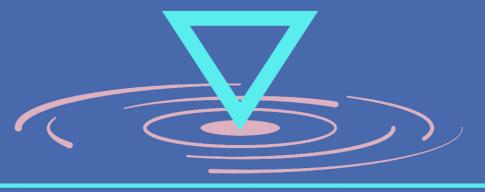
# Report for the 45<sup>th</sup> Global Privacy Assembly

Hosted by:

The Office of the Privacy Commissioner for Bermuda

15<sup>th</sup> – 20<sup>th</sup> October 2023

### 45th GLOBAL PRIVACY ASSEMBLY BERMUDA 2023



Ripples | Waves | Currents



# **GIODA Global Privacy Assembly**

### **Table of Contents**

Event Agenda	1
Foreword	5
Overview	
Open Session	
Closed Session	
Side Events	
Lightning Talks	
Sponsorship	
Conclusion	

# **Event Agenda**

### Sunday, 15<sup>th</sup> October 2023

3:00pm	Registration
6:00pm	Event welcome by the Governor of Bermuda & keynote (30 min)
6:30pm	Session 1: Caribbean Regional Focus (75 min)
8:00pm	Opening Reception

Monday, 16 <sup>th</sup> October 2023 – Open Session (9:00am – 4:30pm)	
9:00am	Welcome - The Hon. Vance Campbell, JP, MP. Minister of Tourism and Cabinet Office
9:15am	Advancing Technology Policy: A Fireside Chat with Deirdre K. Mulligan
9:45am	Coffee
10:00am	Session 2: Clear and Present Harms
11:15am	Session 3: What Can DPAs Learn from Other Regulators?
12:30pm	Lunch
1:45pm	Session 4: Financial Services and Data Protection
3:00pm	Coffee
3:15pm	Session 5: Shifting Focus - Looking Towards AI and Emerging Technologies

### SIDE EVENTS

4:45pm **Open Session Side Event**: Public Data, Free for All? Global Advances in Protecting Publicly Available Personal Data (Future of Privacy Forum)

### Tuesday, 17<sup>th</sup> October 2023 – Open Session (8:030am – 4:30pm)

8:30am	Session 6: Risk is Our Business
9:45am	Coffee
10:00am	Session 7: Indigenous Perspectives on Privacy
11:15am	Giovanni Buttarelli Award 2023
11:45pm	Lunch
1:00pm	Session 8: Data Transfer Mechanisms
2:15pm	Session 9: Final Session – A Call to Action
3:30pm	Coffee

#### SIDE EVENTS

3:45pm	Opens Session Side Event: International Cooperation in Action: The Role of the GPA
	(European Commission)
5:30pm	Open Session Side Event: AI and Society: Opportunities and Challenges for Responsible
	Al Development (Meta)

### Wednesday, 18th October 2023 – Closed Session (9:00am – 2:00pm)

9:00am	Welcome - Alexander White, Privacy Commissioner for Bermuda, and GPA Chair (INAI)
9:20am	Governance Matters – Part 1
9:30am	Keynote: Pathways to Innovation: How the World is Changing
10:00am	Networking Break
10:30am	Panel Session: High Data Protection Standards
11:20am	Reporting from the GPA - Strategic Direction Sub-Committee (SDSC)
12:00pm	GPA Census 2023 – GPA Chair (INAI)
12:15pm	Reporting from GPA Partner Organisations
12:45pm	Reporting from the GPA Secretariat (INAI)
1:00pm	Reporting from Working Groups

### SIDE EVENTS

3:00pm	Closed Session Side Event: 2023 GPEN Meeting: Enforcing against Deceptive Design
	Patterns
4:00pm	Open Session Side Event: Report from the International Working Group in Data
	Protection in Technology (IWGDPT)
4:30pm	Open Session Side Event: Responsible AI in Practice: Risk Assessments, Responsibility
	of Different Parties, and Transparency (CIPL)

### Thursday, 19th October 2023 – Closed Session (9:00am – 3:00pm)

9:00am	Summary: Day 1 – INAI Commissioner
9:10am	Panel Session: US Department of Justice
10:00am	GPA Observers to International Organisations Reporting on Activity
10:30am	Annual Report from the Berlin Group (IWGDPT)
10:40am	Annual Report from the Reference Panel Chairman – Alexander White
10:45am	Capacity Building Workshop 1: Quantum Technology
	Capacity Building Workshop 2: Metaverse
12:15pm	Working Lunch
12:30pm	Capacity Building Workshop 3: Climate Technology
	Capacity Building Workshop 4: Governmental Digitalisation
2:10pm	Working Session Reports

### SIDE EVENTS

3:00pm	Open Session Side Event: A Practical Privacy Chat (The Privacy Pro)
3:30pm	Closed Session Side Event: Managing Breach Notifications and Investigations (IEWG)
5:00pm	Closed Session Side Event: The DPA STRAT Project

### Friday, 20th October 2023– Closed Session (8:00am – 1:30pm)

8:00am	Global Privacy Assembly Awards Breakfast
9:00am	Summary: Day 2 – INAI Commissioner
9:10am	Annual Report of the United Nations Special Rapporteur on Privacy - Dr. Ana Brian
	Nougreres
9:30am	Panel Session: Privacy Trends – Forward Steps
10:30am	Coffee
10:45am	Official Photo
11:00am	Strategic Plan 2023 - 2025 - Beatriz de Anchorena (Argentina)
11:15am	GPA Resolutions
12:00pm	Coffee
12:15pm	Governance Matters – Part 2
1:00pm	Closing Remarks

# Foreword

### Formal GPA Opening, Sunday 15 October 2023

### Navigating the Ripples, Waves, and Currents of privacy with the Mid-Atlantic Privacy Compass

The theme of the 45th Global Privacy Assembly's annual meeting was "Ripples, Waves & Currents". The nautical motif is very fitting given that the GPA meeting took place in Bermuda: a small island of 21 square miles in the middle of the Atlantic Ocean. Literally, a speck in the ocean that is profoundly impacted by each ripple, wave, and current that reaches Bermuda's shores.

The theme is a powerful metaphor and is appropriate for several reasons. Here are some:

First, it underscores the ways in which all GPA members are interconnected, and how the events in one location will radiate outward and impact upon others.

Second, ripples and waves refer to the movement of water. When a stone is thrown into a still body of water, it creates ripples that spread out in all directions. The size and strength of the ripples depend on the size of the stone and the force with which it was thrown. Similarly, waves in the ocean are created by wind and other factors and can travel great distances. Currents refer to the continuous flow of water in a particular direction. Ocean currents are caused by a variety of factors, including wind, temperature differences, and the rotation of the earth.

