

ISSUE 2. MAY, 2022

NEWSLETTER



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Global Privacy Assembly

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MEET YOUR MEMBER (APPA)

APPA is the principal forum for privacy authorities in the Asia Pacific Region. Was founded almost 30 years ago and now consist of 19 member from four continents spanning the Asia Pacific region. Our members share much in common beyond our geographic location.



APPA
Asia Pacific Privacy Authorities

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HIGHLIGHTS OF THE 44TH GLOBAL PRIVACY ASSEMBLY

**A MATTER OF BALANCE:
PRIVACY IN THE ERA OF
RAPID TECHNOLOGICAL
ADVANCEMENT.**



CHAIR'S MESSAGE

Message from the Chair of the Global Privacy Assembly, the National Institute of Transparency, Access to Information and Personal Data Protection (INAI).



Artificial Intelligence (AI) is increasingly present in our lives, strengthening economic and industrial sectors to improve their processes, know information in real time and analyze large volumes of information, use also to model and understand human learning by integrating AI into a physical space for interaction with people to facilitate activities that are difficult to carry out; increase that has been largely driven by the exponential digitalization caused by the unprecedented pandemic that has forced the world population to stabilize, sheltered and, to use technology to carry out their daily activities.

The use of AI has been reinforced by a new paradigm where information about individuals has become an asset of great value to companies and governments giving rise to an increase in the use of tools based on decisions made through algorithms. This generates uncertainties about the biases it can cause in its decision-making without human intervention, causing selective misinformation and disinformation, algorithmic discrimination, censorship, or harm to privacy.

In the context of digital innovation, from the Global Privacy Assembly, it is

important to recognize the advantages that technological development brings along, nonetheless as data protection authorities we are also bound to emphasize and bring awareness about the concerns that arise in terms of personal data protection.

Currently at an international level, the use of technologies such as AI bring a new paradigm, accompanied by impacts of an economic, scientific and, above all, social nature, use of which in many cases entails the need to process large volumes of personal data as main input, making necessary its protection in accordance with regulatory frameworks and international standards developed in response to the concerns regarding the risks and implications to privacy.

Some of its uses even become controversial, as for example the proliferation of facial recognition solutions being implemented both by public and private sectors, may lead not only to negative effects for individuals impacting directly in the exercise of their human rights, but also become a risk for democracies due to the implementation of intrusive surveillance systems powered by AI, along with risks associated with bias, the lack

of transparency and cybersecurity concerns in its design and implementation in a wide number of sectors such as technology, healthcare and national security.

In this scenario, as data protection authorities and members of the GPA, it must be our commitment to reinforce, promote and propose the resolutions and declarations adopted such as the “Adopted resolution on accountability in the development and use of artificial intelligence”, as well as the [“Declaration on ethics and data protection in artificial intelligence”](#), as reference frameworks and guides for the establishment of best practices to design, implement, monitor and evaluate policies and initiatives based on AI, to assess its potential risks and the approaches for a reliable and responsible use from its design and by default, opting for privacy enhancing technologies (PETs), both for the public and private sectors, with compliance with the provisions on the protection of personal data, as well as its proper and ethical use.

In this regard, it is important to point out the efforts that from different forums such as the [“General Recommendations for the Processing of Personal Data in Artificial Intelligence”](#) and the [“Specific Guidelines for Compliance with the Principles and Rights that Govern the Protection of Personal Data in Artificial Intelligence Projects”](#) issued by the Ibero-American Data Protection Network, the [“Guidelines on artificial intelligence and data protection”](#) adopted by the Committee of the Convention 108, the [“Recommendation on the Ethics of Artificial Intelligence”](#) by UNESCO

and the [“OECD Recommendation on Artificial Intelligence”](#) as standards and best practices for AI design and implementation.

