorities' expertise and organisations' accountability strategies.

More news will be published about the agenda soon. In fact, I am delighted that the Albanian Hosts have now launched their website. I actively encourage you to take advantage of the Early Bird registration offers by registering now at: <https://privacyconference2019.info>



The focus this year will be on global convergence and where we should be going next; concepts linked to analysing what can make our laws more interoperable, and which I am excited about exploring in more depth.

We are reaching that time of the year when we start to see more clearly what the key deliverables will be at the forthcoming Conference. A quick reminder that the Executive Committee is asking for any Conference member with an intention to table a resolution to do so by the end of this month, which is part of the process now in place for members to contribute to drafting resolutions as early as possible.

We have a busy few months between now and

when we meet in Tirana. Many of us were at the recent IAPP Annual Congress in Washington D.C., where the crucial topic of global convergence of data protection laws was never far from the agenda. We came away with new ideas and I am certain I will be doing the same when I am an invited guest at the APPA meeting later this month.

The Executive Committee has also decided to publish reports from its meetings so you can keep up-to-date on the busy work of the Committee. We will be publishing the first of those reports on the Conference website shortly. And don't forget, if you have any questions about our activities, feel free to contact the Secretariat: excosecretariat@icdppc.org

This year promises to be a crucial step forward for the ICDPPC. There is more work to be done, but I have been inspired by the support of members sharing cutting edge policy, outreach and enforcement experience, and of their appreciation of what the community can achieve. Global enforcement of data protection requires strong working relationships and a clear understanding of our priorities, and you can rest assured that as Chair, I remain laser focused on achieving that.

Elizabeth Denham CBE

The ICDPPC Secretariat — Your central contact point

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





41ST INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS

We are getting ready for the 41st International Conference of Data Protection and Privacy Commissioners, hosted this year by IDP, the ICDPPC's member authority in Albania.

21 | 24 OCTOBER  TIRANA | ALBANIA

We look forward to welcoming you in Tirana.

Register today at:

<https://privacyconference2019.info>

For more information contact:

privacyconference2019@idp.al

LOOKING AHEAD TO ALBANIA

Head of the ICDPPC Host Authority 2019, Commissioner Besnik Dervishi, gives the latest news on this year's conference in Tirana.

Conference branding and logo

We are delighted to be able to reveal the new logo of the 41st International Conference.

Concept: In a sea of data, Liburnia, an ancient Albanian symbol, navigates safely through the digital network. The symbolism of its sail is composed of 41 connecting dots.



Programme planning

The Programme Advisory Committee (PAC) members have already been appointed and they are working alongside the IDP Commissioner's Office, providing advice on the content of the Open Session of the Conference.

We are proud to announce the expert PAC line-up:



Peter Hustinx, Co-Chair
Former EDPS and Former Head of Dutch Data Protection Authority
Current ICO non-Executive Director



Besnik Dervishi, Co-Chair
Commissioner, Albania Information and Data Protection Commissioner's Office

Chawki Gaddès, Head of Authority, INPDP Tunisia and Chair ad interim of the AFAPDP

Marty Abrams, Executive Director, Information Accountability Foundation

Steve Wood, ICO (UK DPA), Deputy Commissioner

Gabriela Zanfir, Senior Counsel, Future of Privacy Forum

Noboru (Nobi) Yamaji, Commissioner for International Cooperation, PPC, Japan

Graham Greenleaf, Professor of Law & Information Systems, University of New South Wales

Sophie Kwasny, Head of the Data Protection Unit, Council of Europe

Omer Tene, Vice President and Chief Knowledge Officer at the International Association of Privacy Professionals (IAPP)

Marc Rotenberg, CEO, EPIC Public Voice

Francisco Acuña Llamas, President of INAI (Mexican Access to Information/Privacy Authority)

Isabel Davara F De Marcos, Partner and Founder of the law firm Davara Abogados, Mexico

Side events

The 41st International Conference will also feature side events, which will be accommodated in two slots: Tuesday afternoon, 22 October and Thursday afternoon, 24 October. Several rooms within the Palace of Congresses (main venue), as well as many other facilities at hotels adjacent to the main venue, have already been pre-booked for these side events, and the IDP will oversee and facilitate their arrangement. The deadline for submitting applications for side events within the Palace of Congresses is 28 June, and 31 July for those to be arranged in nearby hotels.

If your authority would like to organise a side event at this year's Conference, then you should contact the ICDPPC Host Authority by e-mail at: contact@privacyconference2019.info to register your interest. The Host Authority will be in touch with you to obtain further details.