Third: ripples, waves, currents, and data privacy may not seem related, especially because privacy as a concept refers to the protection of personal information and is a fundamental human right. Yet, in the digital age, we generate and share vast amounts of data every day, from our browsing history and social media activity to our financial information and medical records. Data privacy is important because it helps to ensure that this information is kept secure and used only for its intended purpose.

Fourth, a small stone can create ripples that spread out across a body of water. Similarly, a small breach in data privacy can have ripple effects that impact individuals and organisations in unexpected ways, both locally and globally. In a similar vein, just as ocean currents can influence the movement of marine life and weather patterns, data privacy regulations and policies can have a significant impact on the way that companies and governments operate and interact with each other. In short, ripples, waves, currents, and data privacy are all examples of interconnected systems that can have wide-ranging effects. By understanding these connections, we can better appreciate the importance of data privacy and work to ensure that personal information is kept safe and secure in our increasingly digital world.

So, how do we navigate the complex waters of data privacy? Our Mid-Atlantic Privacy Compass is a helpful tool.

Bermuda sits at the crossroads of the Atlantic physically, culturally, and economically. This has long been to the island's benefit, claiming the best of multiple worlds to create a prosperous and successful community.

From a data protection standpoint, there are two schools of thought on each side of the Atlantic Ocean, or so the stereotypes go. Europe calls for respect for individual rights to privacy, while the United States encourages a free-market, business-friendly approach. Many organisations and even countries now appear to find themselves in the position that Bermuda has been in, so often throughout its history, of being forced to choose a side.

But Bermuda has shown that this is a false dichotomy. As has happened so often before, instead of choosing a side we must look to forge a new path, taking the best of both worlds. This may mean embracing flexibility and, at times, a certain sense of uncertainty as we work through novel issues. Following a different way, the middle way, has the potential to succeed in the spirit of both ideologies. This is the goal of Mid-Atlantic Privacy, a guiding philosophy that I have been developing since my earliest days as Privacy Commissioner.

We are often confronted with questions asking which is more important: Business or privacy? Innovation or individuals? Prosperity or rights? We must reject the narrative of "or" and seek win-win solutions. Instead of zero-sum games, we must focus on "Privacy and...." We must find a way to give the highest respect to individual rights to privacy—but do so in a business-friendly way, that shows the work's value to both individuals and organisations.

Why should we choose between business success and rights? Particularly in the field of data protection, the two are intimately linked, with many organisations seeing the harvest of personal information as a way to make a quick buck (or pound, or euro). But in addition to the moral imperative of implementing a privacy programme, for most if not all organisations, doing so will help the business become more efficient and mature in how it operates. Its data stores will become more organised and more lean, narrowly tailored to the goals they wish to achieve, and thereby reducing excess risk of harm to people and to the organisation's solvency.

Standing between the competing—though converging—privacy ideologies on both sides of the Atlantic, there is still a wide swath of common ground. How can businesses identify practices that are universally useful for compliance and the true goal of reducing risk? By focusing on this common ground, organisations can rest assured that the time and effort they invest will serve them in good stead no matter which regulator may come inquiring. They can reduce their compliance costs by not duplicating efforts, even if it means going beyond what is legally required by the more lax of the regulations. By focusing on the commonalities and the true risks involved, we cut to the heart of the matter: protecting the rights and respecting the preferences of individuals.

As a regulator and in society more broadly, we must ask what the best methods may be to promote good, responsible behaviour in organisations that are stewards of data. In what ways should we challenge them to continue their useful and socially-beneficial innovation while respecting privacy? Despite everyone's natural resistance to limitations, challenges are in fact the best tool for creativity: nothing is more daunting than the "blank page," but place a speck on it and an artist can craft an entire world. Our brains are built to respond to puzzles and challenges, so how can we structure incentives and other mechanisms to trigger that genius?

Privacy is critical to the success of our modern societies, but we must remember that in and of itself, privacy is not necessarily the goal. Privacy helps our democracies to function by protecting freedoms of assembly and secret ballots. It enables our economies by helping us trust one another in online or other marketplaces where we do not know the other party. And as we all get shown more and more "personalised content" or advertisements, we may be getting completely different information than other people. Privacy supports the very integrity of our minds and decision-making.

These are complicated matters. As we keep learning in the world of data protection, there is not, and could never be, a manual for every situation and context. And we cannot simply act as a balloon and blow wherever the wind may take us. Instead, we should build a sail that can harness those winds, and turn to a compass to help us navigate each ripple, wave, and current.

aly Math

Alexander White
Privacy Commissioner for Bermuda



# **Overview**

The 45th Global Privacy Assembly was hosted in Bermuda at the luxurious Hamilton Princess & Beach Club Resort. The event attracted approximately 330 people (exclusive of staff and local sponsors), which included over 120 member representatives of the GPA. The Open Session was offered via live-stream for virtual attendees and each individual session can be viewed on YouTube (<u>https://www.youtube.com/@PrivacyBermuda/</u>). There were 40 additional attendees registered for the virtual meeting link that was available for the closed session meetings only.

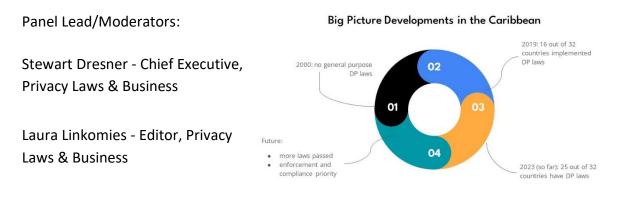
Alongside the cross-cutting theme of proactive, interdisciplinary, and multisectoral collaboration, a wide range of data protection and privacy-related topics were discussed, including the latest developments in technology and the accelerated use of a wide variety of technological tools, artificial intelligence (AI), automated decision-making, metaverse, big data analysis and cross-border data transfers. Exploration of these topical issues brought to the foreground the urgency of creating a robust, dynamic regulatory framework compatible with best practice international standards. These conversations are crucial to understanding the ethical management of data and the protection and guarantee of human rights.



# **Open Session**

### Sunday, October 15th, 2023: Welcome Reception

### Session 1: Privacy Law Developments in the Caribbean Community



We were delighted to welcome the GPA to our corner of the world with this regionally focused panel. In this session, our discussions d a round-up to compare and contrast current national privacy laws and issues in the Caribbean region, as well as exchange experience from new data protection authorities in small jurisdictions and from organisations facing compliance challenges.