Other relevant initiatives from data protection authorities such as ICO, the CNIL, amongst others have also address the use of AI by providing at national level guidance regarding its responsible and ethical use. A recent example is the publication of the “Guidance on the Ethical Development and Use of Artificial Intelligence”, as a reference for its implementation and compliance with regulations on the protection of personal data, recently by the Office of the Privacy Commissioner for Personal Data, Hong Kong, of which more relevant aspects are further explained in this issue of the Newsletter.

Such efforts are more than just coincidence, they are a response to these capabilities that, as recognized by the [World Economic Forum’s 2022 Global Risks Report](#), “expose users to elevated and more pernicious forms of digital and cyber risk”, where protection of personal data must be a priority, being fundamental the role of data protection authorities. In face of the rapid pace of digital innovation and the demand for the use of AI, in hand with machine learning and deep learning technologies along with the development of the metaverse, privacy must be accompanied with the adoption of regulations on cybersecurity to complement the work of the personal data protection authorities, urging for the adoption of global privacy standards and personal data protection principles that can be incorporated in

the design and implementation of AI systems, with a human based approach that seek access and full exercise of fundamental rights.

HIGHLIGHTS OF THE 44TH GLOBAL PRIVACY ASSEMBLY

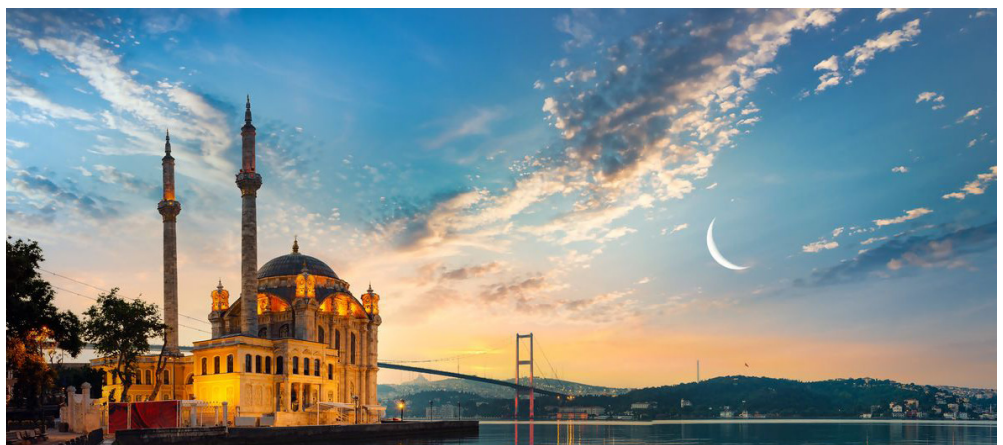
We are quite pleased to announce that the 44th Global Privacy Assembly is planned to be held on 25-28 October in Istanbul. The Assembly will be in a hybrid format. Our priority is to enable representatives of member authorities and observers to meet in person which was not possible for the last two years.

The main theme of the 44th GPA is determined by considering the fact that the right to privacy could be neglected through the rapid advancement of technology. Artificial intelligence, internet of things, big data analysis, facial recognition technology, which are increasingly used and affecting all humanity, will have a significant impact also on our future in the field of personal data protection. Thus, in the time of rapid advancement of technology and pressing need of privacy, we intend to emphasize the balance

between these two concepts.

The first two days of the Assembly will be conducted as the Open Session and in the next two days, Closed Session will take place. The Open Session will be organized by considering current advancements in technology with privacy from social (human rights, ethics and legal), technical and economic aspects. The program will be announced at our website for GPA after finalizing it with the valuable contribution of esteemed names in Programme Advisory Committee of 44th GPA.

**THE MAIN THEME OF THE 44TH GPA IS
“A MATTER OF BALANCE: PRIVACY IN
THE ERA OF RAPID TECHNOLOGICAL
ADVANCEMENT”.**



**ISTANBUL
WITH HISTORICAL DEPTH,
CULTURAL RICHNESS AND
NATURAL WONDERS.**

During the sessions, the interpretation will be provided in Turkish, English, French and Spanish.

