



GPA

Global Privacy Assembly

NEWS LETTER

JERSEY OFFICE OF THE INFORMATION COMMISSIONER

AS A SMALL ISLAND NATION WITH A POPULATION OF JUST OVER 100,000 PEOPLE, IT WAS AN HONOUR TO BE INVITED TO JOIN THE EXECUTIVE COMMITTEE OF THE GLOBAL PRIVACY ASSEMBLY AT THE END OF LAST YEAR.

BY PAUL VANE
INFORMATION COMMISSIONER
OF JERSEY.

GPA DIALOGUES

IN LINE WITH THE GPA'S STRATEGIC OBJECTIVE OF STRENGTHENING MEMBERS' CAPACITIES, WE HAVE LAUNCHED THIS INITIATIVE WHICH CONSISTS OF VIRTUAL BI-MONTHLY EVENTS WITH EXTERNAL EXPERTS TO ADDRESS TOPICS OF INTEREST TO THE MEMBERSHIP.

✦ HOW DOES TECHNOLOGY AFFECT DEMOCRATIC PROCESSES?

ARTICLE WRITTEN BY DR. ESC.
GONZALO SOSA BARRETO



TECHNOLOGY

PRIVACY

DEMOCRACY

February, 2023

MESSAGE FROM THE CHAIR



As Chair of the Global Privacy Assembly, the Commissioners of the National Institute for Transparency, Access to Information and Personal Data Protection of Mexico, warmly wish you well in this year that starts, as we slowly but steadily return to a new normal after 3 years marked by rapid changes during the COVID-19 pandemic.

One of the characteristics of this period, is that even though the world seemed to stop, we nevertheless, experienced an intensified massive use of data and personal information, largely used to implement policies aimed to diminish the spread of the pandemic.

Fortunately, the constraints put on us by the pandemic are gradually coming to an end, we would like to reflect on other issues of great importance for privacy and personal data protection, such as Technology, Democracy, and Data Protection: the main topic of this newsletter edition.

As we know, in democratic societies, the ability to access and share information freely is essential. Technology has provided new ways to disseminate and access information, giving people greater power to hold their leaders accountable and participate in decision-making. However, it has also given rise to concerns about the spread of misinformation, manipulation of public opinion, and violations of privacy.

To strike a balance between technology, democracy, and data protection, it is important to establish clear rules and guidelines for the responsible use of technology. Governments must enact and enforce laws that protect citizens' privacy and prevent the abuse of personal data. Technology companies must also be held accountable for their role in safeguarding data and ensuring that their products and services do not harm democracy. In a world where democracy is in a steep decline¹, it is ver

important to protect people's privacy, for according to Brett Schneider "privacy is a necessary condition for people to develop their autonomy, and therefore the ability to form independent opinions"², this is what makes privacy a necessary condition for democracy to exist³.

As technology continues to advance, it's important to ensure that our laws and regulations keep pace with the changes. We must remain vigilant in protecting our personal data to safeguard the principles of democracy and ensure that our digital world remains a safe and fair place for all.

In conclusion, protecting personal data is necessary in a democratic society, but it must be balanced with the need to ensure that individuals can freely express themselves, access information, and participate in public life. By taking a comprehensive approach to data protection, we can safeguard privacy while upholding democratic values.

¹ <https://freedomhouse.org/report/freedom-world/2022/global-expansion-authoritarian-rule>

² <https://hal-sciencespo.archives-ouvertes.fr/hal-02506497/document>

³ <https://blogs.lse.ac.uk/businessreview/2019/12/13/informational-privacy-a-precondition-for-democratic-participation/>

TABLE OF CONTENTS

SUMMARY GPA 44°	4
HOW DOES TECHNOLOGY AFFECT DEMOCRATIC PROCESSES?	6
INTRODUCING THE GPA DIALOGUES	9
JOIC	10
GLOBAL PRIVACY ASSEMBLY 45°	11

SUMMARY GPA 44°

In 2022, the 44th Global Privacy Assembly took place in Istanbul, Türkiye from 25-28 October, and had as its main theme: "A matter of balance, Privacy in the era of rapid technological advancement". Thanks to our Turkish colleagues, 657 participants attended the 44th GPA, either virtually or in person.