- Dr. Patrick Anglin DPO, The University of the West Indies, Jamaica
- Lisa Greaves Data Protection Commissioner, Barbados
- Bartlett Morgan Director of Chancery Advocates in Barbados
- Dr. Marisa Stones Cabinet Office, PATI/PIPA Unit Government of Bermuda
- Laura Schwartz-Henderson Advocacy and Research Advisor, Internews, US
- Michael Wright Data Protection Commissioner, The Bahamas

### Monday, October 16th, 2023

### Advancing Technology Policy: <u>A Fireside Chat with Deirdre K. Mulligan</u>

Deirdre K. Mulligan - Principal Deputy U.S. Chief Technology Officer, Head of the White House Office of Science & Technology Policy (OSTP)'s Technology policy team

Jules Polonetsky - CEO, Future of Privacy Forum



### Session 2: Clear and Present Harms

Panel Lead/Moderator:

Commissioner Patricia Kosseim - IPC Ontario, Canada

What is privacy regulation supposed to achieve? How do we calibrate both the harms and benefits of data processing? Why does a reflection on the societal harms of technologies like AI matter? These are some of the questions discussed during this important session. Discussion also included the role of data protection authorities as front-line defense, as well as the reasonable, appropriate and fair use of data within the context it was intended.

Panelists:

- John Edwards Commissioner, ICO, UK
- Kashmir Hill\* Technology Reporter, New York Times
- Dr. Teresa Scassa Canada Research Chair in Information Law and Policy, University of Ottawa
- Rebecca Slaughter Commissioner, Federal Trade Commission
- Dr. Jeni Tennison Connected by Data, UK
- Zee Kin Yeong Chief Executive, Singapore Academy of Law

\*pre-recorded contributor

### Session 3: What Can DPAs Learn from Other Regulators?

Panel Lead/Moderator:

Claudia Berg - General Counsel, ICO, UK

In this panel, we explored the intersection of privacy and other regulatory spheres, such as competition law, to discuss the substantive or perceived tensions and synergies. This session referenced case studies that show 'real world' examples and talked about the practical realities and lessons for cooperation between different types of regulators that can provide mutual benefits in regulatory action.

- Dr. Ana Brian Nougreres Special Rapporteur on the right to Privacy, United Nations
- Ulrich Kelber Federal Commissioner for Data Protection and Freedom of Information, Germany
- Jessica Rich Kelley Drye & Warren
- Ashkan Soltani Executive Director, California Privacy Protection Agency



### Session 4: Financial Services and Data Protection

Panel Lead/Moderator:

Vivienne Artz, OBE FCSI (Hon) - Strategic Advisor, Centre for Information Policy Leadership (CIPL)

This panel discussion focused on the innovative privacy and data protection issues faced by the financial services industry. From anti-money laundering to Central Bank Digital Currencies, digital assets to the global interconnectivity of financial services systems, this panel explored how the personal information requirements of financial services can be successfully integrated with privacy and data protection responsibilities.

### Panelists:

- Lori Baker Vice President Legal and Director of Data Protection, DIFC
- Jem Davis\* Data Protection Manager, Bank of England
- Karamoko Dickens Co-founder and C.E.O., Conci Bermuda Limited
- Tami Dokken Former Chief Data Privacy Officer, World Bank
- Geoffrey Faiella VP, Head of Legal & Regulatory Compliance, Clarien Bank Limited
- Alessandra Pierucci Garante Italia, and Coordinator of the EDPB Financial Matters Expert Subgroup

\*pre-recorded contributor

### Session 5: Shifting Focus - Looking Towards AI and Emerging Technologies

Panel Lead/ Moderators:

Caitlin Fennessy - VP, Chief Knowledge Officer, IAPP Brenda Leong - Partner, Luminos Law, Al

Never before have emerging technologies had such a profound impact on privacy. This panel session discussed the continued expansion of artificial intelligence systems, in particular Machine Learning systems, for an analysis of what DPAs must consider in order to evaluate "fair" outcomes, along with data protection requirements impacting AI and other emerging technologies. Questions included: How can DPAs identify and address the risks around new AI applications? Does AI fit into existing regulatory models? Where do those models fall short, and what new oversight tools should be considered?

- Dr. Halefom Abraha Postdoctoral Researcher, Bonavero Institute of Human Rights, University of Oxford
- Che Chang General Counsel, OpenAI
- Philippe Dufresne Privacy Commissioner, Canada
- Guido Scorza Garante Italia

### Tuesday, October 17th, 2023

### Session 6: Risk is our Business

### Moderator:

Trevor Hughes - President and CEO, IAPP

Data protection authorities and organisations that use data must examine and understand risks in order to accomplish their respective missions while protecting the rights of individuals. In this panel, we engaged in a discussion on the nature of risk, how to quantify and explain risk, and how regulators can best set their expectations for riskbased decisions and identifying and mitigating harms in context of beneficial uses of data.

Risk in Bermuda: Suzanne Williams-Charles - Director of Policy and Regulation, ABIR

- Mar España Director, Spanish Data Protection Agency
- Naomi Lefkovitz Senior Privacy Policy Advisor in the Information Technology Lab at the National Institute of Standards and Technology, U.S. Department of Commerce (NIST)
- Emma Martins Data Protection Commissioner, Guernsey
- Anu Talus Commissioner Finland/ Chair of the European Data Protection Board (EDPB)



### Session 7: Indigenous Perspectives on Privacy

### Moderator:

Commissioner Michael McEvoy – OIPC BC, Canada

This panel session was designed to provide unique perspectives on data privacy and examine the alignment of nontraditional world views with the modern legal perspective on privacy and data protection. Discussion included pre-recorded video perspectives regarding the most pressing privacy issues faced by indigenous peoples around the world.

### Panelists:

- Dr Jonathan Dewar\* First Nations Information Governance Centre (Canada)
- Mercy King'ori Future of Privacy Forum (Kenya)
- Dr Tahu Kukutai\* The University of Waikato (New Zealand)
- Prof Gehan Gunasekara The University of Auckland (New Zealand)
- Josefina Román Vergara Commissioner, Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (México)

\*pre-recorded contributor

Following Session 7 on the final day of the Open Session, the **Giovanni Buttarelli Award 2023** was presented by representatives from EDPS and INAI to <u>Dr Andrea Jelinek</u>, former Chair of the European Data Protection Committee and former Head of the Austrian Data Protection Authority, who has shown great commitment to strengthening global networks and efforts to mainstream compliance with the General Data Protection Regulation, within the countries of the European Union.

### Session 8: Data Transfer Mechanisms

Moderator:

Bojana Bellamy - President, CIPL

The panel assembled experts to discuss the various global efforts to promote consistency and interoperability in data transfers with an aim to capture the momentum on various developments regarding international data transfers law, policy, and practice, and to discuss the shared path forward, in which we as a global community can encourage and offer practical solutions and best practices for enabling trusted and accountable data flows that benefit individuals, organisations, governments, and our digital societies and economies.

