

# NEWSLETTER

GLOBAL PRIVACY ASSEMBLY

## Message from the Chair

It is customary at this time of year to reflect back on the previous twelve months, and the Global Privacy Assembly has much to be proud of in 2019.

As I said at the conclusion of our Closed Session in Tirana, 2019 was one of the most defining in our organisation's 40 year history.

We adopted a policy strategy that set out a clear vision for our organisation for the next two years, one that tells a shared story that unites us all.

We adopted resolutions that continued our momentum, and showed an appreciation of what complex legal and ethical issues mean for people in their everyday lives.

And of course we agreed our new name and logo. The Global Privacy Assembly brand marks our commitment to be a group that supports one another year round, sharing knowledge and building stronger cooperation.

Thanks again to our Albanian hosts, the Secretariat and all those who made the conference a success.

Such progress did not end in October. We have since established our permanent International Enforcement Cooperation Working Group, and we pass our thanks to the outgoing chairs from the Dutch



*Elizabeth Denham CBE, UK Information Commissioner and GPA Chair*

DPA for their commitment to this topic.

We look ahead to a similarly successful 2020, with enhanced cooperation and collaboration between members at its core.

Our Strategic Plan gives the Executive Committee a clear direction, and a new Strategic Direction Sub-committee has already been created to oversee the working groups.

And of course, we look forward to October, when Mexico will be our hosts. More details to follow on that in due course.

Finally, a note of thanks. Albania was my first conference as Chair, and 2019 my first calendar year as Chair. We have had much to discuss and progress, and I have been grateful throughout for the wisdom and experience you have shared.

We are well placed for the future, and can look forward to another exciting and engaging year ahead. Happy new year.



## GPA

Global Privacy Assembly

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# 41st International Conference of Data Protection and Privacy Commissioners

*Highlights and best practices from the Conference's Closed and Open sessions.*

## **Commissioner Besnik Dervishi, Albania IDP, looks back at the successes and knowledge sharing at the Closed and Open Sessions of the 41st International Conference of Data Protection and Privacy Commissioners.**

"Convergence and Connectivity: Raising global data protection standards in the digital age" was the theme around which the 41st International Conference of Data Protection and Privacy Commissioners (ICDPPC) evolved, hosted by the Information and Data Protection Commissioner's Office of Albania in October 2019. The Closed Session of this 41st ICDPPC achieved a landmark consensus on the policy strategy of our organisation for the next two years and on five resolutions on pivotal issues.

The 41st ICDPPC was an historic Conference not only for our country, but also for both the future direction and ambitious position that the Conference seeks to occupy amid a rapidly evolving digital landscape. Crucial to the success of the Conference, the 41st ICDPPC Programme Advisory Committee (PAC) assisted us over a period of seven months in drafting the notable Conference programme. The PAC was composed of 13 renowned experts, representing an excellent balance of various stakeholder interests attending the Conference, including DPAs, civil society, academia, business, law enforcement and public sector.

The Open Session of the 41st ICDPPC kicked-off on 23 October and featured excellent keynotes, including Jamie Bartlett, Senior Fellow at UK Demos, Microsoft's President Brad Smith and Christopher Docksey, Honorary

Director-General of EDPS and five thought-provoking discussion panels featuring expert panellists, dealing with critical topics for the data protection and privacy community worldwide; securing a smooth transition from the Closed Session content and that of the 40th ICDPPC.

Day one of the Conference focused mostly on the theme of convergence and connectivity, and Day two dealt with accountability, supporting high standards of data protection. Reputable speakers discussed issues as pertinent as the definition of global convergence in data protection law in practice, the abuses of personal data for political campaigning, massive data breaches and hidden surveillance in the context of data driven business models, and how regulators in data protection and competition are joining up their

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*The 41st ICDPPC was an historic Conference - for both the future direction and ambitious position that the Conference seeks to occupy amid a rapidly evolving digital landscape.*



activities in practice.

Other panels provided interesting insight into issues relating to accountability and the enforcement role of authorities in ensuring that accountability drives high standards of data protection, with a particular focus on SMEs and tech start-ups, the challenges for DPAs and DPOs in being 'tech savvy', and the use of AI and new technologies in delivering their functions.

Through the Conference app attendees got actively involved, sending questions to both the moderators and panellists and actively contributing to surveys.

The Conference also featured 25 side events.

The report on the 41st ICDPPC is currently being finalized and will be available soon on the GPA website and the IDP website.

In conclusion, the IDP Commissioner's Office, Albania, and I will always remain grateful for both the honour and the opportunity given to us in holding this Conference in Tirana, and the enormous pleasure in having you as our guests.

For more information go to <https://privacyconference2019.info>



Commissioner Besnik Dervishi, Albania IDP, and Commissioner Elizabeth Denham CBE, GPA Chair



41st ICDPPC Closed Session, Tirana 2019

## AI and Ethics From Theory to Practice

**Ali Shah, Head of Technology Policy at the Information Commissioner's Office (ICO), UK, reports on the continuing debate on this topic at the 41st ICDPPC.**

The challenge from GPA Chair Elizabeth Denham was for the Conference's Closed Session on AI to focus on the practical issues of mobilising the ICDPPC 2018 AI Declaration, and so it was that the

session was titled 'From Theory to Practice' with invited experts from industry, standards and engineering, and regulation to offer their analysis. Our experts included:

- Dr. Rumman Chowdhury, Managing Director, Accenture AI;
- Wojciech Wiewiórowski, European Data Protection Supervisor, 40th ICDPPC Conference Host, Sponsor jointly with CNIL

and EDPS of the 2018 ICDPPC Declaration and Coordinating Authority of the Secretariat of the AI Working Group 2019; and

- Dr. Ing. Konstantinos Karachalios, Managing Director, Institute of Electrical and Electronics Engineers, (IEEE).

They came together to discuss the principles outlined in the AI

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declaration, and offered their views before a robust debate took place that also included questions from the audience.