Keep informed and get in touch



www.twitter.com/icdppc2019



<https://privacyconference2019.info>



privacyconference2019@idp.al

Secondments

The exchange experience



For four decades, the International Conference of Data Protection and Privacy Commissioners has brought together data protection and privacy regulators and enforcers from around the world to provide an outstanding international forum where knowledge is disseminated, expertise shared and supportive connections created, enabling authorities to effectively fulfil their mandates.

With these goals in mind, we will explore the topic of secondment programmes as a channel for creating development opportunities conducive to a meaningful exchange of skills and knowledge amongst data protection and privacy authorities. We have asked representatives of two of our members with experience of a secondment programme to share their views.

The Secondee Process in Practice

Guilherme Roschke, Counsel for International Consumer Protection US Federal Trade Commission (FTC)

The FTC has had a long-standing secondments programme. Which countries have sent secondees to date, and what has been the secondees' speciality/area of expertise?

So far, the FTC has hosted 118 international colleagues

from 38 jurisdictions under the staff exchange provision of the US SAFE WEB Act, since we implemented the Act in late 2007. This includes 83 International Fellows and 35 SAFE WEB Interns, who generally stay for a shorter time than Fellows. The Fellows have come from Argentina, Australia, Barbados, Brazil, Canada, Chile, China, Colombia, Egypt, El Salvador, the European Commission, France, Honduras, Hungary, Israel, Japan, Kazakhstan, Lithuania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Poland, Saudi Arabia, Singapore, South Africa, South Korea, Switzerland, Tanzania, Turkey, United Kingdom, Vietnam, and Zambia. The SAFE WEB Interns have come from Austria, Canada, Egypt, India, Israel, Japan, Mexico, the Philippines, Turkey, and Ukraine.

Fifty-four International Fellows and 29 SAFE WEB Interns from 31 jurisdictions have had a specialty in competition law matters. Thirty International Fellows and five SAFE WEB Interns from 20 jurisdictions have had a specialty in consumer protection and/or privacy.

What have been the highlights of this programme for you?

In addition to the opportunity to work with and get to know stellar colleagues from around the world, a major highlight has been the two-way exchange

of insight and best practice. International Fellows and SAFE WEB Interns participate in investigations, enforcement actions, and other projects with FTC attorneys, investigators, and economists.

They gain a first-hand appreciation of the practices and approaches that the FTC uses in its enforcement mission, while also sharing insights into their home agencies' approaches. Fellows and Interns return to their home agencies prepared to share what they have learned with their colleagues, apply their experience in their work for their home agencies, and help to improve cross-border cooperation through the relationships they have developed.

FTC staff also benefits from the insights shared by visiting Fellows and Interns. The 12 years of the programme have helped foster enhanced cooperation with colleagues and agencies around the world.

How much internal FTC staff resource has been dedicated to running this programme?

We have one attorney in our Office of International Affairs (OIA) who manages the programme as his primary (although not full-time) portfolio, along with backup from another lawyer in OIA. Officials from the Office of General Counsel, Office of Executive Director, and other Bureaus and Offices consult as needed. Each programme participant has a mentor in their host office, and a 'buddy' in OIA.

What would you recommend authorities pay close attention to when establishing their own secondment programme?

Key to a successful programme is maintaining appropriate safeguards for non-public information and privacy while providing enough access to

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allow participants to function as members of investigative, litigation, or policy teams, thereby learning through real-world exposure the practices and approaches that the FTC uses.

We would be glad to discuss with other agencies the undertakings and information required of programme participants and their home agencies, as well as the procedures and protocols we have implemented to balance security and appropriate access.

Have you sent FTC employees on secondment elsewhere to date?

The FTC has sent many employees as resident advisors under our Technical Assistance (TA) Programme, as well as a smaller number of non-TA detailees under our U.S. SAFE WEB Act authority.

What's next for secondments at the FTC?

We have recently started to try and bring Fellows in as a 'class' that starts together, rather than sporadically through the year. We continue to seek a mix of international colleagues from around the world to join our International Fellows and SAFE WEB Interns Programme. We are currently hosting a senior official from a counterpart agency in Australia, as well

as Fellows from Japan, Korea, and the UK. Participants from Canada, the Gambia, and Kenya are expected soon.

The Secondees' Perspective

Michael Maguire, Office of the Privacy Commissioner of Canada (OPC)

During your career at the Office of the Privacy Commissioner of Canada (OPC), you have benefitted from participating in an exchange programme agreement between your Authority and the ICO in the UK. How did this come about? What was your role and can you tell us the highlights of your experience?

