

International Working Group  
on Data Protection  
in Technology

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**Report to the International Conference of Data Protection and Privacy Commissioners (ICDPPC) about recent development in the International Working Group on Data Protection in Telecommunication (Berlin Group)**

My dear colleagues, as some or perhaps even most of you are aware, the International Working Group on Data Protection in Telecommunications, also known as the Berlin Group, was founded in 1983 with the aim of providing an informal setting to discuss ideas, experiences and perspectives. The group meets twice a year, and publishes its results and findings in “Working Papers” that are aimed at improving the protection of privacy in the field of technology.

It has been a long tradition that the chair of the Berlin Group reports briefly to the members of the International Conference on the current developments in the Working Group.

The Berlin Group has been very productive in the past year. Two working papers were adopted at the Spring Meeting in Bled/Slovenia (09/10 April 2019):

- One is on Protecting the Privacy of Children in Online Services. It highlights the risks and challenges associated with online services used by children and provides recommendations for policy makers, online service developers and providers, and regulators. It examines the various possibilities of ensuring transparency and valid parental consent for the processing of children’s data.
- The other covers the Privacy Risks with Smart Devices for Children. This paper examines the particular issues associated with smart toys: lack of transparency, security flaws, unlawful processing of data and possible abuse of smart toys by adults for surveillance purposes. The Working Paper elaborates recommendations for producers, users, schools and authorities to deal with these issues.

Secretariat  
Berliner Beauftragte für  
Datenschutz und Informationsfreiheit  
Friedrichstr. 219  
D-10969 Berlin  
Phone +49 / 30 / 13889 0  
Fax: +49 / 30 / 215 5050

E-Mail:  
IWGDPT@datenschutz-berlin.de  
  
Internet:  
<http://www.berlin-privacy-group.org>

The Working Group has been initiated by Data Protection Commissioners from different countries in order to improve privacy and data protection in telecommunications and media

In our autumn meeting in Brussels/Belgium, which took place only a few weeks ago on 10/11 October, there was no final draft on the agenda. However, the group has been working intensively on two draft papers, which will probably be finalized at the next meeting:

- One is on **“The Role of Data Portability”**. The draft Working Paper introduced by our esteemed colleagues from New Zealand approaches the concept of data portability from a privacy and data protection perspective. It explores the concept of data portability and its relationship to other recognized data protection concepts.

The discussion within the group has shown that there are indeed many interrelated and complex policy issues to consider when elaborating on data portability. Despite these complex considerations, the work is worthwhile as the increase in digitization is having a noticeable impact on individual autonomy and on competition within markets and this may lessen individual's access to and autonomy over their own information.

The members of the group have agreed that they wanted to provide a first-principle approach to data portability, avoiding specific policy approaches, terminology and provisions. The current draft does however draw on existing EU analysis, examples and guidance as well as on relevant insights from other countries such as Australia's current implementation of their Consumer Data right. The discussion in our meeting in Brussels was extremely productive so I am optimistic that the Working Group will be able to adopt a final version of the paper in its next meeting.

- The other working paper covers **“the Risks emerging from the Tracking and Targeting Ecosystem established for the Digital Advertising Market”**. The paper succeeds the **“Working Paper on Web Tracking and Privacy: Respect for context, transparency and control remains essential”** published by the Working Group in 2013.

This first paper on Web Tracking mainly described the common methods for collecting, analyzing and processing data concerning the usage of information society services with computers, tablets, smart phones and other smart devices. The new draft Working Paper does not focus on the description of web tracking tools. Instead, it deals with the systemic tracking and targeting ecosystems that – as developments within the past years have shown – can be used beyond digital advertising to seek to manipulate the opinion forming process.

All Working Papers of the Berlin Group are available for download on the website of the Berlin DPA at <http://www.berlin-privacy-group.org>.

I would like to thank all members of the Group for their fruitful contributions to this work and to encourage all data protection authorities to use these Working Papers themselves and to send it to the relevant players, for example ministries or the relevant national industry associations.

Future topics, which the Working Group has decided to deal with, are the challenges for data protection and privacy posed by **Voiced Controlled Devices**. In our next meeting we will discuss a first Draft Working Paper that will also consider new developments with regard to the recognition of human gestures. I expect this to be a very significant phenomenon in the near future and am therefore pleased about this initiative. I also look forward particularly to a very important paper on **sensor networks**, or **“Smart Dust”**, as they are often called. The fields of application for such sensor networks are manifold. While these were initially developed as a military early warning system, modern research focuses on them as a replacement for expensive sensor assemblies in vehicle construction, warehousing as well as using them for monitoring natural areas for pollutants, forest fires or animal migration. The working Group will in its upcoming meetings take a deeper look at the potential risks from the data protection and data security viewpoints that may occur with this development. Two further issues we are planning to deal with are smart cities and facial recognition.

In addition, we discussed some points of procedure of the group:

1. In order to reflect the many changes that have taken place since 1983 we decided to modernize our name slightly: The word “Telecommunications” in the name of the group was changed to the word “Technology”. This way we could keep the acronym IWGDPT in order to keep papers researchable.
2. We have seen the necessity to define more precisely the groups of people who should be entitled to participate in our group. We have agreed on the following:
  - Data Protection Supervisory Authorities,
  - Civil society organizations with a focus on data protection and privacy,
  - Scientists in the field of data protection and privacy and
  - International organizations mainly active in the field of human rights and fundamental freedoms.

I mentioned earlier that the Berlin Group was founded to discuss ideas, experiences, and perspectives. In 1983, this seemed to be a sensible concept. Today, it is far more than that: it has proved to be a most successful format and a most valuable forum for discussion. The results speak for themselves. So I would like to cordially invite all members of the International Conference to participate in the meetings of the Working Group. I know that we are all very busy, but everyone here appreciates the value of these conferences. The substantiated working papers help data protection authorities to enforce legal positions in discussions at national level. The informal exchange on new developments helps us better to address challenges in our supervisory practice.

The next meeting of the Berlin Group is taking place in Tel Aviv/Israel on the 4<sup>th</sup> and 5<sup>th</sup> March 2020 and I'd very much like to express my gratitude to our colleagues from Israel for the invitation.

I hope that this valuable exchange will continue to be possible, and that you find the insights that I have now given you into the work done by the Berlin Group useful.

Thank you.