In addition to preparing a program in line with the mission and vision of the GPA, we want to bring you together with the beauties of Istanbul. Also, we plan to spare a part in the program for the possible side events in the margin of Open Session to diversify the interactive events. For the participants attending online, the platform will also provide the interaction.

We are conducting the preparation process of the Assembly elaborately and will share the updates through both KVKK's and GPA's digital media channels.

The 44th Assembly seeks to have a global impact by evaluating the present and future of data protection with the participation of valuable guests who are experts in their fields. We hope to have a magnificent Assembly and invite all to participate in the 44th GPA.

44th GPA.

Prof. Dr. Faruk BİLİR

President Commissioner of KVKK



PROF. DR. FARUK BİLİR

President Commissioner of KVKK



**ISTANBUL,
UNESCO DESIGN CITY
(2017)**

GPA MEMBER

Control over the legality of personal data processing in Georgia dates back to 2013. Since 1 March 2022, the Personal Data Protection Service (PDPS) was given the mandate to control the lawfulness of personal data processing activities. PDPS is headed by Dr. Lela Janashvili — a Professor of Legal Theories at the Faculty of Law of Ivane Javakhishvili Tbilisi State University (TSU) and a Visiting Lecturer at Barcelona Autonomous University. Dr. Lela Janashvili holds a doctoral degree from the Faculty of Law of TSU, as well as, a doctoral degree in Human Security and Global Public Law, and carries an Extraordinary Doctoral Degree for an outstanding doctoral career from the Autonomous University of Barcelona. The First Deputy Head of the Service is Dr. Otar Chakhunashvili — a Professor at Ivane Javakhishvili Tbilisi State University (TSU).

PDPS enjoys full independence guarantees and is accountable only to the Parliament of Georgia. The main activities of the Service are: providing consultations and handling citizens' complaints on the issues related to data protection, conducting inspections, and informing the public about the state of data protection in Georgia and events related to it. PDPS is also actively involved in various regional and international forums to contribute to the promotion of high standards of personal data protection globally. Along with other activities, in 2022, the Service will host the European Case Handling Workshop (ECHW).

Over the past decade, Georgia has

implemented fundamental reforms in the area of personal data protection, bringing its legislative and institutional framework in line with best international and European practices. Georgia continues its commitment to bringing national legislative framework and practices in compliance with updated international data protection standards.



DR. LELA JANASHVILI

*Head of the Personal Data
Protection Service*



OTAR CHAKHUNASHVILI

*Deputy Head Of Personal Data
Protection Service*

INTERNATIONAL WORKING GROUP UPDATE

Article on the progress of the work of the Digital Education Working Group
Article for the May GPA Newsletter

Creating convergence of good practice from national perspectives within the DEWG

The DEWG is making progress on collecting good practice on child safety by design, and specifically the issues related to other relevant information and advice about privacy rights and remedies available in a manner that is expected to be adapted to their age and understanding.

The IPC of Ontario shared on 28 of January with all GPA members the webcast held on the annual [Privacy Day event](#) which actively discussed on how to protect and promote children's

to assist designers to comply with the Age Code when designing new interfaces.

The CNDP of Morocco organized a conference on March 25, 2022, under the theme of "The protection of the childhood from the point of view of the international good practices". This conference was crowned by a DATA-TIKA convention between the CNDP and the Ministry of Solidarity, Social Integration and Family. The CNDP launched on 2020 the [DATA-TIKA program](#) ("TIKA" meaning "Trust" in



privacy rights in the digital world. [See Educational resources.](#)

The French CNIL relayed to DPA members the invitation to join the web-conference launching the 19TH edition of the Safer Internet Day 2022 on the theme "[Digital parenting: you don't need to be an expert!](#)" It is available in replay by topics with related [resources in French.](#)

The UK ICO shared the latest Children's Code Design guidance published

[Arabic](#)) with the main objective of protecting the citizen within the digital ecosystem. DATA-TIKA is declined in 3 formulas: DATA-TIKA Companies, DATA-TIKA Public Institutions and DATA-TIKA Associations & NGOs.