In 2015, our two offices, having worked together extensively on enforcement cooperation, agreed to pilot an exchange of senior investigative staff.

My three months at the ICO were certainly busy, with a focus on four main areas:

1. Participating in specific investigations;
2. Leading special projects - eg, developing an internal enforcement cooperation protocol, and refreshing a cross-functional collaboration programme;
3. A whirlwind educational tour of the ICO's operations; and
4. Sharing the OPC's own enforcement strategies.

The exchange offered me a broad strategic perspective on innovative alternatives for achieving compliance, which I have been able to implement in my everyday work. For example, the OPC leveraged lessons learned from the ICO in developing an expedited audit strategy. I also came away with a new network of colleagues, and friends, whom I call on regularly to assist with cross-jurisdictional matters. I hope the ICO and my ICO exchange counterpart, who spent two months in Canada, found the exchange equally beneficial.

What top tip would you recommend to staff considering a secondment to another country?

Quite simply, just do it! This was one of the most rewarding experiences of my professional life.

How do you believe authorities can benefit from seconding employees to a different organisation?

Staff exchanges allow authorities to learn from and leverage both the strategic and operational strengths of their international counterparts, and to develop the operational-level relationships that will form the foundation for further cooperation.



ICDPPC key upcoming dates

- **27 MAY** ICDPPC Awards, call for nominations
- **31 MAY** ICDPPC Resolutions 2019 'intention to table'
- **6 JUNE** Deadline for Consultation Responses on ICDPPC Policy Strategy
- **28 JUNE** Deadline I for draft resolutions (only of complex/technical nature)
- **21 JULY** Deadline for Membership Applications
- **29 JULY** Deadline for ICDPPC Awards nominations
- **21 AUGUST** Deadline for Observer Status Submissions
- **26 AUGUST** Deadline II for all Members' Resolutions and Declarations for Closed Sessions

Observers on the Road

Raymund Enriquez Liboro, Privacy Commissioner, National Privacy Commission, Philippines, reports for the ICDPPC on APEC 2019



The Asia-Pacific Economic Cooperation (APEC) is a regional economic forum established in 1989, composed of 21 member economies aiming to create greater prosperity for the people of the region by promoting balanced, inclusive, sustainable, innovative and secure growth and by accelerating regional economic integration.

Chile, as host economy of APEC 2019, has chosen four priority areas to achieve concrete deliverables in 2019. These goals are:

- ▶ Digital Society;
- ▶ Integration 4.0;
- ▶ Women, SMEs, and Inclusive Growth; and
- ▶ Sustainable Growth.

Linking up the ICDPPC with global actors

I had the opportunity to represent the ICDPPC in the Data Privacy Sub-group (DPS) of the Electronic Commerce Steering Group (ECSG) meetings on 25-27 February 2019. The DPS-ECSG was established to achieve accountable cross-border flow of personal information within the APEC region.

As an observer in the meetings of the DPS, I provided Member Economies of APEC with an overview of the work of the ICDPPC and shared the mission of the Conference to foster an environment where data privacy and data protection authorities can fulfill its mandate.

Sharing global insights

Representing the Philippines

National Privacy Commission, I was also part of a workshop on key building blocks for effective data protection and innovation in the data driven society, sponsored by the Centre for Information Policy Leadership (CIPL). I was part of the panel on ensuring accountable Cross-Border Data Flows through APEC CBPR and other mechanisms.

Together with other data protection authorities in APEC and representatives from the industry, I shared perspectives on the economic and innovation impact of cross-border data flows and how accountability plays a key role in responsible cross-border data flows. Likewise, we discussed how regulators can work towards increasing the uptake of companies to CBPR.

2019 priorities - EU engagement

For 2019, one of the priorities of the DPS is its work on the interoperability of transfer mechanisms currently ongoing between APEC and the EU.

During the ECSG-DPS informal meeting, a video conference with Mr. Bruno Gencarelli of the European Commission was held to discuss updates on APEC-EU interoperability.

The European Commission indicated that they were willing to remain engaged on interoperability discussions for BCRs and CBPRs in order to discover similarities and differences between them. Mr. Gencarelli noted that the European Data Protection Board (EDPB) was the lead for both BCRs and GDPR

certifications.

In September 2012, a joint APEC-EU Working Group was created with the approval of the Senior Official Meeting (SOM). The working group consists of interested APEC economies and representatives from data protection authorities in the European Data Protection Board and from the European Commission. In January 2014, the joint APEC-EU Working Committee led to the development and completion of a common referential for the structure of the EU system and the APEC system. Since 2015, both sides have explored the possibility of further cooperation to foster interoperability between the APEC CBPR and EU BCR systems.