Dr. Ing. Konstantinos Karachalios opened with a frank and critical assessment of the state of developments in AI and the ability of regulators to respond. He also reflected on the issues caused by those in the industry developing AI systems, and how they often develop these systems without due care or consideration to the detrimental impact on citizens.

Dr. Ing. Karachalios challenged the dichotomy presented by some between privacy and convenience, and in effect making citizens choose between the convenience and wonder of modern life, and the rights and protection privacy affords. His assessment, which was shared by Dr Chowdhury, that the ICDPPC AI principles and declaration were well articulated but not influential in the wider world of AI developments was a difficult and sobering statement.

However, Dr. Ing. Karachalios provided a positive outlook by also reflecting that the expertise of those who drafted the declaration shone through, and the desire of the GPA members to engage on the practical next steps showed leadership and vision.

This was matched by the experts who shared with the



*Dr. Ing. Konstantinos Karachalios, Managing Director, IEEE*

audience developments that are taking place in the wider AI community on addressing issues of privacy, fairness, and ethics in practical ways, for example, through the development of the IEEE's standards work, or the ethics canvas assessment tool developed by Accenture.

**“The answers need to come from the Engineering community... those who have hurt us will identify the means to heal us.”**

Dr Chowdhury also emphasised the need to both engage practitioners in the developments taking place and ensure diversity of life experience in these discussions.

The audience was fully engaged

and offered challenging, critical questioning, with members also highlighting the need to collaborate and coordinate efforts. This was reinforced by audience members on several occasions, when discussing the power imbalance between the leaders in AI development and its use in industry, and the regulatory community.

What could have been a sombre conclusion to the debate, was, in the end, turned into a positive clarion call for collaboration between the regulatory community and the engineers, data scientists and practitioners, who ultimately, are building the modern data enabled world around us.

Dr. Ing. Karachalios in his closing remarks said “In the Iliás there is a remarkable episode about the fate of King Téléphos, who was wounded by Achilles. His wound was not healing with time, and the oracle told him ‘ο τρώας και ιάσεται,’ which can be translated as ‘the one who hurt you will heal you.’” He was making the point that the answers need to come from the engineering community.

Perhaps we in the regulatory community can co-opt this sentiment and strengthen it by insisting that we focus on the architects of AI, and engage them on practical solutions that can emerge from our expertise in data protection and information rights. Those who have hurt us will identify the means to heal us.



*Dr. Rumman Chowdhury, Managing Director, Accenture AI*



# Running an effective Data Protection Authority

**This topic was included in the Closed Session agenda in response to members' call for a practical focus, strengthening capacity building for the membership.**

The Running an Effective DPA session was moderated by Steve Wood, ICO Deputy Commissioner (UK), and the first part of the session featured presentations from the panellists on the challenges data protection authorities from different regions encounter in carrying out their day-to-day duties. Panellists included Marcelo Drago, Past President and current Commissioner, Chilean Transparency Council, Patricia Poku, Executive Director and Commissioner, Ghana DPC and Hielke Hijmans, Chair of the Litigation Chamber, Belgian DPA.

The second part of the session, also moderated by ICO Deputy Commissioner Wood, was a panel discussion on the actions that data protection authorities can take to overcome management challenges with a focus on three topic areas:

- The Creation of an Independent Authority, presented by Wojciech Wiewiórowski, European Data Protection Supervisor (EDPS);
- Managing relationships with national parliaments and sponsor ministries presented by Gregory Smolynec, Deputy Commissioner, Policy and Promotion Sector at the Office of the Privacy

Commissioner (OPC), Canada; and

- The importance of education and awareness campaigns for the promotion of the DPA presented by Besa Tauzi, Adviser to the Commissioner, IDP Albania.

Wiewiórowski stressed the importance of asking the question what does it take to run an effective data protection and privacy authority, and to continue to self-assess independence. He also noted that answers are not necessarily in the law. He concluded his presentation with a list of elements which can be used as 'indicators' of an authority's independence, including:

- Appointment of the Head of the authority, with emphasis on the scrutiny of the application process and plurality of candidates;
- Budget, specifically for having the resources to perform its duties, as well as transparency in the spending of the budget;
- Independence of the staff, i.e. absence of conflict of interests.

Direct and ongoing communication with parliamentarians and parliamentary committees is a key factor when it comes to maintaining an effective relationship with government, according to OPC Deputy Commissioner Smolynec.

Smolynec said a dedicated, full-time liaison officer to deal directly with requests from both the Senate and the House

of Commons helps his office to put the highest priority on government requests and studies.

Besa Tauzi, Adviser to the Commissioner, IDP Albanian, outlined the approach of the IDP Albania, strongly focussed on promoting and strengthening education about data protection as the way to foster a cultural shift in the country. The main pillars of this strategy have been: regulator's presence at book fairs, a privacy app developed by the authority in collaboration with a school in Tirana, awareness meetings with the public as well as through initiatives promoting data protection, such as the Albanian postage stamp - winner of the ICDPPC Education and Public Awareness Award 2018.

For the first time in Conference history, the debate was then continued (with those who wished to participate) with a lunchtime break-out session discussing practical day-to-day management strategies.

After a short introduction provided by the session leaders Wojciech Wiewiórowski, EDPS, and Brent Homan, Deputy Commissioner for Compliance, OPC Canada, participants could informally exchange practical advice on how to manage a DPA.

There were approximately 40 participating authorities in the session and the three breakout topic groups discussed the challenges that authorities face, shared concerns and new approaches, especially on the ways to reconcile the effective work of their authorities with a lack of resources, both in terms

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of staff and financial.

Wiewiórowski emphasised that the objective was not to reach specific outcomes but rather to offer the opportunity for everybody to share opinions, recommendations and concerns on how this should be dealt with at both national and international level.

Homan participated in a breakout topic group 'Generating Advice for Small and Medium Enterprises (SMEs)'. During the discussion, he stressed how regulator-hosted open houses, podcasts, radio spots, and exhibits at trade shows or Chamber of Commerce events

can be important tools when reaching out to small businesses about their obligations.