The DEWG coordinator invited to this event highlighted the work of the DPA members done at the international GPA level, such as mapping the different legal frameworks relating to children online, pooling resources,

sharing good practices in the field of education to empower children in the digital era (access [Pascale Raulin-Serrier's intervention](#)).

It is also in this sense that the CNDP has developed the platform "Koun3labal" dedicated to children for the sensitization about child protection (It will be deployed in September 2022). This has the following objectives:

- Guarantee the control of personal data and those of children;
- Educate and strengthen the legal framework for better protection;
- Consolidate efforts and learn from the experiences of other countries and organizations.

Concerned about the education of children in the protection of personal data from an early age, the CNDP has also included a basic course on the subject in primary school textbooks.

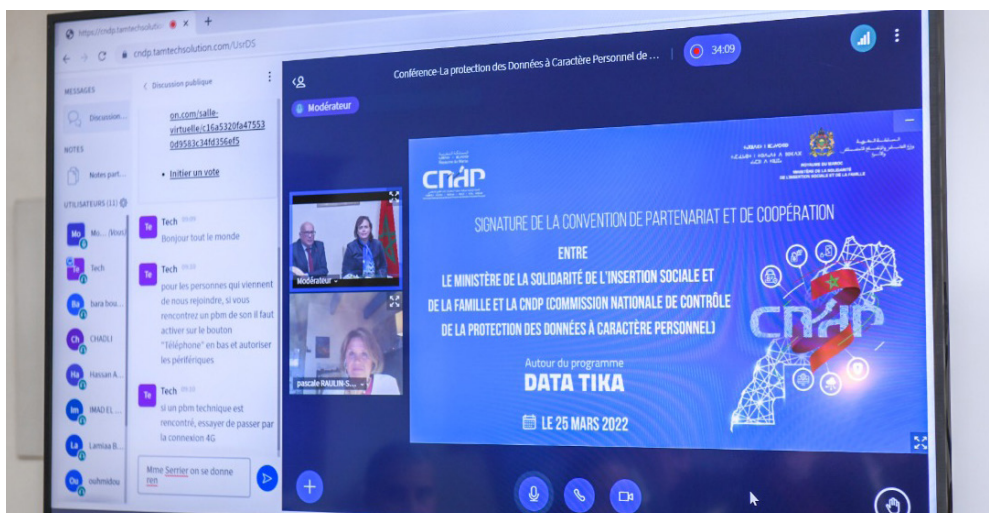
Also, in March 2022, the CNDP joined more actively the DEWG (International Digital Education Working Group) of the GPA. In this sense, the CNDP has taken the initiative to contribute to a set of actions of the DEWG work plan in collaboration with other co-lead members.

In addition, the CNDP has participated in a variety of events, including:

- In 2022: The Webinar on "Protecting Children's Privacy in the Digital World," hosted by the Office of the Information and Privacy Commissioner of Ontario;
- In 2021: The survey on the effectiveness of youth outreach: evaluation, cooperation and good practices of DPAs in this area, launched by DEWG;
- In 2021: The consultation launched by the OECD on the "Draft Recommendation on Children in the Digital Environment and OECD draft Guidelines for Digital Service Providers".
- The organization of the three (3) editions of the National Data Protection Privacy Awards (Koun3labal), benefiting [young Moroccan Youtubers \(2016 \(GIZ\), 2018 \(DCAF\) and 2019 \(EU\)\)](#).

Thus, for the CNDP, educating children and informing parents about the protection of personal data are prerequisites for the deployment of digital transformation in the Kingdom.

Such initiatives definitely need to be encouraged and promoted via the GPA since they help to create convergence of good practice.



REGIONAL PERSPECTIVES

PCPD Hong Kong published Guidance on the Ethical Development and Use of Artificial Intelligence

The Office of the Privacy Commissioner for Personal Data, Hong Kong, China published the “Guidance on the Ethical Development and Use of Artificial Intelligence” to help organisations understand and comply with the local privacy law when they develop or use artificial intelligence (“AI”).