Looking ahead

For 2019, Member Economies agreed that the EDPB should be engaged on matters of mutual interest. Likewise, it was agreed to invite the EDPB to participate in discussions regarding interoperability with APEC to be coursed through APEC senior officials in future meetings of the DPS.

I am thankful to APEC for giving the ICDPPC a seat at the table in this conference. I am looking forward to more opportunities to be part of the APEC Data Privacy Sub-group in order to discuss important issues of data privacy and data protection in the Asia Pacific region.

IN CONVERSATION WITH

Patricia Poku, Executive Director, Ghana Data Protection Commission



Tell us about the Ghana Data Protection Commission – what are your key priorities/projects for this year?

The Ghana Data Protection Act 2012 (Act 843) establishes the Data Protection Commission (DPC) as the Supervisory Authority charged with the mandate to protect the privacy of the individual. The process to establish the DPC commenced in 2015, with several challenges, such as the deficit of skills and other resources to enable the delivery of its mandate.

I took office in August 2017. Focus consisted of building internal capacity and raising awareness within the public sector on accountability requirements to enable a top-down approach and leadership by example from the data controllers up until 2018. At the end of 2018, the DPC turned its attention to raising public awareness about the rights of Data Subjects.

What is your vision for data protection in Ghana in 2019 and in the future?

The vision for 2019 is to embark on a nationwide awareness campaign through multiple channels. This would be mainly focussed on educating the youth to enable the transfer of knowledge between the older and younger generations.

Increased awareness in Ghana is meaningless within the context of Africa unless we support other countries in the region to enact data protection laws and to establish authorities to support the regional awareness and

enforcement of the legal requirements. In view of this, the Ghana DPC has accepted the challenge to host Africa's first international conference by the African Network of Data Protection Authorities in Accra, addressing some of the regional specific challenges, in collaboration with many experts from the international community.

Ghana is positioning itself as the gateway to Africa on many fronts. The Ghana DPC has considered this and the great opportunities to rebrand and relaunch the Commission. Our contribution to the national transformation agenda has included challenging local data controllers to improve transparency which should strengthen the public perception of data protection, the importance of privacy rights, and win public trust.

What are the barriers to better data protection collaboration in Africa? Are these unique to Africa?

Africa faces several challenges particular to this region, such as the varying stages of state development amongst the nations; leading to different priorities and focus of political will. This is compounded by differences in culture, language and literacy levels, making communication complicated and resulting in various forms of exclusion.

Following your election as Co-Chair to the Common Thread Network (CTN) – please could you explain your role and that of the Ghana Data Protection

Commission in this Network and how it can influence the wider data protection landscape?

The opportunity to serve as the Co-Chair to the Common Thread Network (CTN), whilst concurrently Vice-President of the African Network, has enabled me to table critical agenda items, to benchmark achievements in confidence, knowing what the potential benefits could be. This combined leadership has led to the CTN decision to hold its annual gathering in Ghana during the African regional conference, which will include thematic working forums on common challenges and major barriers, such as:

- ▶ Passing new data protection laws and establishing independent authorities;
- ▶ Considering best practice for raising public awareness;
- ▶ Applying international conventions in the African region;
- ▶ Protecting individual's privacy in cyberspace;
- ▶ Protecting personal data in relation to mobile financial technology challenges;
- ▶ Using research and other resources;
- ▶ Ethical approaches to privacy in Africa.

This will be a great opportunity to share both experience and knowledge, and to input into an action plan for the next phase of promoting data protection in African countries, several of which are

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in the Commonwealth.

What do you believe are the main global data protection opportunities and challenges going forward?

The EU-GDPR coming into force in May last year with its extra-territorial requirement had the world considering the relevance of data protection and privacy for business and personal lives. This provided a great opportunity for a global review of this challenge and

has set the tone for other jurisdictions to carefully consider their understanding or interpretation of the requirements. Going forward, the world should seize this momentum to spread the global footprint of enacting data protection laws, share knowledge, setting the relevant standards for the industry in order to improve consistency of practice to maximise the benefit for this increasingly interconnected world.

In conclusion, in your opinion, how can the ICDPPC best contribute to this agenda?

The ICDPPC should endorse, promote and support positive efforts in international cooperation, such as that of the African Network and the CTN. This will widen the reach of best practice and standardisation and help address some of our global challenges related to data protection and privacy.