According to Homan, many SMEs have limited knowledge of their privacy obligations, making it important for data privacy authorities to be proactive when explaining best practices for safeguarding data.

He continued, highlighting that many SMEs do not have a Chief Privacy Officer or a team that is dedicated to privacy issues. Therefore, messages to them should demystify privacy laws and provide help to achieve legal compliance.

Wiewiórowski concluded that this Conference session was only a first step towards increased interactivity and exchanges among Assembly's members and the discussion will need to be continued. To this effect, DPAs need to maximise synergies and benefit from one another's specialist areas of expertise, especially in various branches of emerging technologies.

For more information visit the [GPA website](#) or download the [GPA Welcome Kit](#).

## Observers on the Road

# Latest update from the GPA Observer at the Organisation for Economic Co-operation and Development

### The CNIL provides an update on OECD meetings as representatives of the Global Privacy Assembly.

From July 2019, the previous working group on the security and protection of personal data in the digital economy (SPDE) was separated into two groups: privacy and personal data protection; and, security and confidentiality. Both groups are overseen by the Digital Policy Committee.

In general, meetings last for two days and take place twice a year in Paris. The most recent meeting was held on the 18 and 19 November, 2019.

The groups consist of members of the OECD, their government representatives and in some cases, representatives from the governments' respective data protection authority. The CNIL represents the Global Privacy Assembly (GPA) at the OECD meetings.

Observers are also present, consisting of associations

representing companies and civil society, such as the Business and Industry Advisory Committee to the OECD (BIAC), Civil Society Information Society Advisory Council (CSISAC) and the Internet Technical Advisory Committee (ITAC).

These meetings bring together representatives from Europe, the Americas and the Asia Pacific regions on privacy issues. The groups produce non-binding recommendations with the aim of promoting the development of the digital economy.

### These meetings bring together representatives from Europe, the Americas and the Asia Pacific regions on privacy issues.

In recent years, the work at OECD level has focused on important topics, such as:

- the next revision of the OECD guidelines on the protection of privacy;
- the protection of children

- online;
- the impact of artificial intelligence on society;
- the development of comparable approaches to the reporting of data breaches;
- the governance of health data.

In particular, the review process has begun on the draft revision of the OECD guidelines on the protection of privacy. A questionnaire was sent to OECD member and partner governments to identify both areas for review and specific topics for round table discussions, for example, accountability and enforcement.

A first draft interim report was prepared by the OECD Secretariat which was discussed during the meetings in November 2019, to be discussed further at the April meeting, with the final version presented to the group in November 2020.

After each meeting a report is produced by the CNIL. These reports are available on request from the GPA Secretariat.

# Looking ahead to GPA Mexico 2020

Save the date: 12-16 October 2020



The National Institute for Transparency, Access to Information and Personal Data Protection (INAI Mexico) appreciates the confidence invested in us by the Global Privacy Assembly (GPA)´s member authorities to host the meeting of this international cooperation mechanism. The central objective of which is to contribute towards the creation of an environment in which global privacy and personal data protection authorities act effectively to fulfil their mandates. In our view, this helps to ensure the effective exercise of the fundamental right to the protection of personal data.

For this reason, the INAI proposes that the main topic for the first GPA be: "Privacy and Data Protection: A human-centric approach". This topic has been identified as a common interest for Assembly members, specifically in regard to the role played by human beings in the decisions involved in the processing of personal data; particularly important in the context of the increased use of advanced technologies, such as artificial intelligence and machine learning.

It is therefore crucial to incorporate into debate the importance of generating a human centered vision of personal data processing. Technologies should not minimize the responsibility of human beings during all types of processing of personal data, regardless of whether this is done through automated means. This is particularly important in relation to the challenges posed by the development of artificial intelligence, a phenomenon that, by design, must allow for human intervention in critical decisions.

Therefore, the INAI proposes an open and systematized dialogue

so that personal data protection authorities, consumer protection and privacy authorities, public, academic and private sectors, civil society organizations and international and regional organizations, which guarantee the protection of human rights, all work, in a coordinated manner, towards the convergence of regulations for a global personal data protection policy. This policy should be such that it does not inhibit either the free flow of information, nor technological innovation in the context of the digital economy. On this matter, we will work towards a roadmap on convergence at the GPA.

Additionally, we will consider the inclusion of other topics into the agenda, including the ethical approach to personal data protection. We would also like to incorporate discussion regarding some aspects related to the respect for human rights, especially regarding those pertaining to the avoidance of discriminatory practices and harmful processing on the basis of racial identity, gender, political ideas, sexual orientation, among others. We are also interested in discussing responsible accountability as a key element in ensuring proper compliance with legislation on the

matter. This means establishing an understanding of responsible accountability as the explanation of the motives and reasons behind the decision-making process; and including other topics, such as cybersecurity.

In this context, we also intend to include in the agenda a specific day for the meeting of the regional data protection networks (Ibero-american, African, European, Asia-Pacific, Francophone) to achieve agreements and common positions, which may be presented during the closed session of the GPA.

As may be observed, our primary interest is, on the one hand, to address widespread concerns about privacy risks related to those technological developments that have multiple and varied impacts within different jurisdictions and, on the other, to continue vital discussions on those specific issues which emerged during past meetings of the International Conference of Data Protection and Privacy Commissioners.

Finally, we would like to extend our invitation to you, to the Global Privacy Assembly, the 42nd conference of international data protection and privacy commissioners to be held from 12 to 16 October 2020, in Mexico City.





# International Guidance for the Processing of Health-related Data

**Joe Cannataci, UN Special Rapporteur on the Right to Privacy, gives an update for the GPA.**

Recent reports of Google's 'Project Nightingale' and the coverage of its purported purposes and privacy challenges, reminds us all of the sensitivity of health and health-related data and of its high commercial value. The reality is that there is a largely hidden industry already collecting, using, selling and securing health data. This has a major impact on our privacy and is of enormous concern.

