Progress Report and Update on the International Working Group on Data Protection in Technology (IWGDPT) or "Berlin Group"

by

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(words as spoken will apply)

Dear Chair, dear colleagues, dear Liz,

It is with great pleasure that I may take this opportunity to provide you a brief report on the International Working Group on Data Protection in Technology, the IWGDPT, also known as Berlin Group and its activities since the last Closed Session in October 2020, when my colleague, the Berlin Data Protection Commissioner, Maja Smoltczyk, reported to you on the Group.

I am sure that you are well aware of the fact that the Global Privacy Assembly (GPA) hosts a broad range of topic related Working Groups – from Digital Education to International Enforcement Cooperation, Artificial Intelligence and some others. Yesterday we have heard about the really impressive results and achievements of those Groups, when Working Group Chairs had the chance to introduce some highlights of their work.

What the GPA does not really have, is a Working Group on technology issues or technological data protection. However, the GPA, and formerly the International Conference of Data Protection and Privacy Commissioners (ICDPPC) entered into a specific and close relation to the IWGDPT or Berlin Group by acknowledging it as a significant, independent Group of Experts on data protection in technology and by allocating a time slot in the GPA Closed Session Agenda in order to provide an update report to GPA members.

The International Working Group on Data Protection in Technology dates back to the 1980s, when it was founded on initiative of the Data Protection Commissioner of the federal state of Berlin in Germany in 1983 under the name of "International Working Group on Data Protection in Telecommunications". At this time, the GPA, formerly known as International Conference of Data Protection and Privacy Commissioners was still in its infancy, having met for the fifth time only in the year 1983. Because of this background the IWGDPT became better known under its nick-name: the "Berlin-Group".

I think it was a prudent and forward looking consideration to establish such an expert group in the early 1980s already, because this was the time when personal computers emerged for the mass market both for businesses as well as for private customers. Every one of you will know those iconic computer models such as the Apple Macintosh II or the IBM PC.

At this time, the Berlin Data Protection Commissioner felt an early need to keep a close eye on technological progress and to think about data protection friendly solutions for new products and services. In the beginning, these products centered on computers, telephones or other telecommunication devices. But the scope of products and services widened over time due to the rapid advancement of technology, most notably the opening of the internet or the world wide web to individuals and private customers all over the world in the 1990s.

Due to these developments and also taking into account the long-term and overarching trend of the digitization of society as a whole, which had clearly become visible for the last years, the group felt the need to shift its scope from telecommunication to technology in the wider sense, and therefore the group changed its name into "International Working Group on Data Protection in Technology" (instead of "Telecommunications").

For almost 40 years now, the Berlin Group has successfully done its work. This has always been supported by the specific composition of the Group, getting together technical, legal and regulatory experts from Data Protection Authorities as well as from Non-Government Organizations or from the academic sector. In my view, this enabled the Group to think about and to work on tailor-made and practical solutions that are applicable, scalable and feasible for all relevant stakeholders.

Having said this and taking into account the long history and outstanding reputation of the Berlin Group, I felt very honored when I was asked by my colleague, the Berlin Commissioner for Data Protection and Freedom of Information, Ms Maja Smoltczyk – of course, with the prior consent of the Group – whether I would be willing to step in as new chair of the group. Now I am very pleased to inform you that this transfer has taken place on occasion of the meeting of the Berlin Group on 24 March 2021.

My sincere thanks go to Ms Smoltczyk for her proven dedication and commitment to the IWGDPT during the past years.

Of course, I will strive to maintain and continue the extra-ordinary significance and meaning of the Group in the global data protection community. As to the unique nature and independence of the Berlin Group, I am not intending to change these. However, I think there might be value in exploring ways on how to coordinate topics and issues covered by the Berlin Group and by GPA Working Groups in order to leverage potential synergies and expertise for both sides. A look into the new GPA Strategy and the issues included there might be a good starting point. Of course, this will not affect the Berlin Group's ability to react on new developments or data protection challenges that might arise in the technological sector, if needed, reflecting its character as an independent group of experts. In any case, I will be happy to report now and in the future to the GPA on activities and achievements of the Berlin Group.