In a year marked by the effects of the pandemic, we at the National Institute for Transparency, Access to Information and Protection of Personal Data (INAI), as chair of the Global Privacy Assembly (GPA) are overjoyed that for the first time in two years had the opportunity to come together face to face with our community of member authorities and observers and share experiences

learned, strategies, and best practices, as well as honing-in on our cooperation and capacity building tools.

Some of the topics that were addressed during these 4-days of work were: Artificial Intelligence (AI) applications, which are increasingly used in areas of great importance for fundamental rights as well as matters of public interest such as healthcare, education, elections, employment and workplace management, security and e-commerce to mention a few; or facial recognition applications, used for verification, identification and classification means, which in itself pose a number of privacy issues; we also broached the subject of Big Data and its capability for systemic gathering and rapid data analysis, and its uses. We focused our attention on privacy protection in the face of "big data", which take on a crucial role to make personal data the centre point of many digital markets in the data-driven economy.

Among other topics were the role of the private sector in the use of surveillance technology and mass web surveillance, the metaverse, as well as cross-border data flow in terms of privacy and taking into account current technological developments.

The SDSC facilitated strategic relationships with other networks which are of great importance for knowledge sharing and recommended appointing GPA observers to seven identified linguistic and regional networks.



ASSEMBLY RESOLUTIONS

On their part, the work carried out by the membership is reflected in the adoption of the following resolutions:

- Resolution on International Cooperation Capacity Building for Improving Cybersecurity Regulation and Understanding Cyber Incident Harms, which focuses on the importance of regulators, data protection authorities and collaboration with international strategies and knowledge and information sharing in cybersecurity,
- Resolution on Principles and Expectations for the Appropriate Use of Personal Information in Facial Recognition Technology, which acknowledges the benefits these technologies could have for public security, for which they developed principles for their appropriate use, and
- Resolution to Amend the Fee-funded Secretariat Road Map and the Timeline, which establishes a new timeline for the implementation of a fee-funded Secretariat to allow stability in the development of the Assembly's works.

As for the keynote address "Advancing Global Privacy in an Age of Accelerated Digitalization" delivered by Ana Brian Nougères. Ms Brian Nougères highlighted the challenges of finding a balance between privacy and technological advancement. She also commented on the high value of personal data, which is attractive to both the private sector and criminal organizations, this has been made possible by the technological revolution which facilitated the extended use of internet, social media, big data, machine learning, among other technologies which present a disruptive scenario for society. At the same time, she acknowledged that it is not possible to set aside or limit technological innovation, but that we should be more aware of people's vulnerabilities and their security, since people are at the center of human rights, for this to be possible education and awareness raising are paramount and people should learn to identify and mitigate risks.

During the panel session "A global regulatory environment for data protection and privacy" - Miriam Wimmer highlighted the importance of contract clauses in data flow and emphasized the role international cooperation plays in it, such as the Iberoamerican Network, Convention 108 and other international agreements collaborating with GPA. Olivier Sylvain underscored the importance of cooperation among jurisdictions and the regulation of the data industry. Paula Hothersall commented that GPA is the voice of regulators. John Edwards referred to international cooperation and other tools used in their framework and said that their interoperability should consist of cooperation with experts to understand the full extent of government's access to personal data. And Ulrich Kelber, noted data minimization which, in his opinion, provides much learning opportunities.

A perspective from a regional regulatory environment for data protection and privacy - Michael McEvoy reporting as the Secretariat of the Asia Pacific Privacy Authorities Forum (APPA Forum), lauded the shared values and objectives of GPA and APPA and mentioned that a framework to facilitate cooperation mechanisms has been put in motion. Mr. McEvoy highlighted the importance of a framework for a common data flow between regulators.



Mar España Marti, reporting as the current Secretary for the Ibero-American Data Protection Network. The Data Protection Authority from Bermuda was announced as the host of 45th Global Privacy Assembly was announced. The next assembly will take place from 15th – 20th October 2023.

HOW DOES TECHNOLOGY AFFECT DEMOCRATIC PROCESSES?