- Beatriz de Anchorena Director of AAIP, National Data Protection Authority, Argentina
- Yuji Asai Commissioner, Personal Information Protection Commission, Japan
- Elizabeth Denham, CBE Chief Policy Strategist, Information Accountability Foundation
- Bertrand Du Marais State Councilor, CNIL
- Delores Dozo Senior Expert for Latin America, EU Dataflow Project
- Neema Singh Guliani Deputy Assistant Secretary for Services, International Trade Administration, U.S. Department of Commerce
- Alex Joel Senior Project Director, American University of Washington College of Law
- Immaculate Kassait Data Protection Commissioner of Kenya

### Session 9: <u>A Call to Action</u>

### Moderator:

Commissioner Alexander White - Privacy Commissioner for Bermuda

This panel consisted of a free-flowing discussion from representatives around the world on the common threads that emerged over the course of the GPA, including issues surrounding privacy harms and the practicalities and best practices of modern data protection regulation.

- Teki Akuetteh Founder & Executive Director, African Digital Rights Hub
- Malcolm Crompton Founder & Partner, IIS Partners
- Eduardo Ustaran Partner, Hogan Lovells
- Wojciech Wiewiorowski European Data Protection Supervisor
- Zee Kin Yeong Chief Executive, Singapore Academy of Law
- Dr. Gabriela Zanfir-Fortuna Vice President for Global Privacy, Future of Privacy Forum



# **Closed Session**

The Closed Session was scheduled for Wednesday, 18th October, through Friday, 20th October, 2023 and was available to GPA Membership only. Open Session side events continued to be held throughout the Closed Session in the main conference venue, outside of conference hours.

### Wednesday 18th October 2023

### **Governance Matters – Part I**

Accreditation of new GPA Members and Observers

Presenter: GPA Executive Committee Chair (Mexico)

Keynote: Pathways to innovation: How the world is changing?

Presenter: Deirdre K. Mulligan - Principal Deputy U.S. Chief Technology Officer, Head of the White House Office of Science & Technology Policy (OSTP)'s Technology Policy team

Panel Session: High Data Protection Standards

Moderator: Clarisse Girot, Head of the Data Governance and Privacy (DGP) Unit of the OECD



The importance of high standards of data protection and privacy is crucial for securing the social and economic benefits of technological innovation, while ensuring that people's rights are upheld and that their trust in the use of their data is earned and maintained.

As developments in technology, innovation, and digitalisation lead to ever-evolving new uses of personal data, regulators should deliver different approaches on how legislations are identifying the data protection and privacy implications of new and future technologies.

Panelists:

- Carlos Enrique Salazar, Director de Investigaciones de Datos Personales, Superintendence of Industry and Commerce (SIC), Colombia
- Mar España, Director, Spanish Data Protection Agency
- Immaculate Kassait, Data Commissioner, Office of the Data Protection Commissioner of Kenya
- John Edwards, Commissioner Information Commissioner's Office, UK
- Jang Hyuk Choi, Vice Chairperson, PIPC Korea
- Cielo Angela Peña Rodríguez\*, Superintendente Delegada para la Protección de Datos Personales

\*virtual contributor

### Reporting from the GPA Strategic Direction Sub-Committee (SDSC)

Presentation of the annual activities made by the SDSC Chair.

Presenter: Beatriz de Anchorena, SDSC Chair, Executive Committee Member, Director of the Agency to Access to Public Information of Argentina.

#### GPA Census 2023

Presentation of the results of the GPA Census 2023 to Members and Observers.

Presenter: INAI, Mexico – GPA Chair

### **Reporting from other Partner Organisations**



Presenter:

Ulrich Kelber, Executive Committee Member and Federal Data Protection Commissioner of Germany

#### Panelists:

- INAI Commissioner on behalf of the Presidency of the Iberoamerican Network of Data Protection (RIPD)
- Michael McEvoy, Chair of the Governing Committee of the Asia Pacific Privacy Authorities (APPA Forum) and Information and Privacy Commissioner for British Columbia, Canada
- Guilherme Roschke, on behalf of the Global Privacy Enforcement Network (GPEN)
- Yuji Asai, Commissioner of the Personal Information Protection Commission of Japan, on behalf of the G7 Group
- Clarisse Girot, Head of the Data Governance and Privacy (DGP) Unit of the OECD

#### **Report GPA Chair/ Secretariat- INAI Mexico**

Presentation of the GPA Chair and Secretariat activities held this year.

Presenter: INAI, Mexico

### **Reporting from Working Groups – Working Groups update**

Presenter: Beatriz de Anchorena, SDSC Chair, Executive Committee Member, Director of the Agency to Access to Public Information of Argentina.

- Pascale Serrier Digital Education
- Omar Seghrouchni Digital Economy
- Paul Vane Data Sharing
- Bertrand du Marais Ethics and Data Protection in Artificial Intelligence
- Catherine Lehman Personal data protection in international development assistance, international humanitarian aid, and crisis management
- Philippe Dufresne Data Protection and other Rights and Freedoms
- Victoria Cetinkaya Global Frameworks and Standards

### Thursday 19th October 2023

### Panel Session: US Department of Justice

Adapting the legal regime of one jurisdiction to be interoperable with another through the data protection court system; the case of US and the EU.

Moderator: Peter Winn, Chief Privacy and Civil Liberties Officer, Department of Justice, USA

Panelists:

- Peter Swire, Georgia Tech, Alston & Bird, and co-founder of Cross Border Data Forum
- Bruno Gencarelli, European Commission
- Anu Talus, Chair of the European Data Protection Board
- Ben Wiseman, Associate Director, Division of Privacy and Identity Protection, Federal Trade Commission (FTC)

### **GPA Observers to International Organisations Reporting on Activity**

Presenter: Omar Seghrouchni, President of the National Commission for the Control of Personal Data Protection in Morocco.

Panelists:

- Olivier Matter, Head of International Cooperation, European Data Protection Supervisor, GPA observer to the Council of Europe
- John Henry Naga, Commissioner, National Privacy Commission of Philippines, GPA Observer to the International Standardisation Organisation (ISO) and the Asia-Pacific Economic Cooperation (APEC)
- Bertrand du Marais, Commissaire Commission Nationale de l'informatique et des Libertés of France, GPA Observer to the Organisation for Economic Cooperation and Development (OECD)

# Annual Report from the Berlin Group (International Working Group on Data Protection in Technology)

Presenter: Ulrich Kelber, Federal Commissioner for Data Protection and Freedom of Information, Germany.

### Annual Report from the Reference Panel Chairman

Presenter: Alexander White, Privacy Commissioner, Office of the Privacy Commissioner of Bermuda.