“The world hasn’t had those many technologies that are both promising and dangerous the way AI is”, as Bill Gates famously put it. AI is fast becoming ubiquitous in our daily lives. Enterprises around the world are keen to leverage AI technologies to boost business growth and profitability. In Hong Kong, for example, 62% of businesses have expected to increase AI investment in future, according to a whitepaper published by Google Hong Kong in 2020. Notwithstanding this, AI also poses challenges to privacy, the protection of personal data and potentially the rights and interests of individuals.

CALLS FOR ETHICAL AI

Against this backdrop, calls for accountable and ethical use of AI have been mounting in recent years. In August 2021, my office, the Office of the Privacy Commissioner for Personal Data, Hong Kong, China (“PCPD”), published the “Guidance on the Ethical Development and Use of Artificial Intelligence” (“the Guidance”) to facilitate the healthy

development and use of AI in Hong Kong, while assisting organisations to comply with the requirements of the local privacy law, the Personal Data (Privacy) Ordinance (“the Ordinance”), in the process.

PCPD’S GUIDANCE

One of our earlier publications on the topic was the “Ethical Accountability Framework for Hong Kong, China”, published by the PCPD in October 2018, which recommended that organisations should adhere to three basic Data Stewardship Values (namely, be respectful, beneficial and fair to stakeholders) in the adoption of data-driven technologies. Expanding from the three Data Stewardship Values, the Guidance outlines seven ethical principles for AI and provides a four-part practice guide that follows the structure of a general business process to help organisations manage their AI systems throughout its lifecycle. The seven principles of accountability, human oversight, transparency and interpretability, data privacy, fairness, beneficial AI, and reliability, robustness and security are in line with internationally recognised principles in the field.

First and foremost, recognising that buy-in from the top is a critical ingredient of success, the Guidance recommends that organisations should establish an internal governance structure to steer their development and use

of AI. This may comprise an organisational level AI strategy and an AI governance committee. It is also desirable to cultivate an ethical and privacy-friendly culture by conveying to all personnel the importance of ethical AI values.

Second, the Guidance recommends that organisations should conduct early and comprehensive risk assessments to identify and evaluate the privacy and ethical risks of the use of AI in order to deploy appropriate risk mitigation measures. Risk factors to consider include the volume and sensitivity of the data used, the accuracy and reliability of the data, the potential impact of AI on stakeholders, the significance of the impact should it occur, and the likeliness of the impact occurrence, and more. In gist, organisations should adopt a risk-based approach in managing AI.

In addition, organisations should determine, from the assessed level of risk, the extent of human participation appropriate for the decision-making process of an AI system. The third part of the practice guide focuses on the development and management of AI systems. Data processing in the development of AI models has to comply with the relevant requirements of the Ordinance insofar as personal data is involved. AI models should be rigorously tested before use and regularly tuned after deployment to ensure robustness and reliability. Security measures should be in place to protect AI systems and data against attacks and leakages. Periodic review of risks, as well as re-training or fine-tuning of the AI models, is recommended to ensure that the models remain reliable.

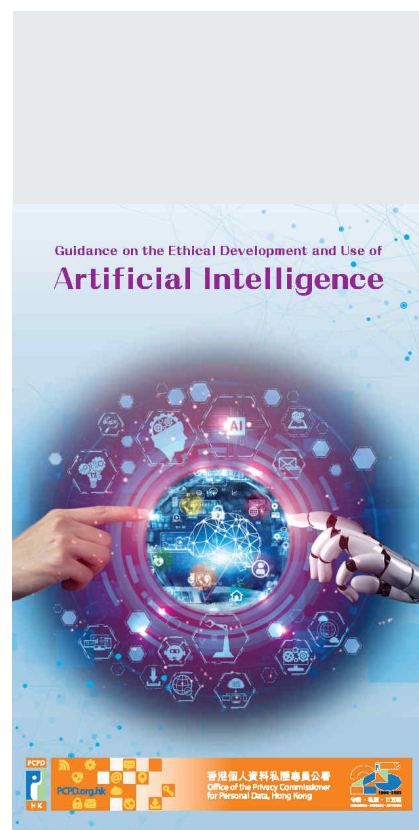
Last but not least, in this increasingly data-driven economy, we believe that trust is pivotal to success. Organisations' use of AI should be transparent to stakeholders in order to demonstrate the organisations' commitment and adherence to applicable legal requirements and ethical values. Organisations should also provide explanations of decisions made or assisted by AI, as well as channels for individuals involved to correct inaccuracies, provide feedback, seek explanation, request human intervention and/or opt out from interacting with AI, where possible.