On 29 October 2019, I presented to the United Nations General Assembly, my 'Recommendation on the Management of Health-related Data' which provides guidance for the processing of health-related data. The recommendation was developed by the SRP Health Data Privacy Thematic Taskforce through extensive and international consultation with health practitioners, civil society organisations, States, expert bodies and others, in response to the need for international guidance.

This recommendation, which I believe is the first of its kind, provides an international baseline for minimum standards of protection for health data. The central premise is that quality healthcare protects the right to privacy. It is applicable to the processing of health-related data in both public and private sectors.

I believe not only that everyone has the right to the highest attainable standard of physical and mental health, and, to the highest attainable standard of protection for their health-related data regardless of indigeneity, disability, gender, age, social origins, amongst other factors. I



*Joe Cannataci, UN Special Rapporteur on the Right to Privacy*

also believe that the most effective regulation is based on a human right framework.

The right to health has been recognised in the Universal Declaration of Human Rights (Art. 25) and in core international human rights instruments, such as the Convention of the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention of the Rights of

**“The reality is that there is a largely hidden industry already collecting, using, selling and securing health data.”**

Persons with Disabilities, amongst others. The provisions and values of these instruments are reflected particularly in those sections that address the processing of health-related data of vulnerable individuals and groups, such as indigenous peoples, people living with disabilities, refugees and prisoners.

An integral part of capturing the benefits of innovative digital health technologies, is patients' and citizens' trust in the use of such technologies. Much of this trust

is generated by the management of their health data according to established data protection and privacy standards. Frequently overlooked operational matters, such as poorly managed data processing in Electronic Health Records, healthcare record keeping, IT systems, and research amongst other matters, can undermine the confidence of the patient and their families in health care systems.

The recommendations set out good practices for Electronic Health Records, mobile apps, marketing, and employers' and insurers' access to health-related data. The recommendation covers a wide range of issues concerning the processing of health data, and offers a comprehensive approach to the protection of health data unavailable elsewhere, for example, there are specific sections on Mobile Applications and on AI, Algorithmic Transparency and Big Data, and the use of health data for marketing purposes.

The recommendation is unique in that it recognises that there are different issues pertinent, if not critical to, various data subjects for example, Gender and Health-related Data, and Intersectionality and Health-related Data. The

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recommendation includes strong protections with provision for the use of health data for public interest reasons, such as scientific research.

**“This recommendation... the first of its kind, provides an international baseline for minimum standards of protection for health data.”**

Aspects of the Health-related Data Recommendation build upon earlier work undertaken

on Big Data – Open Data and incorporate this work as well as my previous advice to the UN General Assembly; for example, that the release of ‘unit record’ health data is incompatible with privacy obligations.

Health technologies using health-related data, if used in a way that respects the privacy of patients, can produce better outcomes but this cannot be at the expense of people’s privacy.

I look forward to receiving feedback and to assisting privacy and data protection regulators as well as States, civil society organisations and all sectors of society, including the private sector, exchange best practices on

how to implement the provisions in this recommendation.

More information is available at:

- [UN Special Rapporteur on the Right to Privacy’s Recommendation on the Protection and Use of Health-related Data](#)
- [Explanatory Memorandum](#)

Enquiries about the Special Rapporteur’s Taskforces and the Health-related Data Recommendation can be made to Dr Elizabeth Coombs at [ecoom02@sec.research.um.edu.mt](mailto:ecoom02@sec.research.um.edu.mt)

## IN CONVERSATION WITH **Jorge Jaraquemada Roblero** **President of the Chilean** **Transparency Council**



### **Tell us about the Chilean Transparency Council and your priorities for 2020 in particular?**

Our current Personal Data Protection Law does not fully meet international principles and standards for data privacy legislation and falls short of citizens’ expectations. Whilst it is possible to assert that existing law provides substantive rules that grant – in certain aspects – an acceptable level of protection, it lacks crucial institutional elements and effective enforcement mechanisms, which are necessary for ensuring the law’s effectiveness and dissuasiveness.

In order to address these concerns, the National Congress is now debating a major amendment to Chile’s Data Protection Law. The focus of this legal proposal is to establish a modern regulatory framework that guarantees data subjects’ rights against new threats and digital challenges,

empowering individuals and giving them control over their personal data. This reform process is in keeping with the fact that in 2018, the Chilean Constitution incorporated a special provision that guarantees individuals’ data protection as a standalone fundamental right.

This year, we expect to make great strides in the legislative process, moving the draft law from the Senate into the Chamber of Deputies to advance in the discussion of the proposed legislation.

It is worth pointing out that, after considering different legal supervision frameworks, the bill provided the Chilean Transparency Council to be the single independent enforcement authority, dealing with both the country’s Data Protection Law and the Freedom of Information Law. The Council is Chile’s most experienced public body in dealing with personal data protection issues, generating a growing

specialization in this area.

Moreover, the Chilean Transparency Council, as a public body, presents one of the highest legal autonomy standards within the Chilean regulatory framework. This essential feature guarantees the independence of the Council, with technical, operational, budgetary and functional autonomy, and allows it enormous flexibility for the exercise of each of its functions and powers.

### **What are the major challenges and opportunities ahead for the Chilean Transparency Council as you develop the data protection and privacy landscape in Chile? Are these unique to Latin America?**

Chile is facing the challenge of modernizing its outdated personal data protection regulation. During its 20-year existence, the law was subject to some upgrades, none

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of them involving substantial improvements that enable it to keep up with current trends.

Our country is aware of the imperative need for enhancing its data protection framework in line with new digital technologies, based on regulatory convergence. When undertaking the major reform to our data protection legal framework, we fully understand that the adoption of data protection principles, rules, and procedures inspired by the European model will allow Chile to be considered as a country with an “adequate level of data protection”. Such recognition would underline the pivotal role Chile intends to play in the field of data protection, at the forefront of promoting high standards of data privacy, serving as a model for other Latin-American countries.

