



## Roundtable for Privacy Enforcement Authorities and Privacy Professionals

27 May 2008, 9:30 – 17:30

OECD Headquarters, Paris

### Agenda

#### Objectives and Format

Responsibility for the protection of privacy rests largely with those charged with enforcing privacy laws (privacy enforcement authorities) and those with compliance responsibilities for organisations (privacy professionals). Many in the privacy community share the view that improved communications between these groups would be mutually beneficial. More particularly, the OECD Privacy Enforcement Recommendation (2007) calls for a consultation between privacy authorities and privacy professionals on how best to resolve privacy complaints. This Roundtable aims to stimulate an informal, practical, and forward-looking dialogue between these groups for their mutual benefit.

Following a session to introduce the participants, the day will be divided into four moderated panel discussions. Each panel will have 3-4 panellists and include both privacy authorities and professionals. The Roundtable Chair will draw together the day's discussions in a concluding session, inviting suggestions from all participants for next steps. Active participation from non-panellists will be encouraged throughout.

#### Introductions

9:30 – 10:30

##### Welcome

*Anne Carblanc*, OECD Secretariat

##### Opening Remarks from the Roundtable Chair

*Jennifer Stoddart*, Privacy Commissioner (Canada)

##### Brief Overviews of International Forums for Privacy Authorities and Professionals

*Yann Padova*, Data Protection Authority (France)

Forums: International Commissioner's Conference and EU Article 29 Data Protection Working Party

*Marie Shroff*, Privacy Commissioner (New Zealand),

Forum: Asia Pacific Privacy Authorities

*Hiroshi Miyashita*, Cabinet Office (Japan),

Forum: Co-ordinating the protection of personal information in Japan

*Christopher Kuner*, Hunton & Williams

Forum: European Privacy Officers Forum

*Stewart Dresner*, Forum: European Privacy Officers Network

*Trevor Hughes*, Forum: International Association of Privacy Professionals

## Morning Session: Focusing on Privacy Priorities

This session will aim to discuss how privacy authorities and professionals could assist one another in focusing their energies on the activities that are of highest priority and impact. Too often authorities are obligated to devote resources to minor complaints that might be more efficiently resolved by other parties. Too often privacy professionals are required to devote resources to compliance tasks that may be unnecessarily administrative or bureaucratic and which prevent their focus on more strategic activities. Finding practical approaches to help remedy the situation may be particularly challenging where the compliance challenges involve an organisation whose operations are globally distributed. Both authorities and professionals function with constrained budgets, highlighting the need for a collective exploration of ways to free resources to enhance compliance and enforcement.

### Panel 1: Streamlining Enforcement for Privacy Authorities

10:30 – 11:45

- What obstacles do authorities face in working towards more efficient and effective enforcement?
- How can authorities streamline complaints handling? Is there a role for privacy professionals in assisting with the resolution of appropriate complaints (e.g. those that do not appear fraudulent or intentional on their face)?
- Are there other duties that authorities can undertake in co-operation with privacy professionals (e.g. joint educational programmes) to free resources for other priorities?

**Moderator:** *Harriet Pearson*, IBM

#### Panellists:

*Marie Shroff*, Privacy Commissioner (New Zealand)

*Yann Padova, Sophie Nerbonne*, Data Protection Authority (France)

*David Loukidelis*, Information and Privacy Commissioner for British Columbia (Canada)

*Ite van Dijk*, Data Protection Authority (Netherlands)

#### Coffee

11:45 – 12:00

### Panel 2: Streamlining Compliance for Privacy Professionals

12:00 – 13:00

- What obstacles do professionals face in working towards more efficient and effective compliance?
- How can compliance costs for organisations be kept in proportion to the privacy risks?
- How can the administrative requirements for organisations (e.g. notification or registration obligations) be kept proportionate to their purpose?
- What can privacy authorities do to help professionals navigate conflicting domestic compliance obligations? What about conflicts that arise in cross-border situations?

**Moderator:** *Francis Aldhouse*, Bird & Bird

#### Panellists:

*Peter Cullen*, Microsoft

*Gabriela Krader*, Deutsche Post World Net

*Jennifer Barrett*, Acxiom

*Jeroen Terstegge*, Philips

#### Lunch

13:00 – 14:30

## Afternoon Session: Preventing Privacy Harms

Although mechanisms to address privacy violations after they occur will always be necessary, efforts to prevent privacy harms can be even more valuable. Privacy authorities and professionals have a common interest in facilitating the protection of privacy through the use by organisations of effective risk assessment and management strategies. Understanding privacy risks is growing more challenging with personal data usage in applications characterised by increasing technical complexity and interconnectedness (e.g. RFID, identity management, web services), particularly across borders.

### Panel 3: Improving Collaboration on Privacy Risk Management

14:30 – 15:45

- How can privacy issues be addressed as part of a broader range of information governance policy issues (e.g. including data security issues)?
- What are the elements of accountability and how should authorities stimulate the use of accountability tools such as privacy impact assessments (PIAs) by organisations? What are the practical challenges to implementing PIAs in a large organisation? How can they be made more valuable to those undertaking the assessments? How can they be made effective?
- What is the role of self-assessments or audits in organisations? How do they compare to audits undertaken by the authorities? Is there scope for increased exchange between authorities and professionals about good practices in this area?
- Is there a role for third parties?

**Moderator:** *Martin Abrams*, Center for Information Policy Leadership

#### Panellists:

**Stephen McCartney**, Information Commissioner's Office (United Kingdom)

**José López Calvo**, Data Protection Authority (Spain)

**Scott Taylor**, Hewlett Packard

**Yukiko Ko**, TransUnion

#### Coffee

15:45 – 16:00

### Panel 4: Coping with Technological Complexity

16:00 – 16:45

- How can privacy professionals assist privacy authorities in staying informed about the functions and related privacy dimensions of evolving technologies and applications?
- How can organisations benefit from early advice from privacy authorities so as to be able to shape the development and implementation of products and services in a privacy-friendly manner?
- Given the limited resources afforded to privacy authorities and privacy professionals, are there particular strategies that can be adopted to ensure an efficient information exchange on evolving technologies and applications?

**Moderator:** *Gary Davis*, Office of the Data Protection Commissioner (Ireland)

#### Panellists:

**Hugh Stevenson**, Federal Trade Commission (United States)

**Sven Moers**, Berlin Data Protection Authority (Germany)

**Joseph Alhadef**, Oracle

**Peter Fleischer**, Google

## **Open Discussion on Outcomes and Next Steps**

16:45 – 17:30

**Chair:** *Jennifer Stoddart*

The concluding session will be an open discussion focusing on practical steps that can be taken to address the issues raised throughout the day. It will also seek to elicit ideas about other issues that could be the topic of future discussions between these groups. Possible outcomes could include:

- Establishing contact points for authorities and professionals?
- Developing communication tools for authorities and professionals?
- Future meetings?
- Other suggestions?

## **Cocktail Reception**

17:30 – 19:30

***Support from the law firm of Bird & Bird for the lunch and reception is gratefully acknowledged.***