### Capacity Building Workshops – Global Perspectives on Privacy

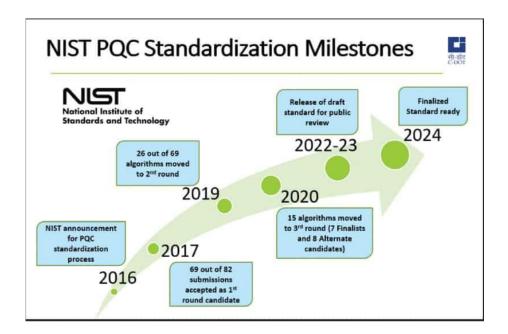
### Focus 1: Quantum Technology

Workshop leader: Wojciech Wiewiorowski

This session focused on the knowledge and development of this technology to enable its risk and benefits for data privacy.

Quantum technologies are rapidly maturing, creating a shift in privacy. Due to, regulators should focus on reviewing privacy priorities, building responses to an evolving market, and educating people about quantum's developments.

- How are governments and innovators tackling this technology?
- How can quantum technologies comply with privacy regulations?
- Which is quantum secure privacy strategies that regulators should focus on?



### Focus 2: Metaverse

Workshop leaders: Jules Polonetsky, CEO Future of Privacy Forum

Jameson Spinach\*, Senior Policy Analyst, Immersive Technologies, Future of Privacy Forum

This session explored the roll of the DPAs on regulating the innovations that the metaverse presents and how it deals with privacy and the protection of personal data.

The future is a duality world between virtual an in-person scenarios, so the focus should always be based on the user.

The metaverse is a continuous innovation that includes the use of virtual reality, augmented reality, and avatars to create an immersive three-dimensional experience by a massive network.

The focus of this session was on developers and regulators generating a common dialogue regarding early interaction as an opportunity to improve and support developers using new technologies and its involvement.

- How does the metaverse affect privacy?
- How can data protection and privacy rules apply in a digital ecosystem?
- What is the expectation in terms of privacy and security regarding the metaverse?

\*virtual contributor

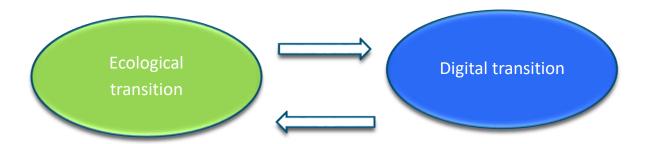
### Focus 3: Climate technology

Workshop leader: Camille Bourguignon, Namur Digital Institute – CRIDS (Research Center Information, Law and Society) University of Namur-Belgium.

This session presented the uses of green technologies as they relate to data protection and privacy fields due to the accelerate transfer of environmental technologies and its development. Digitisation is leading to an increase in the volume of data.

Adopting and enforcing data collection, data use, and data storage practices can contribute to reduced digital environmental impact align with recommendations regarding data security.

- How environmental technologies are related to privacy and data protection?
- Can universal rights to dignity and privacy withstand the consequences of climate change in the coming decades?
- How can DPAs cooperate with environmental sustainability and reduce data footprint?



The volume of greenhouse emissions linked to digital technologies are equivalent to or even supersede civil aviation greenhouse emissions (F. Berthoud, 2017 and Flipo, 2020)

### **Focus 4: Governmental Digitalisation**

Workshop Leader: Philippe Dufresne, Commissioner, Office of the Privacy Commissioner, Canada

This session explored how governments can best use information and communication technologies (ICTs) to embrace good government principles and achieve policy goals.

Regulators should put emphasis on ensuring that data practices in a digital government focus on the wellbeing of the people and at the same time indicate strategies and methods of data security on digitisation and digitalisation.

- What is the importance of Data Privacy in Digital Transformation?
- Which is the role of DPAs in the use of automated decision-making systems?
- How can DPAs guide citizens in the use of digital tools?

### Friday 20<sup>th</sup> October 2023

### Annual Report of the United Nations Special Rapporteur on Privacy

Presenter: Paul Vane, Commissioner of the Jersey Office of the Information Commissioner

Panelist: Ana Brian Nougreres, United Nations Special Rapporteur on Privacy

This session focused on the key elements of the report presented this year regarding "Right to Privacy must be safeguarded in post pandemic world".

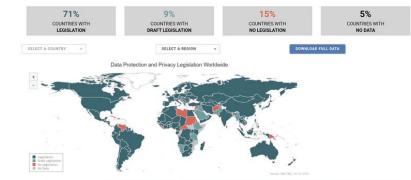
- Delete sensitive information
- Provide guidance in the implementation of the principles of deletion and accountability in the context of COVID-19
- Six recommendations to members

### Privacy Trends: Forward Steps

Moderator: Prof. Lela Janashvili, President, Personal Data Protection Service, Georgia

This session hosted a discussion among experts of the privacy community, regarding privacy concerns and how DPAs can address these trends.

### Data Protection and Privacy Legislation Worldwide



UNCTAD, Data Protection and Privacy Legislation Worldwide (Dec. 14, 2021), https://unctad.org/page/data-protection-and-privacy-legislation-worldwide.

### Updates to early 2023

As of 2021

17 new countries

162 countries in total

 Strong influence of the EU's General Data Protection Regulation

Graham Greenleaf, *Global Data Privacy Laws 2023: 162 National Laws and 20 Bills*, 181 Privacy Laws and Business International Report (PLBIR) 1, 2-4 (2023). 4

#### Panelists:

- Kaori Ishii, Commissioner for International Academic Exchange, Personal Information Protection Commission of Japan, (Cross border Data Flows).
- Gabriela Zanfir Fortuna, Vice President at the Future of Privacy Forum (Privacy Enhancing Technologies).
- Pam Dixon\*, Founder and Executive Director of the World Privacy Forum. (Human Rights Impact Assessment).
- Ginevra Cerrina Feroni, Vice-president, Garante per la Protezione dei Dati Personali, Italia.
- Rafael Yuste\*, Director, Neurotechnology Centre, Columbia University and founder of The US BRAIN Initiative.

\*virtual contributor

#### Strategic Plan 2023 – 2025

Presenter: Beatriz de Anchorena, SDSC Chair, Executive Committee Member, Director of the Agency to Access to Public Information of Argentina

The GPA has an effective leadership on personal data protection and privacy, maximizing its voice and influence across geographic and linguistic networks and strengthening the enforcement capacities of authorities to move towards a higher level of global data protection and privacy that ensures effective protection of data subjects.

> *The Vision* Strategic Plan 2023-2025

#### **GPA Resolutions**

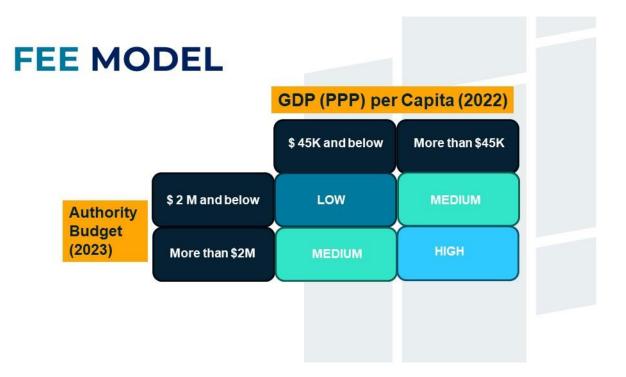
Moderator: GPA Chair, INAI Mexico.