Latin American countries, whose data protection laws are heavily influenced by the European model, must move towards legal frameworks that, together with protecting data subjects’ rights, make it possible to facilitate and develop new digital industries. Thus, it is necessary to generate coherent and clear regulatory frameworks, more suited to the new circumstances, with increased regional convergence. It is true, unlike Europe, Latin America does not have a common set of rules, so each country has approached data protection matters in different ways. However, there is a clear desire to advance towards a common data protection standard. In this sense, in 2017, the Ibero-American Data Protection Network approved the Standards for Data Protection for the Ibero-American States, which aim to serve as a reference for the modernization of data protection legislation.

**Please outline the highlights of your presentation to the 41st ICDPPC Closed Session on ‘Running an Effective DPA’ and the key outputs from that Session.**

What we intended to share as the Chilean Transparency Council at the Conference in Tirana, through our Commissioner Marcelo Drago

who attended the meeting, is the situation we are facing in Chile regarding data protection regulation. In our country, we have an old law dating from 1999. This non-updated norm is constantly reflecting structural and institutional deficiencies: big bottlenecks to provide genuine protection of data subjects rights, lack of an effective enforcement regime, and absence of a national data protection authority with competence over public and private sectors.

As mentioned above, we are going through major amendments, leading us to a modern regulatory framework to better face the new digital challenges, such as AI decision-making, algorithm-driven big data analysis, profiling, and micro-targeting, among others. In order to properly address these challenges, we have paid close attention to the European regulation as a model for the Chilean reform. These are the key elements we sought to convey in the last ICDPPC meeting.

**As a new member of the Global Privacy Assembly (GPA), what is the value of GPA membership to your organisation? How can the GPA help new and emerging data protection and privacy authorities ensure their success on the global stage?**

Being part of the GPA is key for the goals of the Chilean Transparency Council. The amendment to Chile’s Data Protection Law will create a new landscape for our tasks in the country.

In this sense, we understand that the GPA is a privileged forum to exchange good practice, gain exposure to state-of-the-art regulations around the world,

and to have a straight-forward perspective on Data Protection future challenges, which may help us to permanently accommodate the way we approach the subject in Chile on a day-to-day basis.

In such an ever-changing environment for data protection, with the challenge of emerging technologies, such as Artificial Intelligence and Big Data, being part of the GPA provides fundamental guidance in order to face this complex scenario, both timely and appropriately.

**What is your vision for the data protection and privacy agenda in Chile and the outlook for increased global collaboration?**

Currently, the Transparency Council has powers to ensure that state administration bodies comply with the Data Protection Law. On the other hand, there is a link between the right of access to information and personal data protection. In this context, for us, it is of great importance to participate in dedicated international data privacy conferences and fora, exchanging experience and best practice between DPAs from different legal traditions, identifying our commonalities.

For us, the Global Privacy Assembly constitutes a valuable source of knowledge and intelligence on personal data protection trends and risks.

The GPA’s mission and work are highly important, particularly in its role as a promoter of regulatory co-operation, convergence in data protection principles and standards, and diffusion of good practice, leading to the establishment of sustainable connections between authorities around the world.





## International Working Group Update

# Global Privacy Assembly Strategic Direction Sub-Committee and Policy Strategy Working Group

It was an historic moment at the 41st Conference in Tirana when the [Resolution on the Conference's Strategic Direction 2019-21](#), including the new Policy Strategy, was adopted.

Months of thinking, planning, drafting and member consultation went into the Strategy, which puts regulatory cooperation at the heart of the Global Privacy Assembly (GPA)'s ambition to transform the GPA into a more effective platform for international cooperation and policy influence. With enhanced voice and influence, this adds real value to the privacy world. That's a great foundation to start from – and now the GPA must work hard to deliver the actions in the Strategy.

Many of the Policy Strategy actions have been included in the work plans of our existing working groups, and work will already be underway. For the remaining actions, a new Policy Strategy Working Group has been set up, with three distinct

work streams covering global frameworks and standards, the digital economy, and the relationship of data protection to other rights and freedoms. Our GPA working groups will therefore play a vital part in delivering the Strategy.

In addition, a new Sub-Committee of the Executive Committee is now in place. The Strategic Direction Sub-Committee, chaired by Commissioner Angelene Falk of Australia, will support the Executive Committee in overseeing the GPA's progress in relation to its strategic priorities – and in particular, will coordinate and review the delivery of the Policy Strategy. To do this, the Sub-Committee will develop links with working group chairs, providing advice and assistance where needed.

The Sub-Committee's role will additionally include developing and directing key GPA messages externally, as well as supporting the Executive Committee in



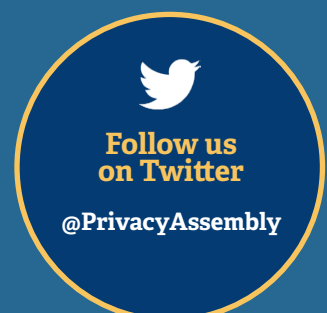
developing the GPA's future strategic direction.

"I look forward to working closely with my colleagues to coordinate the GPA's shared efforts to achieve our policy objectives, advance international collaboration and communicate the work we are doing to protect our citizens' privacy," said Angelene Falk, Sub-Committee Chair, Australian Information Commissioner and Privacy Commissioner.

## The GPA Secretariat — Your central contact point

If you are interested in getting more involved in the GPA's work, by joining one of the Working Groups, or volunteering to be a future Assembly host, please get in touch with the Secretariat at [secretariat@globalprivacyassembly.org](mailto:secretariat@globalprivacyassembly.org)

For more information on the GPA, visit our website <https://globalprivacyassembly.org>



## Regional Perspectives

# Association Francophone des Autorités de Protection des Données Personnelles (AFAPDP)

**Chawki Gaddes, President of the AFAPDP, describes both the origins and role of this important network.**

The Ouagadougou Declaration of 27 November 2004, adopted on the occasion of the 10th Conference of Heads of State and Government of French-Speaking countries, calls on all States in the French-speaking world to adopt a law on the protection of personal data and to establish an independent authority in charge of its control.