Regional Perspectives: Ibero-American Data Protection Network (RIPD)

This year sees the celebration of the 16th year of the Ibero-American Data Protection Network (RIPD), created following the agreement concluded at the 2nd Ibero-American Data Protection Meeting held in Antigua, Guatemala, on 1-6 June 2003, attended by 14 Ibero-American countries.

The Final Declaration of the XIIIth Ibero-American Summit of Heads of State and Government, held in Santa Cruz de la Sierra, Bolivia, on 14-15 November 2003, expressed political support: “...*personal data protection is a fundamental right and we emphasise the importance of the Ibero-American regulatory initiatives to protect the privacy of citizens contained in the La Antigua Declaration whereby the Ibero-American Data Protection Network ...is created and open to all the countries of our Community.*”

The objectives of the RIPD were set out in accordance with its rules and procedures, to:

- ▶ serve as a channel for decision-making, adopting documents and establishing future strategies;
- ▶ promote inter-institutional cooperation and dialogue;
- ▶ promote policies, technologies and methodologies that ensure fundamental rights;
- ▶ provide technical assistance and the transfer of knowledge to its members;
- ▶ promote agreements with public or private institutions that enable the development and execution of projects of interest to them;
- ▶ participate in international forums; and
- ▶ promote training activities among its members.



Over the past 16 years, the RIPD has undergone an evolution. Initially, it was an organisation based on the work of a group of ‘volunteers’ from a wide range of backgrounds but with a common ambition – to regulate data protection throughout Ibero-America and create authorities tasked with ensuring compliance by following the so-called ‘European model’.

In October 2013, following regulatory reform, the RIPD became an ‘institutionalised’ network, exclusively comprised of public bodies from the Ibero-American spheres with their already-approved laws and functioning authorities.

The Network includes 14 Members, with the right to vote, and 14 Observers. In addition, in November 2018, the regulations were reformed to allow experts or specialists from a professional area or civil society to participate in RIPD activities as invited by the Executive Committee.

The Spanish DPA is the Secretariat, and the election of the Network Chair takes place in the Closed Sessions of the annual meetings by RIPD members. The current Chair is the Personal Data Control Regulatory Unit of Uruguay appointed in November 2018, with a two year term of office (2019-2020). The Chair’s role is to:

- ▶ represent the RIPD at all national or international fora on data protection issues;

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- ▶ promote and support in the Legislative Chambers of Ibero-American countries all those legislative initiatives related to data protection;
- ▶ promote and represent the RIPD in dealings with the various social stakeholders that operate in Ibero-America and whose activity has an impact on this fundamental right; and
- ▶ convene and chair Executive Committee meetings.

The RIPD has no set timetable for meetings, but normally holds three annual events: the Ibero-American Data Protection meeting, which will be held this year on 19-21 June in Mexico; the thematic Seminar held this year in November in Montevideo – taking stock of the first year of the European data protection regulation: and, new this year, the first Ibero-American Data Protection Authorities Forum held in Cartagena de Indias on 15-17 May, to share experiences and specific instruments of co-operation between data protection authorities.

The RIPD has accomplished two major achievements to date.

Firstly, the RIPD completed the Ibero-American regulatory map covering data protection, by means of approving domestic laws in the main Ibero-American countries, together with the creation of the corresponding authorities monitoring and controlling

compliance with these laws.

Secondly, the approval of the Personal Data Protection Standards for Ibero-American States approved at the XVth Ibero-American Data Protection Meeting, held in June 2017, in Santiago de Chile, with the presence and support of all the Ibero-American Data Protection Authorities and the European Commission.

The latter is the RIPD's most important regulatory co-operation achievement and it serves as a framework of reference for countries that still do not have their own legislation on the issue, as well as for those countries that have to adapt their current legislation.

Going forward, the main focus of the RIPD strategy for the next few years will be to:

- ▶ complete/adapt the current regulatory framework to European regulation;
- ▶ promote effective co-operation between authorities and strengthen RIPD leadership in international fora; in particular with the ICDPPC and privacy authorities.