- Resolution on AI in Employment
- Resolution on Health Data
- Resolution on Achieving Global DP Standards
- Resolution on GPA Library
- Resolution on Generative AI Systems
- Resolution on Data Protection with a Gender Perspective
- Resolution on Privacy and human rights award



### **Governance Matters – Part 2**

- i) Announcement of adoption of 44th Conference Report 2022.
- ii) Update and support of the Global Cross Border Enforcement Cooperation Arrangement.
- iii) Announcement of the GPA Executive Committee 2023-2024.
- iv) Announcement GPA Chair (2023-2025).
- v) Announcement GPA Secretariat (2023-2025).
- vi) Announcement Host 2024-2025.



### 2023 GPA Awards

An awards event was held during breakfast on the final day of the 45<sup>th</sup> GPA event. The following awards were presented:

- <u>Education and Awareness</u>: The Federal Commissioner for Data Protection and Freedom of Information, BfDI and State of Mexico Transparency, Public Information Access and Personal Data Protection Institute of Estado de México and municipalities, INFOEM
- Innovation: European Data Protection Supervisor, EDPS
- <u>Accountability</u>: National Institute for Transparency, Access to Information and Personal Data Protection, INAI
- **Dispute Resolution and Enforcement:** Spanish Data Protection Agency, AEPD
- People's Choice Award: Hellenic Data Protection Authority- Hellenic DPA



# Side Events

Exclusive side events were offered by conference sponsors throughout the 45<sup>th</sup> GPA event as both open and closed meetings independent of the conference agenda. All sponsored side events were conducted inside of the main conference venue.

Senior Officers of The Office of the Privacy Commissioner for Bermuda were tasked with liaisons for all side-events. This provided an opportunity for interaction with sponsors and moderators to ensure each side event was unique in both structure and content. Similar trends relating to logistics, presentation style and attendance were noted for all side events. Following is a list of events (by date) and corresponding liaison:

### Monday, October 16<sup>th</sup>, 2023

Future of Privacy Forum: Public Data, Free for All - Global Advances in Protecting Publicly Available Personal Data – Alexander White, Privacy Commissioner

### Tuesday, October 17th, 2023

European Commission International Cooperation in Action: The Role of the GPA (EDPB) – Alexander White, Privacy Commissioner

META AI and Society: Opportunities and Challenges for Responsible AI Development - Cha'Von Clarke-Joell, Assistant Commissioner, Innovation

### Wednesday, October 18th, 2023

2023 GPEN Meeting: Enforcing against Deceptive Design Patterns – Christopher Moulder, Assistant Commissioner, Investigations

Report from the International Working Group in Data Protection in Technology (IWGDPT) – Georgia Fevriere, Assistant Commissioner, Operations

Centre for Information Policy Leadership (CIPL): Responsible AI in Practice - Angie Farquharson, Deputy Privacy Commissioner

### Thursday, October 19th, 2023

The Privacy Pro – Practical Privacy Chat – Alexander White , Privacy Commissioner

IEWG Managing Breach Notifications and Investigations (IEWG) – Christopher Moulder, Assistant Commissioner, Investigations

The DPA Strat Project – Alexander White, Privacy Commissioner

### **Future of Privacy Forum**

### Public Data, Free For All? Global Advances in Protecting Publicly Available Personal Data

This side event explored the approaches of key jurisdictions around the world to protecting publicly available personal data, an issue which is now front and center to data protection and AI governance. Such data is an important source for training AI models and fueling machine learning. At the same time, publicly available personal data is also relied on by researchers to study disinformation and hate speech, manipulation of electoral processes, censorship across the web and so forth. Join us to discuss these questions, among others:

- What are the lawful grounds for collecting and processing personal data that is publicly available, considering these various competing interests?
- What is old and what is new in the legal issues around accessing and processing publicly available personal data, due to developments of AI? What are the lessons we can draw from decades of online search engines and access to public Information?
- What role does Data Protection/Privacy by Design play in how personal data is made publicly available and in how it is subsequently collected and accessed?

Moderator: Jules Polonetsky - Chief Executive Officer, Future of Privacy Forum

- Tobias Judin, Head of the International Department, Norwegian DPA
- Pansy Tlakula, Chairperson of the Information Regulator of South Africa
- Hielke Hijmans, President of the Litigation Chamber and Member Executive Board of the Belgian Data Protection Authority
- Blanca Lilia Ibarra, President Commissioner, INAI Mexico



#### **European Commission**

#### International Cooperation in Action: The Role of the GPA

International cooperation in data protection is a prerequisite to respond to today's integrated digital economy. As an influential and unique international forum, the GPA has played a key role in advancing international cooperation between regulators and beyond.

As the need for greater and more granular international cooperation continues to grow, this session explored avenues for authorities, governments, and international bodies to "deliver" international cooperation in practice and work together for the advancement of modern data protection standards based on shared values as well as effective enforcement. In particular, as the GPA is taking stock of its achievements of the past years and preparing its new Strategic Plan, the discussion will explore how the GPA is uniquely positioned to support coordination for effective cooperation and enforcement in the digital age, including through exploring new avenues and identifying novel solutions.

Moderator: Delores Dozo, Senior Expert for Latin America, EU Dataflow Project

Panelists:

- Beatriz de Anchorena Director of AAIP, National Data Protection Authority, Argentina; Member of GPA ExCo & Chair of GPA Strategic Direction Sub Committee
- Cecilia Siu Assistant Privacy Commissioner for Personal Data, Hong Kong
- Gregory Smolynec Deputy Privacy Commissioner, Canada
- Ulrich Kelber Federal Commissioner for Data Protection and Freedom of Information, Germany
- Josefina Román Vergara Commissioner, National Institute for Transparency, Access to Information and Personal Data Protection, Mexico
- Omar Seghrouchni President of the National Commission for the Protection of Personal Data, Morocco
- Alexander White Privacy Commissioner, Bermuda

#### META

#### AI and Society: Opportunities and Challenges for Responsible AI Development

Artificial intelligence (AI) is rapidly transforming our world. From powering voice assistants to detecting fraud, AI is used in a wide variety of ways to improve how we live and work.