The beginning of the 2000s also witnessed an acceleration in requests for bilateral cooperation within French-speaking countries, in the context of North-South exchanges.

The identification of needs, the existence of French-speaking expertise and a clear political will created fertile ground for the emergence of a Francophone network.

In September 2006, at the invitation of Monaco and France's DPAs, the independent French-speaking authorities responsible for the protection of personal data adopted the Monaco Declaration, creating an association of French-speaking authorities.

AFAPDP was officially created in September 2007, in Montreal, in the margins of the 29th ICDPPC.

The network has three main objectives, to:

- promote the protection of personal data towards French-speaking states and governments;
- strengthen the capacity of its members; and to
- promote a Francophone vision and expertise in this area.

The AFAPDP has 21 member DPAs from Andorra, Albania,

Belgium, Benin, Burkina Faso, Canada, Quebec, Cabo Verde, France, Gabon, Greece, Ivory Coast, Jersey, Luxembourg, Mali, Mauritius, Monaco, Morocco, Senegal, Switzerland and Tunisia.

All public entities created by a French-speaking state or government under the constitution or any other legislation compatible with the main international texts on the protection of personal data and privacy, of which the mandate is to promote and ensure the



**“The identification of needs, the existence of French-speaking expertise and a clear political will created fertile ground for the emergence of a Francophone network.”**

**CHAWKI GADDES  
PRESIDENT OF THE AFAPDP**

protection of personal data in a broad sphere of activity, including data transfers in another country and having the necessary authority, autonomy and independence to ensure their mission can become members.

The main achievements of the organisation to date, include the fact that the AFAPDP is proud to contribute to the inclusiveness and diversity of Global Privacy Assembly (GPA) meetings through financial support for the participation of some of its

ASSOCIATION FRANCOPHONE  
DES AUTORITÉS DE PROTECTION  
DES DONNÉES PERSONNELLES



member DPAs and in providing an interpretation facility during both the closed and open sessions.

Moreover, in 2018, the General Assembly of the AFAPDP adopted a resolution about the property of personal data. The resolution is definitely in line with the Resolution on privacy as a fundamental human right and precondition for exercising other fundamental rights adopted in Tirana in 2019. It recalls that personal data is an extension of the individual, who therefore has inalienable rights over their personal data.

In 2019, the General Assembly adopted an ambitious strategy that aims to strengthen the efforts of the association in the promotion of privacy across the Francophone area. The AFAPDP ambition in the long term is that all French-speaking States adopt and apply robust privacy standards – in line, for example, with the Council of Europe's Convention 108+.

In conclusion, we believe that the GPA and the AFAPDP pursue the same mission: to promote and implement the most ambitious data protection standards across all continents. To do so, we intend to strengthen the communication between our organisations. The priority for now is to maintain the high-level participation of French-speaking DPAs in the working groups on the future of the conference in order to ensure the most effective cooperation between the two networks in the future.



## Get to know your ExCo

# Raymund Enriquez Liboro Privacy Commissioner and Chairman National Privacy Commission, Philippines

**As a member of the Global Privacy Assembly Executive Committee, tell us about the National Privacy Commission (NPC) and its role in the Philippines?**

The National Privacy Commission (NPC), one of the youngest and newest data privacy authorities in the global community, prioritises three main areas that have proven to be effective for our nation: promotion of rights, protection of rights and capacity-building. This year will be all about levelling-up our approach, innovating on-going projects, following up initiatives and improving our campaigns to maximize effectiveness and potential in order to reach as many data subjects as possible. We will be extending the scope of our promotional activities to the youth, specifically, and children, who are active data subjects in this digital age.

As we promote rights and strengthen measures to protect our data subjects, we now service an increasing number of complaints. Consequently, we envisage ramping up our adjudication and complaints resolution process to ensure citizens see and feel that their privacy authority indeed looks after their welfare. I believe that the NPC has already started establishing its position as the data privacy protector of the Filipino people, so we shall sustain our efforts, in particular internally, by enhancing and building the capacity of our personnel.

Similarly, we shall continue to develop our Data Protection Officers' programme to aid practitioners, advocates and partners in cultivating a privacy



resilient nation.

Building a culture of privacy will take time. It involves hard work, dedication, and consistency in approaches to ensure that it becomes a habit, an integral part of the daily lives of all stakeholders. We should all keep going, keep pushing to solidify and re-establish trust in society, in the government, in people, and in innovation and growth.

As much as we value data subjects, personal information controllers, personal information processors, our internal personnel, we also significantly value our global community. That is, our networks in finding solutions to common issues, our partners in programmes and projects for greater impact, and our support system in embedding data privacy in all aspects of life, not only within our jurisdictions, but in the world.

**What are the challenges and barriers to better data protection and privacy in the Philippines and for the ASEAN member states in particular? How are you working together to resolve these issues?**

In a country of 100 million people and 7,100 islands, and where awareness of data privacy rights is still developing, enforcement of the Data Privacy Act is a continuous challenge. Also, the scope of the law covers both the public and private sectors; each sector has specific data privacy concerns that need to be addressed.

Our office is now facing numerous inquiries from the public, through social media, email, telephone calls, and even walk-in clients. Our mediation and hearing schedules for

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complaints for 2020 are currently full from last year's filings. Though this can be seen as a challenge for the Commission to develop a more effective case resolution system, we deem it a milestone as well, in that our citizens are more eager to both enforce and fight for their rights and they know that the NPC is the proper authority to address their concerns.

Due to continuous and rapid technological development, it is a challenge to keep pace with the production of policies and guidelines for the public. We need to ensure the quality of both our policies and standards that we recommend to our stakeholders and these take time to develop.

On the other hand, ASEAN Member States are in varying stages of development when it comes to their respective data protection and privacy regimes. In the ASEAN, only four out of ten member states have data protection and privacy legislation. These are: Malaysia, Singapore, Philippines, and recently, Thailand. This creates challenges on interoperability and cross border data flows in the ASEAN.