The RIPD will promote training as a crucial tool to cement the professionalization of authorities. And finally, support an open network for both social and professional privacy organisations to collaborate and participate in its activities. For further information, visit: <https://redipd.org>

RIPD MEMBERS

- ▶ Andorran Data Protection Agency (APDA)
- ▶ Agency for Access to Public Information, Argentina (AAIP)
- ▶ Chilean Council for Transparency (CPLT)
- ▶ Colombian Industry and Commerce Superintendent's Office - Data Protection Department (SIC)
- ▶ Agency for the Protection of Data of the Inhabitants of Costa Rica (PRODHAB)
- ▶ Spanish Data Protection Agency (AEPD)
- ▶ Catalan Data Protection Authority (APDCAT)
- ▶ Basque Data Protection Agency (AVPD)
- ▶ National Institute for Transparency, Access to Information and Personal Data Protection (INAI)
- ▶ Federal District Institute for Access to Public Information and Personal Data Protection

(INFODF)

- ▶ Institute for Transparency, Access to Public Information and Personal Data Protection of the State of Mexico and Municipalities (INFOEM)
- ▶ National Personal Data Protection Authority of Peru
- ▶ Portuguese National Data Protection Commission (CNPD)
- ▶ Uruguayan Personal Data Control and Regulatory Unit (URCDP/AGESIC)

RIPD OBSERVERS

- ▶ Ombudsman's Office of the City of Buenos Aires, Argentina
- ▶ General Ombudsman's Office for the Union. Ministry of Transparency and Supervision and Office of the Comptroller General for the Union of Brazil
- ▶ Transparency and Social Control Function of Ecuador (FTCS)
- ▶ Institute for Access to Public Information of El Salvador (IAIP)

- ▶ Human Rights Legal Representative. Commission for Access to Public Information, Guatemala (CAIP)
- ▶ Institute for Access to Public Information of Honduras (IAIP)
- ▶ Coahuilan Institute for Access to Information (ICAI)
- ▶ Institute for Transparency, Public Information and Personal Data Protection of the State of Jalisco (ITEI)
- ▶ Office of Secretary for Public Affairs. Access to Information Board. Ministry of Justice
- ▶ Directorate General for Ethics and Government Integrity (DIGEIG)
- ▶ OAS Department of International Law
- ▶ International and Ibero-American Foundation for Administration and Public Policies (Fiiapp-Eurosocial)
- ▶ European Data Protection Supervisor (EDPS)
- ▶ National Data Protection Authority of Cape Verde (CNPD)

Data Protection in Telecommunications

Maja Smolczyk, Commissioner for Data Protection and Freedom of Information, Berlin, highlights the role of the International Working Group on Data Protection in Telecommunications (IWGDPT) - The Berlin Group.

Let me introduce the IWGDPT.

In 1980, when the Berlin Data Protection Commissioner for the first time invited colleagues and experts to discuss the consequences of the so-called “new media” for the protection of privacy, he did so to allow for an informal exchange of views and to provide a platform to share experiences in different legal systems. This meeting turned out to be the nucleus of the International Working Group on Data Protection in Telecommunications (also known as Berlin Group), which since then has continued to meet twice a year in different countries and continents.

Key activities of the Berlin Group are to exchange experiences, and to find and publish common points of view regarding data protection and privacy challenges in the fields of telecommunication and Internet services. Since the beginning of the 90s, the Group has focused in particular on the protection of privacy on the Internet. The participants develop and publish Working Papers regularly. These publications inform developers, operators, users, as well as policy makers and regulators, about privacy risks and requirements. Furthermore, the publications support Data Protection Authorities to strengthen their position in debates at national level. The documents accepted by the Group have no legally binding character, but they do have a considerable impact on the international legal discourse as well as on policy making. The Group has turned into an important platform to share information which could be essential for national enforcement actions. Finally, the Group has provided useful practical exchanges between



different enforcement cultures.

Since its first meeting, the Berlin Group has maintained its informal character. The Secretariat prepares the meeting and sends out the agenda, which is agreed at the start of each meeting. The Berlin Group is not a formal ICDPPC subgroup and thus is not subject to the rules and procedures of the International Conference. This is particularly evident in the Group’s participants. From the very beginning, participants have included representatives from Data Protection Authorities, international organizations but also independent experts, scientists and civil society representatives from all over the world. This expertise from different

backgrounds constitutes the special character of the Group and enriches the discussions that are held in a rather informal atmosphere.

However, since the end of the 1980s, the Working Group has reported regularly on its work at the International Conference. I have continued this tradition and find it very useful to strengthen the cooperation between the Berlin Group and the International Conference in order to achieve greater added

value and create synergies. Together with the ICDPPC Secretariat, we are therefore currently examining possibilities for a closer cooperation without abandoning the special character of the Berlin Group.

With increasing digitization, the importance of the Group’s work has become more and more significant. This has led to the Working Group growing considerably in recent years. Due to the size the Group had reached by 2017, it became necessary to establish some procedural rules to maintain an efficient work flow. This is why I decided to start a process of



I find it very useful to strengthen the cooperation between the Berlin Group and the International Conference in order to achieve greater added value and create synergies.