DR. ESC. GONZALO SOSA BARRETO



The impacts of technology in all areas of our lives have been widely reviewed, valued, and evaluated from multiple perspectives, and as occurs with all things human, these actions are affected by the burden of our own subjectivities. And visions of the role of technology in our lives can range from the apocalyptic to the utopian. On the other hand, it seems that everything has been said, but there is always something more to say.

There are certain aspects on which we must agree, though: 1) technology has an unlimited potential to impact –positively or negatively- on us, individually or collectively; 2) its impacts depend, to a large extent, both on the knowledge of our personal information, and on the ways it is used; 3) our personal information –generated and inferred- circulates today in ways we cannot control (at least not individually); 4) there is information which circulates exponentially thanks to technology, with the specific aim of influencing our decisions.

Transversal to these issues, there is concern on how inappropriate uses of technology reflect on the exercise of our rights, and especially on our freedoms.

One of the most important professors in Uruguay and Latin America, Horacio Cassinelli Muñoz (in his book "Public Law"), points out that the liberal conceptions of democracy consider the existence of two moments. In the first of such moments, the ideological, the existence of diverse doctrines and opinions is conceived; but there is a second moment, where the democratic solution favors the program with the most support (for which plebiscites, referendums, elections, voting by representative bodies are held), where the opinion of the majority will be executed, without being able to silence the rest.



adequate, diverse, and complete information, through channels that enable said diversity. David G. Myers (in “The Internet as Social Amplifier” in “Is the Internet changing the way you think? The Net’s Impact on our minds and future”), points out the potential –both positive and negative– of connecting like-minded people through the internet.

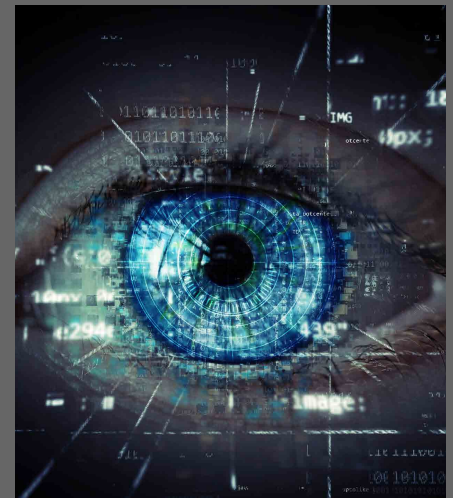
The use of social media and the internet has shown us that connecting people who think in a certain way, through technological means –that may or may not be under their control–, amplify their ideas, for good or for bad. Laura Schertel, Danilo Doneda and Joao Paulo Bachur (in “Manipulacao da informacao, fake news e os novos desafios para a democracia” in “Fake

News e as eleições 2018”) analyze how in some of these cases there is a reinforcement of emotions by circulation of already known information, rather than circulation of new one. This utterly derives in a kind of constant self-validation of the people who participate, and a fragmentation that might generate an environment prone to the manipulation of information and the spread of “fake news”. The impact of these phenomena on electoral processes inside and outside Latin America has been widely discussed in different fora.

For this reason, while our life currently takes place largely online, the discussion processes in free, collective, neutral spaces, so necessary for a lively and participatory democracy,

acquire a special importance. Bruce Scheneier (in “Data and Goliath”) highlights the importance of public space for the exercise of our freedoms in the real world, and of the commons, different to the current virtual spaces provided by large companies with capacities to censor and to that extent direct our opinions –and we might add, using our data as a bargaining chip–.

Technologies with potentially more worrisome effects on democratic processes should be monitored and audited. "Deep Fakes", driven by AI, and their ability to generate "realities" that are not such, can generate serious disruptions in these processes, due to the difficulty of determining the authenticity of what appears to be "real". Robert Chesney and Danielle Citron (in "Deep Fakes: A Looming Challenge for Privacy, Democracy and National Security") take a detailed look at both the positive and negative impacts of this technology and note with concern the distortions generated in the democratic discourse. Taking into consideration the opinion of Schertel, Doneda and Bachur, we must highlight the role of the right to personal data protection, its principles, regulations, and authorities in charge of ensuring compliance, to avoid information manipulation and deviations from free and informed deliberation, particularly in the processes of participation and democratic decision-making.



democracy

democracy

democracy

A responsible use of AI can be aided by robust regulations on the protection of personal data, but they alone do not appear to be sufficient to achieve efficient solutions. True awareness of people and societies through consistent and permanent strategies carried out by authorities and organizations of the civil society, the provision of neutral virtual spaces to engage in discussions, global frameworks that prioritize transparency in the use of AI and define clear areas of liability associated with the use of these technologies, will also become increasingly necessary to ensure the validity and health of our democracies.