As we welcome the many opportunities for growth and development in the ASEAN made possible through digitally enabling technologies, data protection authorities play a pivotal role in ensuring the security and transparency of the digital data landscape. We must both protect the digital citizen and cultivate digital innovation.

Last year, the ASEAN Data Protection and Privacy Forum was established. The Forum gathers all data privacy regulators and privacy enforcement agencies and bodies in the ASEAN, to foster knowledge sharing and best practice, the discussion of governance and operational knowhow, and the development of a framework for enforcement cooperation. Collaboration among ASEAN Member States on data privacy issues is essential in ensuring a thriving digital ecosystem that fosters

continuous innovation and growth in the digital economy.

**Given your extensive experience in the field of international data protection and privacy as a key member of APPA, APEC and ASEAN, are there significant 'lessons learnt' that can be shared with the Assembly community?**

I strongly acknowledge the important role that the Asia Pacific Data Privacy Authorities (APPA) and Southeast Asian Nations (ASEAN) play in the field of international data privacy. These jurisdictions are actively innovating, developing and creating programs, projects and initiatives appropriate for similar stakeholders to address similar privacy issues in the region. Given that these networks, the APPA, APEC and ASEAN, meet twice or three times a year, communication on updates, emerging matters and follow-up collaborative arrangements is easier and more manageable.

Notably, learnings from these networks can be summarized into three areas: Engagement, Communication and Development & Innovation.

Firstly, engagement is vital not only between and among the members of the APPA, APEC and ASEAN, but also with stakeholders. The programs and projects of these networks, as seen from the reporting in 2019, focused on raising awareness and providing guidance for improved compliance. Compliance is a never-ending journey and stakeholders will want increasing engagement from data protection and privacy authorities (DPAs). It is the mandate and responsibility of these authorities to constantly make their presence felt – from education, compliance, to enforcement of their rights.

The second learning is embedded from the first, which is communication. Despite the vast reach of these networks, the frequent meetings, consultations and workshops offered by these

networks greatly help in sharing best practice and providing opportunities for collaboration and partnership. Resources are made available for developing DPA guidance and feedback which has worked, and that which needs further improvement. As for the stakeholders, maintaining communication and good relationships are essential in order to respond to the needs and voices of those on the ground. At the end of the day, we serve our stakeholders and the protection of their rights is our prime concern.

Lastly, there is still a constant need for development and innovation. There is a clamour for more guidelines, more clarification and further assistance. Materials and policies shall be made accessible, in the most practical manner, in the most interesting and compelling forms – from social media applications, to interactive games, to on the spot and real time responses.

From 2019, I have realized that DPAs, and the networks in general, should never settle, should never be complacent and never stop striving to achieve greater things, because this new decade is all about aiming high and working tirelessly to make this a reality.

**What do you believe are the main issues that will impact on the global data protection and privacy agenda in the future?**

The data protection and privacy landscape are ever changing. In the coming years, we will see the increasing use of emerging technologies. We are ushering in the data-centered age with the rise of 5G networks, machine learning, financial services technology, and facial recognition, among others. Our work on understanding the impact of such technologies on data protection rights is just beginning.

**READ MORE ON P15**



DPAs, as regulators and policymakers, need to look at whether our current laws and regulations on data protection and privacy are sufficient to address the concerns brought about by these technologies. Increasing privacy breaches and cybersecurity attacks and how to build resilience will also be in the forefront of discussions.

We can likewise expect an increase in privacy complaints and breaches brought to regulators, as citizens, particularly in Southeast Asia and the Philippines, become ever more aware and vigilant of their data privacy rights. Specifically, children's safety online will be an important topic in privacy and data protection circles.

In addition, regulatory issues, such as cross border data flows, interoperability of regulations, and accountability of controllers will continue to be discussed in data protection and privacy fora, such as the Global Privacy Assembly.

**Looking forward to 2020, in your view, what are the challenges and opportunities for the GPA, and how we can best ensure that the GPA**

### **continues to make a real difference?**

As the biggest network of DPAs in the world, the GPA is placed under the spotlight and at the forefront of all the developments and major breakthroughs in the field of data protection and privacy.

Many will still be unaware that the ICDPPC is now known as the GPA. Consequently, we can start the year by letting our communities and networks know about the existence of the GPA, the plans and policy priorities for 2020, and the ongoing advocacies that the GPA is focusing on. This will then re-establish the identity of the Assembly and simultaneously spread awareness of the work of the GPA.

In the previous conference, we accepted new members and observers. With the growing number of member jurisdictions, organisations and observers, the main challenge for the GPA is to be inclusive, keep all members active and productive in fulfilling all the strategic priorities for the current year and the years to come. There is so much to learn from each other, in particular from the programs and projects

of new members. Moreover, this can likewise be one of the highlights for 2020, to showcase their initiatives and national priorities.

The Tirana Conference passed very promising and relevant resolutions that are common to the majority, if not all DPAs. The challenge and commitment of the Assembly is to keep the momentum going, to constantly seek feedback and monitor local implementation measures.

Furthermore, the publications and newsletters issued by the Secretariat are crucial in establishing the presence of the GPA and providing updates from different jurisdictions. We should keep producing such materials and reach out to more GPA members in the coming years to also get a glimpse of their regulatory measures, plans for their stakeholders, and vision for the direction of the GPA.

