

# Privacy and Personal Data Protection

**Privacy is a fundamental social value that concerns one and all. Protection of personal information within and across borders is essential for building trust in e-business, e-government and other online activities.**

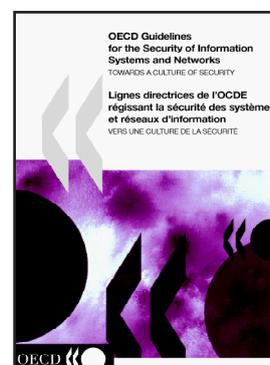
## OECD Privacy Guidelines

▶ The “**OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data**” have provided general guidance on the handling of personal information in the public and private sectors since 1980. The Guidelines:

- ▶ Represent an international consensus on how best to balance effective privacy protection with the free flow of personal data.
- ▶ Are technology-neutral, flexible, allow for various means of compliance, and apply in all environments, including on global networks.
- ▶ Have been put to use in a large number of national regulatory and self-regulatory instruments and are still widely used in both the public and private sectors.

### 8 principles

- Collection limitation
- Data quality
- Purpose specification
- Use limitation
- Security safeguards
- Openness
- Individual participation
- Accountability



▶ The **OECD Ministerial “Declaration on the Protection of Privacy on Global Networks”** (Ottawa, 7-9 October 1998). OECD Ministers reaffirmed and declared:

- ▶ Their commitment to the protection of privacy on global networks in order to ensure the respect of important rights, build confidence in global networks, and to prevent unnecessary restrictions on transborder flows of personal data.
- ▶ That the 1980 privacy Guidelines continue to represent international consensus and guidance on the collection and handling of personal data in any medium, including online.
- ▶ That any global framework for building trust online should be flexible and build bridges between different approaches to privacy.

▶ **“Privacy Online: OECD Guidance on Policy and Practice” (2002)**

This report offers policy and practical guidance to help implement the OECD Privacy Guidelines online, based on work within the OECD to fulfil the 1998 Ministerial Declaration. The report draws together work on alternative dispute resolution, privacy-enhancing technologies, online privacy policies, enforcement and redress, in relation to e-commerce. Guidance includes a practical tool in the form of a privacy policy statement generator to help organisations develop privacy policies and statements for display on their Web sites. [www.oecd.org/sti/privacygenerator](http://www.oecd.org/sti/privacygenerator)

▶ **Making Privacy Notices Simple: an OECD Report and Recommendations (June 2006)**

Privacy notices are an excellent tool to disclose an organisation’s privacy practices and policies. Research suggests, however, that many notices are too lengthy, confusing, and contain complex legal language. This report recommends that privacy notices be short, simple and usable for individuals to assimilate the information they contain and to compare the privacy practices of the organisations processing their personal data.

## Law Enforcement Co-operation

### ► “Report on Cross-border Enforcement of Privacy Laws” (October 2006)

This report examines the law enforcement authorities and mechanisms that have been established to enforce privacy laws, with a particular focus on how they operate in the cross-border context. Among the main findings:

- The volume and characteristics of cross-border data flows are evolving, elevating privacy risks and the need for improved law enforcement co-operation.
- Privacy enforcement authorities are now widespread in OECD countries, but face challenges in addressing cross-border cases.
- A number of regional instruments and other less formal arrangements already exist to facilitate cross-border enforcement co-operation, but none with a global reach. There is considerable scope for a more global and systematic approach to cross-border privacy law enforcement co-operation.

Work to address the issues identified in the report is underway, with the objective to develop a policy framework for privacy law enforcement co-operation to be accompanied by a set of practical tools.

## Upcoming issues

### ► RFID, sensors and pervasive networks

RFID tags, location devices and sensor devices can be invisible to individuals, hold the potential to become pervasive in the long term and, in combination with ubiquitous networks, could collect and process data everywhere, all the time. Considering this emerging trend, the OECD is exploring the applicability of the OECD Privacy Guidelines and Security Guidelines in such environments.

### ► Digital Identity Management

Individual users are requested to authenticate themselves to an ever increasing number of online business and government services. As they create and use digital identities to interact in the digital world, policy aspects of issues related to digital identity are becoming strategic. While identity management is seen as a key enabler for electronic business and electronic government, it raises key questions such as: what constitutes a digital identity? what is digital identity in a “global” context? how to protect digital identity from theft? what are the rights, privileges and obligations to be attached to digital identity?

The Organisation for Economic Co-operation and Development (OECD) is a unique forum where the governments of 30 member countries work together with business and civil society to address the economic, social, environmental and governance challenges of the globalising world economy, as well as to exploit its opportunities.

The OECD Working Party on Information Security and Privacy (WPISP) develops policy options by consensus to sustain trust in the global networked society. It:

- Addresses the complementary issues of privacy and information security, at the core of our digital activities.
- Provides an active network of experts from government, business and civil society.
- Serves as a platform to monitor trends, share and test experiences, analyse the impact of technology on information security and privacy, and provide policy guidance.

The OECD’s work is balanced, pragmatic, and respects cultural, legal and social differences and benefits the broader international community.

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