GPA

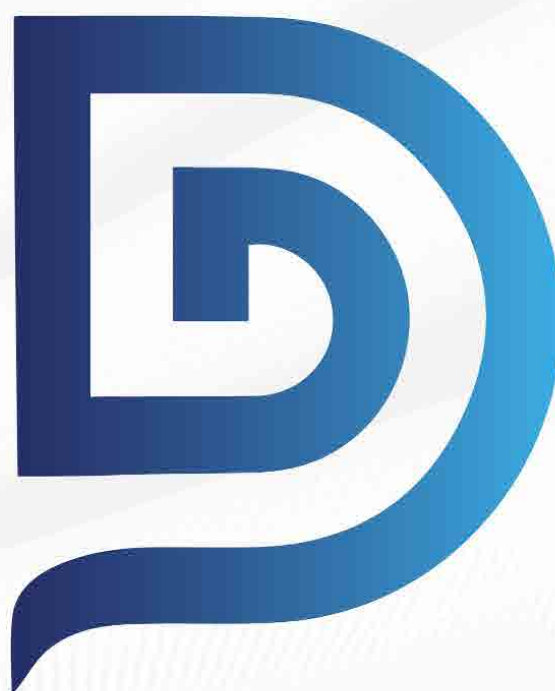
Global Privacy Assembly

INTRODUCING THE GPA DIALOGUES

In line with the GPA's strategic objective of strengthening members' capacities, we have launched this initiative which consists of virtual bi-monthly events with external experts to address topics of interest to the membership.

The main objective is to hold a dialogue with experts to exchange ideas, perspectives, and best practices spanning different geographic regions and expertise in order to encourage reflection and learning.

The GPA Dialogues will offer opportunities to develop and strengthen members' capacities outside of the annual Assembly. They will also provide a learning space and a platform to expose new ideas to propitiate innovation.



GPA DIALOGUES

JOIC

PAUL VANE | INFORMATION COMMISSIONER, JERSEY

As a small Island nation with a population of just over 100,000 people, it was an honour to be invited to join the Executive Committee of the Global Privacy Assembly at the end of last year.

I have been involved in privacy and data protection at the Jersey Office of the Information Commissioner (JOIC) for nearly 19 years. My background is one of regulation and enforcement, having previously worked as a police officer in Jersey, and then in the compliance and supervision unit of the Jersey Financial Services Commission before joining the JOIC in 2004. If there is a common thread running through my career since leaving school (many years ago!) then it is a strong desire to protect people.

Our office in Jersey has grown significantly over the last 5 years since the implementation of the GDPR and our local equivalent legislation. And despite our size, we face many of the same challenges faced by larger Data Protection Authorities, particularly in relation to applying the law to emerging technologies, increasing the levels of awareness of data protection rights amongst the general public, and playing our part in the preservation of democracy in the Island. This is particularly important in a small Island community

Drones, dashcams and mobile devices surround us and capture our every move on multiple occasions every single day. The erosion of personal privacy arising from ubiquitous surveillance is a real concern and a significant threat to our democratic freedoms. This is why our vision at the JOIC goes beyond traditional models of regulation. It is focused almost entirely on the individual with a view to creating a culture in Jersey where privacy becomes as instinctive as locking the front door of your home. Similar to the concept of privacy by design, it is about increasing the knowledge and capacity of individual people in terms of protecting their own personal privacy and empowering them to understand why it is an important element that should be embedded in their daily lives. We want individuals to

place a value on their privacy, and be in a position to ask the right questions. Many of those people will take that knowledge into the workplace, thus creating an environment where everyone places a higher importance of privacy on both their domestic and commercial agendas. One thing is for sure... As communities and societies, we need to work together to protect our long-term future and the freedoms we have fought for centuries to enjoy.

ours where it becomes much easier to identify an individual from the smallest of data sets. The rapid advancements in technology and the proliferation of data have a huge impact on the way we live our lives, how we behave, and how democratic societies continue to exist. It is becoming increasingly difficult to distinguish between fact and fiction given the ways in which data can be easily manipulated and used to spread disinformation, changing how we act and what we believe in. Similarly, the use of surveillance technologies has expanded way beyond the traditional CCTV we see on the streets and in the retail sector.