The Berlin Group will continue to work on specific, topic related recommendations. A paper on sensor networks – or "digital dust" - will be tabled for adoption soon, and the Group decided at its recent meeting in March 2021 to further work on voice-controlled devices as well as to prepare papers on smart cities and on facial recognition technology.

With regards to future meetings, I am hopeful that we may meet in person again in a not so distant future. For a vibrant and debate-driven circle of experts, such as the Berlin Group, I believe it is vital to engage in face-to-face discussions and to have a direct and in-depth exchange of views, not only during meetings or in conference rooms, but also over dinner or in the coffee break. Therefore, I am very grateful to my colleagues at the Privacy Protection Authority of Israel and at the UK Information Commissioner that – after another virtual meeting later this year – they have offered to host meetings of the Berlin Group next year in their countries. I do hope that I will be able to report on those meetings next time when I will talk to you on the Berlin Group at the GPA Closed Session 2022.

Let me also talk to you in more detail about latest and future topics and papers of the Group.

Currently the Berlin Group is working on two papers: a paper on "Voice-Controlled Devices" and another one on "Sensor Networks". Work on both papers started in late 2019, but the progress was slowed down by the Covid-19 pandemic for the last 20 months.

Let me start with voice-controlled devices:

Such devices are very often part of a large number of products that accompany people's daily life. This could be more traditional devices, for example computers, smartphones, dedicated speakers or smart-TVs; but it also can include more surprising gadgets, such as ovens, locks, or rings. Using virtual voice assistants can be helpful and convenient. That's why they are increasingly popular. However, users need to be aware of the permanent monitoring caused by those devices, since they are always "on". The overall presence of virtual voice assistants does carry significant risks to privacy and data protection of individual using such assistants. The extent of privacy risks will further be enhanced by the increasing number of devices and users or individuals involved. Therefore, the Berlin Group felt the need to address those privacy risks that might be caused by voice-controlled devices. The respective Berlin Group working paper will point out and highlight the most relevant privacy challenges. Based on those identified risks, it will provide a number of recommendations to relevant stakeholders; these include developers, manufacturers, services operators and also private users. The Berlin Group paper will complement the existing EDPB guidelines on Virtual Voice Assistants that have recently been adopted.

Another current topic of the Berlin Group is the issue of sensor networks:

Such networks already play an important role in a modern, connected society for many online applications, for example real-time traffic-flow and congestion information, the smart grid or weather forecasting. In many cases, using networked sensors goes unnoticed by people entering or passing through an area covered by those sensors, since they usually are very small and cannot be seen or detected easily. This alone will pose a risk to privacy of individuals. But privacy risks could be elevated through the fact that many networked sensor may well be capable of collecting information that could potentially be used to build profiles or to track the movement of people. Similar to voice-controlled devices, the overall and wide spread use of networked sensors as well as the processing of information in cloud-based systems and the high number of stakeholders or users involved could significantly increase privacy risks. The Berlin Group working paper on sensor networks will again point out relevant privacy risks and will include recommendations to stakeholders on how to address these risks.

At the latest IWGDPT meeting two additional topics were identified to be addressed by further working papers. These are smart cities and facial recognition.

The concept of Smart cities brings together potential benefits for individuals, but it also creates significant privacy risks by combining various sensor networks and other data sources, e.g. databases of the city's administration. This combination of various information sources can raise privacy risks to a new level.

Facial recognition has been a recurrent topic in many areas and groups related to privacy, including the GPA and its Working Groups. As with the topics mentioned before, the intended Berlin Group working paper on facial recognition will point out privacy risks and include related recommendations to stakeholders.

This was a brief overview on the topics and issues the Berlin Group is currently working on and which are foreseen for the future.

I do hope that we will meet in person again in the future, maybe next year in 2022 already.

Thank you very much for your attention.