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reorganization of the structure and working procedures. The aim was to ensure that – even with an increasing number of participants – the Group continued working efficiently and achieved well founded results. This restructuring process is being evaluated this year.

Important topics on which the Working Group has published papers in recent years include: connected vehicles, updates of firmware of embedded systems, e-learning platforms, biometrics in online authentication, location tracking, transparency reporting, Big

Data and many more.

Currently, the Group is working on topics, such as Artificial Intelligence, block-chain/distributed ledger technology, smart devices for children or data portability, amongst others. All Working Papers can be downloaded at <https://berlin-privacy-group.org>

I would like to cordially invite all members of the International Conference of Data Protection & Privacy Commissioners to participate in the Group. Please contact the secretariat of the Group by sending an email to iwgdp@datenschutz-berlin.de

Get to know your ExCo

Ventsislav Karadjov, Chairperson, Commission for Personal Data Protection, Republic of Bulgaria

What interests you most about the ICDPPC, and how do you see the future of the Conference developing?

The data protection policies, legislation and governance models around the globe may have become more diverse and complex than ever before but the challenges and risks for our privacy and human dignity created by the technological and digital revolution are very similar.

In such context, the ICDPPC has the unique opportunity to provide an overarching international platform for promoting interoperability and closer convergence of policy tools, good practices and standards in the area of data protection. Taking into account the political, historic, cultural and legal diversity of the ICDPPC members, the designation of the right common denominator is of utmost importance. In my opinion, the ethical dimension and particularly digital ethics could play this role very successfully.

Another crucial development for the ICDPPC is to become as recognizable amongst citizens as it is now amongst privacy practitioners and data controllers. To achieve this the Conference has to create and offer efficient privacy instruments that will brand/mark it as the leading trustworthy organization in this field. Such a proven and efficient tool could be the establishment and wide use of a Privacy Index governed by the ICDPPC.

As co-host of the ICDPPC in 2018, please highlight the main impact of the Conference both locally and for the membership?

The 40th International Conference which we co-hosted with the European Data Protection Supervisor was a convincing testimony to the synergies and added value offered by organising the forum in more than one location. The two different venues allowed an increased number of discussions, thematic events



Jurist of the Year

On 8 May 2019, 'Legal World' magazine and the International Law Centre presented Ventsislav Karadjov with the Jurist of the Year Award. This recognition is a professional acknowledgment of his personal contribution and leading role in the implementation of the GDPR in Bulgaria.

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and participants.

More precisely, in Sofia, we gathered more than 200 representatives and 50 moderators from the private and public sectors, academia, civil society, as well as international organisations. In parallel to the discussions in Brussels, they sought answers to the challenges of digital ethics and emerging technologies from the sector-specific perspectives of the banking and fintech industries, insurance, telecommunications, law enforcement, global data flows and outsourcing. Furthermore, Conference events in Sofia allowed us to formulate and discuss regionally focused privacy policies and legal solutions.

An exciting time to be working in data protection, what are some of the opportunities and challenges ahead for the data protection community?

This is probably the most exciting and challenging time to work in the field of privacy. The initial hype around the GDPR seems to be over but the tasks of the supervisory authorities in the EU keep increasing. The One-Stop-Shop cooperation and consistency mechanisms, established with GDPR, have gained traction. I also anticipate the European Data Protection Board to play an even more decisive role.

Furthermore, there are several important legislative initiatives in the EU pipeline which will certainly affect our work going forward. The most challenging is the proposal for ePrivacy regulation, i.e., the specific arrangements for processing personal data in the telecommunications sector and in the online environment. Some privacy experts assert that this regulation, once adopted, has the potential to shake up the business models of global corporations more profoundly than the GDPR.

Another emerging area of particular interest for data protection authorities is the use of modern data processing technologies, such as profiling and micro targeting, in political campaigns. The Bulgarian supervisory authority has sanctioned a number of political parties as well as initiated several legislative amendments to limit the possibilities for abuse of personal data in this area.

Finally, it may not be new but processing of personal data via camera recording is becoming a challenge for privacy; already an integral part of our life, automated machines and cars are extending their future use.

Bulgaria's GDPR implementing law entered into force on 2 March 2019, how did this impact on you as the Chairperson of the Personal Data Protection Commission in Bulgaria?