GLOBAL PRIVACY ASSEMBLY 45°

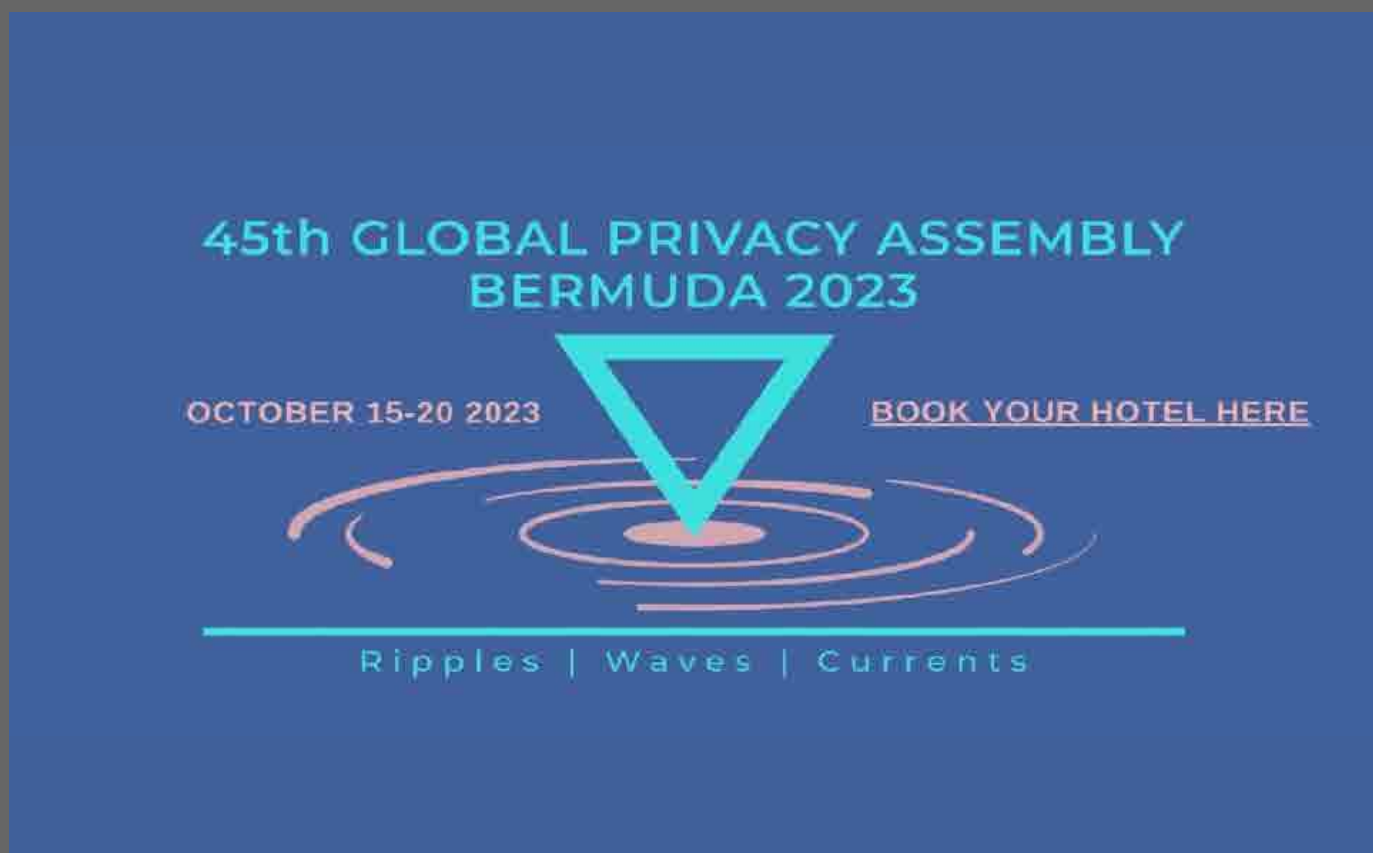
ALEXANDER WHITE | PRIVACY COMMISSIONER, BERMUDA

Dear colleagues, on behalf of the Office of the Privacy Commissioner for Bermuda, I am delighted to invite you to join the 45th Global Privacy Assembly Annual Meeting in Bermu-

da, from October 15th through 20th.