In addition to the flashy examples of AI, such as self-driving cars, facial recognition, or personalisation, there are numerous other use cases of AI. In healthcare, AI is utilised to develop new drugs, diagnose diseases, and provide personalised care. In finance, AI is harnessed to detect fraud, manage risk, and make investment decisions. In education, AI is deployed to personalise learning, provide feedback, and grade assignments. In customer service, AI is in use to automate tasks, answer questions, and resolve issues. These are just a few examples of the many use cases for AI. As AI technology continues to develop, we can expect to see even more innovative and ground-breaking applications of AI in the years to come.

This panel discussed the many faces of AI. Experts shared how state of the art AI technologies generate impact in their respective sectors and discussed the ethical implications of AI and how to ensure that AI is developed in a responsible manner.

Moderator: Cecilia Alvarez - Director of Privacy Policy Engagement, EMEA, Meta

Panelists:

- Gabriel Stefanini Vicente Data Scientist at the Development Data Group, World Bank
- Monika Tomczak-Gorlikowska Chief Privacy Officer, Prosus Group
- Teki Akuetteh Founder & Executive director, Africa Digital Rights Hub

## 🔿 Meta

#### International Working Group In Data Protection In Technology (IWGDPT)

Report from the International Working Group on Data Protection in Technology

Presentation by Ulrich Kelber, Chair IWGDPT / Berlin Group - What does the IWGDPT / Berlin Group do?



Virtual Presentation by Sharon Azarya, PPA Israel on the "Smart Cities" Working Paper



#### **Centre for Information Policy Leadership (CIPL)**

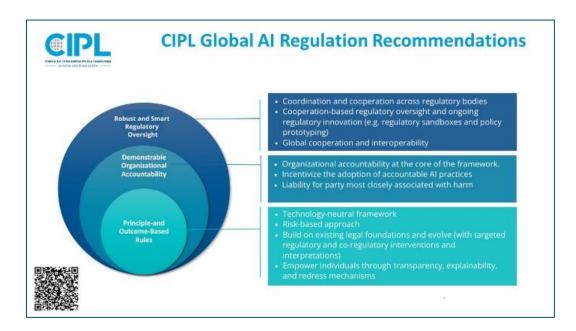
Responsible AI in Practice: Risk Assessments, Responsibility of Different Parties, and Transparency Linked recording begins at minute 29:00

The era of artificial intelligence and machine learning is upon us with all its benefits and promises as well as risks and challenges. This event explored a range of important questions associated with the responsible development and deployment of AI and consider concrete examples of current best practices and attempts to address the risks and challenges.

Moderator: Bojana Bellamy - President, CIPL

Panelists:

- Hilary Wandall Chief Ethics & Compliance Officer, Dun & Bradstreet
- Keith Enright Chief Privacy Officer, Google
- Erin Egan VP and Chief Privacy Officer of Public Policy, META
- John Edwards Information Commissioner, ICO (UK)
- Bertrand Du Marais State Councilor, CNIL
- Michihito Kojima Councilor, PPC Japan
- Prof. Dr. Dieter Kugelmann President, Authority for Data Protection and the Freedom of Information Rhineland-Palatinate



#### **The Privacy Pro**

#### **A Practical Privacy Chat**

An informal, interactive conversation between peers and privacy leaders. The Privacy Pro shared:

- Top 5 tips for effective collaboration between privacy and business
- Guidance for how to prioritise your time and energy for maximum impact and minimum stress
- Our favourite free privacy resources and guidance, and how we use them in our practice.

Event was open to anyone who wants to learn, share, and connect - no ticket required.

Moderator: Lauren Reid - Founder and Principal, The Privacy Pro



#### 2023 Global Privacy Enforcement Network (GPEN) Meeting

#### **Enforcing against Deceptive Design Patterns**

Moderator: Christopher Moulder - Assistant Commissioner, Investigations, The Office of the Privacy Commissioner for Bermuda

Panelists:

- Sharon Azarya\* Head of International Affairs, PPA Israel
- Guilherme Roschke Counsel for International Consumer Protection, Federal Trade Commission
- Brent Homan Deputy Privacy Commissioner, OPC Canada
- Hannah McCausland International Regulatory Cooperation Directorate, ICO, United Kingdom

\*virtual contributor



#### International Enforcement Working Group (IEWG)

#### **Managing Breach Notifications and Investigations**

IEWG Capacity Building Workshops provide authorities with a unique forum for exchanging experiences and perspectives on topics of particular interest to their operational and enforcement activities.

This year, the focus was on "Managing Breach Notifications and Investigations". Breaches require mandatory notification in many jurisdictions, while other jurisdictions are contemplating to amend their laws to include this important privacy protection mechanism. Whether an authority regulates in a mandatory regime or otherwise, managing breaches has been identified as a global challenge shared by all DPAs.

In this session, authorities from many parts of the world with different legal frameworks and resources shared their strategies to manage breach notifications and investigations. They shared the corresponding challenges, potential solutions and practical examples and tools that participants can leverage to improve and adapt their own processes.

Moderator: Brent Homan - Deputy Commissioner, Office of the Privacy Commissioner of Canada

Panelists:

- Claudia Berg The General Counsel, ICO, United Kingdom
- Alejandro Londoño Congote SIC, Colombia
- Tobia Judin Head of International Section, Datatilsynet Norway
- Rachel Masterton Deputy Commissioner, ODPA Guernsey
- Sami Mohammed Commissioner, ADGM, Abu Dhabi
- John Henry D. Naga Commissioner, NPC Philippines
- Cecilia Siu Assistant Privacy Commissioner, PCPD Hong Kong

#### The DPA STRAT Project



Learning from each other's strategies and getting ready for the challenges and opportunities of digital regulation

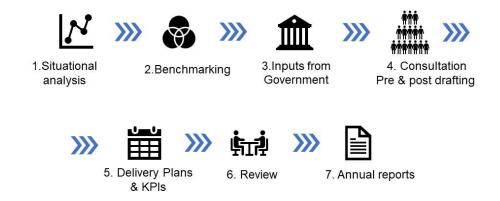
An experienced team of former industry leaders shared a robust discussion about the initial findings of their self-funded research project into DPA strategies. This session provided an opportunity to hear from senior leaders in DPAs who have led a strategy development process and a chance to share good practice, discuss challenges and opportunities.