At national level, the Bulgarian Data Protection Act, which entered into force on 2 March 2019, is the highlight of all our efforts to bring national legislation in line with GDPR and the Law Enforcement Directive. The legislative process was neither easy, nor smooth. Along the way, we had to: reflect on more than 200 pages of responses to the public consultation; overcome a Presidential veto; and respond to criticism from parts of the media in Bulgaria due to the introduction of clearer rules for processing of personal data for journalistic purposes. Nevertheless, we now have a modern and well-balanced GDPR implementing law.

Tell us more about your office; describe strategic projects achieved and key events for 2019?

The Bulgarian supervisory authority was created in 2002. I was elected chairperson of

the Bulgarian Commission for Personal Data Protection by the national Parliament in 2014.

During the past five years, some of the key achievements of the Commission include:

- ▶ the new national legal framework on data protection;
- ▶ practical guidance at national level on GDPR;
- ▶ co-hosting one of the most successful ICDPPC annual conferences in 2018;
- ▶ a fruitful role in the first Bulgarian Presidency of the Council of the EU in 2018, the most tangible result being the adoption of the new Regulation on data protection by EU institutions (EUI-GDPR);
- ▶ my election as deputy chair of the European Data Protection Board and of the former Article 29 Working Party.

This is the last year of my mandate, but both the scale and speed of work have increased. In the coming months, we will launch two major new initiatives amongst others

First, together with an industry partner, we will offer both individuals and data controllers a free cookie scanning tool, in order to strengthen compliance with the relevant ePrivacy Directive and GDPR rules concerning online tracking.

Secondly, in partnership with stakeholders from the non-governmental sector, we intend to establish a cooperation forum and platform on data protection (a regulatory sandbox).

What does a typical day look like for you?

My typical day starts and ends with walking my dog – a French bulldog called Geoffrey. The eight hours in between only serve to confirm how important it is to start and end the day with positive emotions.

Meet our Member

Journey to the GDPR: viewpoint from the Data Protection Ombudsman, Finland

Officially, our journey began on the approval of the GDPR in the Spring of 2016, and ended when the GDPR became applicable on 25 May 2018. As journeys sometimes might be, this one was initially somewhat confusing and even a little frightening. We kept asking ourselves, will we manage? What is our position going to be in the future?

Continuous learning

Our journey from Spring 2016 to Spring 2018 was organized in the form of a project. The essence of our project was continuous learning. At the beginning of our project, we acquired an ERP system that helped us to describe each new process arising from the GDPR. The new processes that we defined include data protection impact assessments, data breach notifications, data protection officers and cross-border cases. All our staff members participated in some part of the project and a rapporteur was chosen to report on progress to the Data Protection Ombudsman.

Effective monitoring

The Data Protection Ombudsman reviewed each process described and gave his approval to the new approach. After the approval, the processes were introduced to the entire staff. The functionality of each process has also been regularly monitored and changes have been made when necessary.

Our staff was extremely committed and, despite some concerns in the beginning, also excited about our journey. We began to realize that the GDPR offers a fantastic opportunity to improve the rights of data subjects, to promote business

opportunities for new European and global markets, and simultaneously strengthen the competence and functionality of the data protection authorities. Fortunately, the feared 'brain drain' did not take place in our authority.

Communication is key

Communication was an important part of this project. In the public domain, the GDPR was mainly marketed with the threat of administrative sanctions. The consultants saw a lucrative business opportunity. New 'data protection experts' appeared on the market. However, we consistently emphasized the role of the GDPR as one of the main drivers of the Digital Single Market. The success of our internal communication was extremely important. In the meantime, our goal became brighter as our journey progressed.

Resourcing

The challenge was that we had to divide our small resources into two parts: all the old pending cases had to be dealt with in accordance with the principles of good governance, while learning new things. We needed to keep our focus on the future. A lot of administrative work was required. In addition, the premises had to be renewed, recruitment completed and the staff had to be well trained. We also had to wait too long for the new national supplementary law that galvanized thoughts concerning our new organization.

Reaching out

In order not to get lost along



Reijo Aarnio, Data Protection Ombudsman, Finland.

our journey, we often asked our European and especially Nordic colleagues for guidance. We even learned to avoid each other's mistakes. The valuable support we received from them helped us significantly. Many thanks to our colleagues!

From 1987 to 2018, the Office of the Data Protection Ombudsman was run by one person. Following the Data Protection Act 2018, three people now take responsibility for the office and work as a collegial body. We will also be assisted by an expert panel to which we can give statements regarding our new visions and strategies.

We finished our journey tired but happy. We decided to celebrate the closure of our project in the Finnish way by going to the sauna! However, we discovered that the beginning of the application of the GDPR was just the starting point. With our EDPB colleagues we are now seeking common interpretations, common implementation and consistency. The journey continues.