Learn more about the NPC at <https://www.privacy.gov.ph>

For more information on the GPA Executive Committee visit <https://globalprivacyassembly.org>



## **GPA key upcoming dates**

- » **7 JANUARY** Application process for new members and observers opens
- » **10 July 2020: Membership Application deadline**
- » **9 August 2020: Observer Application deadline**
- » **28 JANUARY** International Data Privacy Day
- » **JANUARY** Call for interest for the GPA Reference Panel
- » **20 FEBRUARY** GPA Executive Committee meeting
- » **FEBRUARY** GPA Host Bid 2022 Launch
- » **25 MAY** Global Privacy and Data Protection Awards 2020 Launch
- » **24 JULY** Deadline for submitting all GPA 2020 draft resolutions
- » **12-16 OCTOBER** GPA Mexico 2020 Mexico City

## Meet our Member

# Bruno Baeriswyl, Privacy Commissioner, Data Protection Authority of the Canton of Zurich, Switzerland

## How to be smart and effective

This year the Canton of Zurich celebrates 25 years of Data Protection Legislation. This was also the birth of the independent Data Protection Authority (DPA). The Canton of Zurich is the biggest Canton in Switzerland (1.5 million inhabitants). In the federal system of Switzerland, each canton is independently responsible for data protection.

In recent years, the requirements placed on the Data Protection Authority have increased continuously. The digitalization of administration and society not only increased the speed, but also the complexity of data processing. This environment requires the DPA to set clear priorities in order to be effective. The DPA sets itself measurable annual targets for the implementation of the statutory tasks – consulting, control, information and awareness.

In the last two years, we have focused on raising the awareness of the population. Only those who know why privacy matters will claim their data protection rights in the digital environment. And this starts with the youth, who use digital tools as a matter of course. Pupils must learn to use digital instruments and their data competently and autonomously. It is important to know the meaning of privacy.

The teaching resources “Geheimnisse sind erlaubt” (“Secrets Are Allowed”) bring this nearer to home for 4 - 9 year olds. Various educational approaches let the children experience reasons why some information needs to stay secret, which information is personal and which information should be shared with a confidant. The resources are integrated in the teaching education courses and available in the form of a free



*Bruno Baeriswyl, Privacy Commissioner, and his team of the Data Protection Authority of the Canton of Zurich, Switzerland.*

e-book. The co-operation with the Zurich University of Teacher Education was essential in creating these educational resources and very helpful in bringing them into the classrooms.

We are proud to have received the “Global Privacy and Data Protection Award” for this project.

**“Only those who know why privacy matters will claim their data protection rights in the digital environment.”**

**BRUNO BAERISWYL**  
**Privacy Commissioner, Data Protection**  
**Authority of the Canton of Zurich,**  
**Switzerland**

For many young people, social media is an important part of their everyday lives. They are usually online for several hours a day and deliberately or unconsciously leave behind a great deal of personal data and information. But the Internet does not forget. On this

subject, we have invited young people to submit videos to Youtube as part of a competition that we have held for the fourth time. The best entries are published on the DPA's Youtube channel.

Film is also the medium with which we address adults. Each winter semester, we conduct a film cycle and show films that address aspects of privacy. A subsequent talk or panel discussion deepens specific data protection concerns. The current cycle is entitled “Nothing To Hide” and shows international films, such as “The Report”, “Rust” or “The Girl With a Bracelet”.

Raising awareness for the concerns of data protection for children, adolescents and adults increases the awareness for a self-determined handling of one's own data. However, it also creates the basis for the acceptance of the work of the Data Protection Authority and thus generally increases the impact of our work. In the face of a tense resource situation, the right prioritization in the advice, control and information sectors will continue to be crucial in order to remain smart and effective.



# Meet the Secretariat

The GPA Secretariat is here to help the GPA community.



*Left to right: Hannah McCausland, Christine Ferguson, Victoria Cetinkaya, Annabelle McGuinness and Fabiana Marinaro.*

## **Christine Ferguson** International Strategy Adviser

**Leads on:** All Assembly strategic matters, notably the Conference Strategic Direction Sub-Committee and Executive Committee matters.

Christine joined the ICO's International Engagement team in April 2018 as a secondee from the Foreign and Commonwealth Office (FCO), where she spent many years in multilateral policy work, including with the UN, EU and OSCE. She also spent four years in charge of FCO compliance with Data Protection, FOI and Public Records legislation.

## **Hannah McCausland** Group Manager

**Leads on:** All Assembly matters, preparations for Mexico 2020 and the Secretariat link to the Permanent Working Group on International Enforcement Cooperation.

Hannah has more than six years' experience leading the ICO's international team and almost 20 years of working with the public and private sectors in international policy roles and conference event management. During her time with the ICO, she has led the coordination of the ICO's positions at EU and international levels including at the GPA.

## **Victoria Cetinkaya** Principal Policy Adviser

**Leads on:** The implementation of the Policy Strategy, the new Policy Strategy Working Group, Secretariat liaison work regarding the Digital Education and AI & Data Ethics Working Groups and the Berlin Group and Assembly Resolutions.

Vicky joined the ICO's International Team in 2019. She has worked at the ICO for over 10 years in both public and private sector policy and engagement, developing particular expertise in data protection issues and engaging closely with stakeholders in the health and education sectors. Since joining the

international team, Vicky has focused on the GPA policy strategy adoption and implementation.

## **Fabiana Marinaro** Lead Policy Officer

**Leads on:** The Future of the Conference Working Group, the GPA Accreditation process, the Host 2022 Bid process and Observers participation in the Working Groups.

Fabiana joined the ICO in July 2018. Originally trained as a Japanologist at Ca' Foscari University in Venice (Italy), she was a postgraduate researcher at the University of Manchester where she completed a PhD on Japanese employment legislation and dispute resolution processes.

## **Annabelle McGuinness** Policy Officer

**Leads on:** GPA Secretariat communications with the membership, including the GPA Newsletter, the GPA website, the Welcome Kit, the Global Privacy and Data Protection Awards, support for both Executive Committee meetings and preparations for Mexico 2020.

Annabelle has four years' experience at the ICO, following more than 15 years working in media and conference event management. Her roles at the ICO have included co-ordinating the internal Information Rights training programme and leading the Regulatory Strategy Policy Business Support Unit.



**Introducing Paula Hothersall,**  
our new Director of International  
Regulatory Strategy, with oversight  
of GPA matters, at the ICO.



**Get in touch with the Secretariat:**  
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