We hope that the Guidance will help organisations in Hong Kong manage the privacy and ethical risks associated with AI systems, thereby unleashing the power of AI in their daily operations.



ADA CHUNG LAI-LING

*Privacy Commissioner for
Personal Data, Hong Kong, China*



THE GUIDANCE CAN BE ACCESSED AT

[https://www.pcpd.org.hk/english/
resources_centre/publications/files/
guidance_ethical_e.pdf](https://www.pcpd.org.hk/english/resources_centre/publications/files/guidance_ethical_e.pdf)

GET TO KNOW YOUR EXCO

Access to Public Information Agency was created in 2017, it is an autarchic entity with functional autonomy constituted/established as control and enforcement organ of Law 27.275 on the Access to Public Information Right, of Law 25.326 on the Personal Data Protection and Law 26.951 on the creation of the “No llame” National Registry.

Its mission is to guarantee the effective exercise of access to public information right and the personal data protection, promoting citizen participation, public management transparency and privacy culture.

The Argentinian National Data Protection Authority was admitted as an ICDPPC member in 2003, after the creation of the AAIP, it was recognized as a GPA member at the 40th ICDPPC held in Brussels in 2018, also in 2019 the AAIP was elected as an Executive Committee member.

MG. BEATRIZ DE ANCHORENA

Director

On March 10, 2022, Beatriz de Anchorena was appointed as AAIP Director, after a transparent and public audience process, becoming the first woman to hold that position in the organization's history.

She holds a Politics Science Bachelor from Buenos Aires University, a Public Policies and Development Management Master from Georgetown University and San Martin National University and am a doctoral candidate in Social Sciences at Buenos Aires University. She served as Deputy Secretary of the Institutional Strengthening of Management and Public Employment Secretariat from the Head of the Cabinet of Ministers, where she promoted the creation of the National Directorate of Integrity and Transparency, with the aim of promoting an organizational culture in the public sector based on the values of public ethics, integrity and transparency.

AAIP GOALS

Within the scope of the Agency, we intend to carry out a work plan that focuses on four strategic points: institutional strengthening, quality leap in active transparency and open data, regulatory update and personal data protection management strengthening, and the Federal Council for Transparency consolidation.

Argentina has been a regional pioneer in terms of privacy, with the regulatory framework provided by Law 25.326 on Personal Data Protection. The country obtained the declaration of adequacy on 06/30/2003 through Decision No. 2003/490/EC of the European Commission and is currently undergoing the periodic review established. It was also the 54th member to sign Convention 108 and the 33rd to sign its modernized version -

Convention 108 +– which is in the process of being ratified by the Legislative.

The AAIP considers it is essential to advance in the updating of the country's regulations in order to act in accordance with technological advances and innovations. This implies the challenge of rethinking instruments that guarantee the care of the personal data of citizens, which is the central objective of this management.

For this, the best practices and international standards, the resolutions that are adopted by this GPA, regional experiences and international cooperation between data protection authorities are of great contribution. As it is also essential to strengthen participation channels with experts from the public sector, the private sector, academic field and civil society organizations, in order to create dialogue spaces to listen to all the involved actors so we can provide situated solutions to local problems and challenges, with a view to protecting the human right to privacy.