Moderators:

- Steve Wood Consultant, formerly UK ICO Deputy Commissioner
- Marie Charlotte Roques-Bonnet Consultant, formerly CNIL, Microsoft & Amazon
- Seb Page\* Consultant, formerly Deloitte

\*virtual contributor

#### THE STRATEGY DEVELOPMENT PROCESS



### **Lightning Talks**

A new feature added to this year's event agenda is a series of 'Lightning Talks'. These talks were used throughout the agenda to provide thought-provoking insight into topics such as climate change, corporate social responsibility, ancestry vis-à-vis genetic information, and neuro privacy, to name a few. These topics, which may not otherwise have been included on the agenda, were chosen to grab participant attention and to transition 'in and out' of panel discussions, coffee breaks, etc., giving participants an opportunity to consider the content and discuss during their social times. They also increased remote attendance and broadened the range of topics shared with meeting participants

Thought leadership is a strategic approach in which individuals or organisations contribute to the advancement of knowledge and innovation and establish themselves as authoritative and influential figures within a particular field: in this case, data privacy. Thought leaders are subject matter experts who possess an in-depth understanding of privacy. They are well-versed in current trends, emerging technologies, and relevant research, and introduce novel concepts and innovative approaches that inspire, inform, and guide others. Thought leaders are often recognised for their ability to shape opinions, guide decision-making and drive conversations, trends, developments, and even change within their respective subject areas. They are known for offering unique, valuable perspectives and forward-thinking insights, ideas, and solutions that challenge existing norms and encourage critical thinking. They are sought after by peers, professionals, and the general public. Thought leaders focus on the bigger picture and long-term trends rather than just short-term gains. They anticipate future developments and help their audience understand and prepare for upcoming changes.

#### Day 1

How Artificial Intelligence Implicates Privacy - Prof Ryan Calo - Prof. of Law: University of Washington

Perspectives on Ancestry and Genetic Information - Dr. Tahu Kukutai - University of Waikato

<u>What Data Protection is Not</u> – Prof Dan Solove - George Washington University Law School, President and CEO TeachPrivacy

Privacy Laws and Employment – Duncan Card - Partner, Appleby (Bermuda) Limited

Reading Minds: Neuro Privacy - Susie Alegre - author 'Freedom to Think'

<u>Data Protection as a Corporate Social Responsibility</u> – Prof/Dr Paolo Balboni - Professor of Privacy, Cybersecurity, and IT Contract Law at the European Centre on Privacy and Cybersecurity (ECPC), Maastricht University

#### Day 2

A Cannon-Shot Rule for Data – Commissioner Alexander White - Privacy Commissioner for Bermuda

<u>Identifying Dark Patterns</u> - Dr. Luiza Jarovsky - Lawyer, Ph.D. researcher: Author of 'The Privacy Whisperer', and CEO at Implement Privacy

<u>Political Targeting on the Internet</u> – Commissioner Meike Kamp - Berlin Commissioner for Data Protection and Freedom of Information

FemTech - Ana Karen Cortés Viquez - Law and Technology International Consultant

PPC Japan Update on DFFT Efforts in G7 – Chairperson Mieko Tanno - PPC Japan

<u>The Thing Speaks for Itself: Case study in granting legal personality to inanimate objects</u> - Prof Gehan Gunasekara - University of Auckland Business School



### **Financial Sponsorship**

The Office of the Privacy Commissioner for Bermuda (PrivCom) served as host of the 45<sup>th</sup> Global Privacy Assembly (GPA) that took place in Bermuda from 15<sup>th</sup>-20<sup>th</sup> October 2023.

As host, the authority was responsible for the organisational aspects and policy decisions required to deliver the conference and associated events, such as a video link to view the Open Session and for members to participate in the Closed Session.

PrivCom took the decision to use sponsorship to deliver Open and Closed Sessions of the conference in addition to the conference registration fees in order to minimize the use of PrivCom's annual budget. At times, financial resources from PrivCom's own budget may have been used when sponsorship funds had not yet been received, but in such cases, line items were identified for reclassification in the budgeting system for the object code to be assigned to sponsorship funds.

PrivCom received sponsorship funds and/or reimbursement of costs from 16 sponsors:

- Apple
- ABIR (Association of Bermuda Insurers and Reinsurers)
- Bacardi, CCS Group Limited
- CIPL (Centre for Information Policy Leadership)
- European Commission
- Evolver
- FPF (Future of Privacy Forum)
- Google
- IAPP (International Association of Privacy Professionals)
- Interpublic Group (IPG)
- Johnson & Johnson
- Merck
- Meta
- The Privacy Pro
- TikTok

The funds from these sponsors were sufficient to cover all additional costs associated with the event beyond the salaries of PrivCom staff.

### Conclusion

The 45<sup>th</sup> GPA event provided an opportunity for regulators and policy-makers to meet in person and set the agenda for global technology and data privacy issues. There were important discussions to advance our understanding of the issues we all face and to introduce new voices to the conversation.

The GPA resolved to take actions to further our common goals, and these actions will create a ripple that will radiate from Bermuda outward around the world, and into the future.

On behalf of the Office of the Privacy Commissioner for Bermuda, thank you to everyone who came to Bermuda or joined the conversation online from all corners of the world. On a personal level, I am not sure that I will ever be able to fully express the depth of my gratitude for the honour of hosting the Global Privacy Assembly.

aly Matt

Alexander White Privacy Commissioner for Bermuda



# ADDITIONAL RESOURCES

#### **Event Media**

- <u>https://www.royalgazette.com/general/news/article/20231018/minister-</u>
- government-commitment-to-uphold-rights-of-individuals/
- <u>https://www.royalgazette.com/local-</u>

business/business/article/20231012/privacy-and-the-private-sector/

- <u>https://www.royalgazette.com/technology/business/article/20231019/ai-</u> diplomacy-in-a-digital-age/
- <u>https://cyberbeat.news/podcasts/</u>
- <u>https://mlexmarketinsight.com/news/comment/comment-as-world-s-privacy-</u> <u>regulators-convened-in-bermuda-this-week-goal-was-to-speak-with-single-voice</u>
- <u>https://www.gov.bm/articles/minister-addresses-45th-global-privacy-assembly-</u>
   <u>2023</u>
- <u>https://www.privacylaws.com/events-gateway/events/gpa2023/</u>
- <u>https://www.dataguidance.com/news/international-gpa-holds-45th-meeting-</u> anpd-joins-member
- International Report December 2023 GPA conference discusses critical global issues (privacylaws.com)

#### **Speaker Biographies**

Speaker biographies for the 45<sup>th</sup> GPA may be found in the <u>Resources Section</u> at <u>www.privacy.bm</u>.

#### **Closed Session Materials**

Closed session agenda and presentations for the 45<sup>th</sup> GPA are available for review in the <u>Members Only</u> section at <u>www.privacy.bm</u>. For queries regarding password access please email <u>communications@privacy.bm</u>.

#### **GPA Photo Gallery**

Photo memories of the 45<sup>th</sup> GPA can be viewed <u>here</u>. Thank you to conference attendees who provided photographs for our GPA Gallery.

Privacy Commissioner Bermuda | Quo Data Ferunt

The Office of the Privacy Commissioner for Bermuda

Maxwell Roberts Building, 4<sup>th</sup> Floor 1 Church Street Hamilton, HM11 Bermuda

441-543-7748 [PRIV]