Our host venue, the Hamilton Princess Hotel & Beach Club, will be the site of both the Open and Closed sessions, and you can find the custom link to book accommodations here:

<https://book.passkey.com/event/50495406/owner/56379/home>



Our agenda will include a Welcome Reception on Sunday (15th Oct), the Open Session on Monday (16th Oct) and Tuesday (17th Oct), and the Closed Session from Wednesday (18th Oct) through Friday (20th Oct). The Closed Session will consist of half-day sessions on Wednesday and Thursday to allow for additional side events and bilateral meetings.

Bermuda has a long history as a destination for tourism and conference events, and we are excited to show our island's deep hospitality. Our island sits at the crossroads of the Atlantic, physically, culturally, and economically, and has inspired our community to claiming the best of multiple worlds, a philosophy reflected in our Mid-Atlantic Privacy Compass¹.

There are critical global issues to discuss, and the GPA's Annual Meeting is an opportunity like no other to come together; to explore practical issues we all share; to discuss the latest in technology and trends; and to give an opportunity to non-traditional voices.

¹ <https://www.privacy.bm/mid-atlantic-privacy-compass>

And as a hub for the insurance and risk management industry, which supports the solvency and operation of every organisation on the planet, we hope Bermuda's local industry can bring expertise in risk management practices into the data protection sphere.

We sincerely hope you will join us by wearing a pair of "Bermuda shorts" for a week of substantive discussions and traditional music and culture – including appearances by our iconic dancers and drummers, the Gombeys.



ALEXANDER WHITE

MAKE YOUR CALENDARS!

*YOU GO TO HEAVEN IF YOU WANT TO, I'D RATHER STAY
RIGHT HERE IN BERMUDA.*

MARK TWAIN



STAY TUNED

HAVE YOU THOUGHT ABOUT CONTRIBUTING TO THE GPA NEWSLETTER?

WE ARE NOW PLANNING EDITORIAL FOR THE NOVEMBER EDITION OF THE NEWSLETTER, PLEASE CONTACT THE GPA SECRETARIAT, IF YOU LIKE TO CONTRIBUTE, AND FOR MORE INFORMATION ON ANY OF THE ISSUES HIGHLIGHTED, CONTACT SECRETARIAT@GLOBALPRIVACYASSEMBLY.ORG

GPA KEY UPCOMING DATES

3RD FEBRUARY 2023
APPLICATION PROCESS FOR NEW
MEMBERS AND OBSERVER OPENS.

3RD FEBRUARY 2023
THE CALL FOR PROPOSALS TO
HOST GPA 2025 OPENS.

24TH FEBRUARY 2023
FEE-FUNDED SECRETARIAT
APPLICATIONS DEADLINE

21ST APRIL 2023
HOST PROPOSALS APPLICATION
DEADLINE

17TH JULY 2023
MEMBERSHIP APPLICATION
DEADLINE

15TH - 20TH OCTOBER 2023
45TH GPA BERMUDA

THE GPA SECRETARIAT

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 DO GET IN TOUCH WITH THE SECRETARIAT AT SECRETARIAT@GLOBALPRIVACYASSEMBLY.ORG

FOR MORE INFORMATION ON THE GPA, VISIT OUR WEBSITE AT [GLOBALPRIVACYASSEMBLY.ORG](https://globalprivacyassembly.org)

GPA DIALOGUES

FOLLOW OUR NEW INITIATE GPA DIALOGUES A PLATFORM FOR NEW IDEAS INNOVATION, REFLECTION AND LEARNING.



FOLLOW US ON TWITTER!