AAIP CHALLENGES

In 2021, the Agency increased by 50% the number of complaints and administrative actions carried out for alleged violations of Law 25.326 on Personal Data Protection and a new growth in cases is estimated for this year, marking the strong presence of this authority on the matter. Our purpose is to advance in the making of concrete and incremental decisions and resolutions, which allow us to immediately address the wide range of challenges of personal data protection and privacy.

The AAIP encourages that topics such as ethics in artificial intelligence, facial recognition technologies, blockchain, metaverse, surveillance, profiling, international data flow, data-driven

economy and digital identity must be considered of vital importance for the future and be part of the GPA agenda. As a member of the Executive Committee of GPA, our commitment is to seek international collaboration and the harmonization of privacy regulations.

We have the considerable challenge of setting up an Agency in permanent dialogue with society for the elaboration of its policies, but at the same time protecting autonomy and sovereignty for decision-making, with a single objective: strengthen personal data protection standards and with it improve the life quality of all Argentinians.



**MG. BEATRIZ DE
ANCHORENA**

Director

MEET OUR MEMBER

Michael McEvoy, Information and Privacy Commissioner for British Columbia, Canada, provides an update on the Asia Pacific Privacy Authority, a formal Observer of the Global Privacy Assembly. The OIPC-BC is the Secretariat for APPA.

The Asia Pacific Privacy Authority (APPA) is honoured to participate as a reciprocal formal Observer of the Global Privacy Assembly under the Assembly's Rule 5.3(c) since 2021. We are very pleased to share the following information about our Authority with GPA members.

What is APPA?

APPA is the principal forum for privacy authorities in the Asia Pacific Region. The authority was founded almost 30 years ago and now consists of 19 members from four continents spanning the Asia Pacific region. Our members share much in common beyond our geographic locations on the Pacific Rim.

APPA members meet twice a year at forums to discuss enforcement matters, study best practices, and share information on emerging technology, trends, and changes to privacy regulation. Our discussions include GPA developments and resolutions, as most members of APPA are also members of the GPA; in fact, several have held executive level positions with the Assembly.

How does APPA do its work?

APPA is guided by members at our twice annual forums and its Governance Committee, which is made up of a cross section of members. All of this is supported by the APPA Secretariat, which is based at the Office of the Information and Privacy Commissioner for British Columbia in Canada.

Additionally, APPA has three working groups: a Technology Working Group, a



PAY ATTENTION TO COMPETITORS

Communications Working Group, and a Comparative Privacy and Statistics Working Group. APPA members strive for an informal and collegial approach, getting to know one other and the issues that we face on both sides of the Pacific.

The important role of APPA forums Like so many meetings over the past 26 months, APPA has moved to a virtual format for its past few forums. Forum hosts have done an outstanding job of presenting engaging virtual forums that have brought both the issues and their cultures to our screens.

For example, PIPC Korea's forum included discussions on the "new normal" post-COVID-19, the use of emerging technologies, engagement with industry, children and adolescents' privacy, and formulating global standards in data protection.

When my own office hosted our most recent forum from November 30-December 2, 2021, we began with a traditional welcome and message from an indigenous Elder. The forum was attended by APPA members as well as guests from around the globe, including other data protection authorities and observers from industry, government, academia, and civil society. Over three days, the discussion focused on four key themes: enabling cross border data flows, guidance and enforcement, virtual health care, and the COVID-19 pandemic. The Office of the Privacy Commissioner for Personal Data of Hong Kong will host the upcoming forum in June 2022.

PRIVACY AWARENESS WEEK

Each year, the APPA Communications Working Group develops a theme for Privacy Awareness Week, which is celebrated throughout our jurisdictions. Again, working collaboratively and sharing resources, our offices highlight important themes and initiatives common to members across the Asia Pacific.

ATTENDING AN APPA FORUM

Non-APPA members can attend closed sessions. If you wish to attend as an observer, please reach out to us. This is an excellent way for data protection authorities in other regions to engage with the Asia Pacific.

Information

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