

Committee for Information, Computer and Communication Policy (ICCP)
Working Party for Information Security and Privacy (WPISP)



Joint ICCP-WPISP Roundtable

30 Years After: The Impact of the OECD Privacy Guidelines

Draft Agenda

**10 March 2010
14:30 – 18:00**

OECD Conference Centre, Paris

30 YEARS AFTER: THE IMPACT OF THE OECD PRIVACY GUIDELINES

JOINT ICCP-WPISP ROUNDTABLE

Background

1. Adopted as a Recommendation of the Council in 1980, the OECD Guidelines for the Protection of Privacy and Transborder Data Flows (“Privacy Guidelines”) have long been a fixture in the global privacy landscape. The Guidelines were the first international statement of the core information privacy principles and have proven highly influential over the years. The OECD is organising three events in 2010 – the 30th anniversary of the Guidelines – to better understand the current environment for protecting privacy.

2. This first event is intended to mark the achievement of the Privacy Guidelines and reflect on their impact and implementation. It has been organised as a half-day joint session of the Committee for Information, Computer and Communication Policy (ICCP) and its Working Party on Information Security and Privacy (WPISP). Key figures from the time the Guidelines were developed will join government representatives, and other privacy experts in discussing the motivations that inspired the Guidelines, the successes and challenges in implementing the Guidelines, and their application to the current privacy landscape.

3. The second event will be a conference on privacy, technology and global data flows, held in Jerusalem, Israel on 25-26 October 2010. The event will be hosted by the Israeli Law, Information and Technology Authority, and held back-to-back with the 32nd International Conference of Data Protection and Privacy Commissioners.

4. The final event will be a roundtable focused on the economic dimensions of privacy and will be held at the OECD on 1 December 2010. It will be organised jointly by the WPISP and the ICCP Working Party on the Information Economy. A preliminary planning document for these events is available as DSTI/ICCP/REG(2010)7.

5. In addition to organising the three events, the WPISP is preparing a report on the changing privacy landscape. A preliminary draft of the report is available as DSTI/ICCP/REG(2010)6. The report aims to:

- Describe the current environment, highlighting some of the ways it differs from the time the OECD Privacy Guidelines were conceived;
- Identify some of the challenges that today’s environment poses in terms of protecting privacy under the principles and concepts based on the OECD Privacy Guidelines;
- Highlight current efforts to address those challenges.

6. Work in 2010 will lay the foundations for a review of the Guidelines, to begin in 2011. This assessment, called for by Ministers in the Seoul Declaration for the Future of the Internet Economy (2008), will determine whether the Guidelines need to be revised or updated to address the current privacy environment.

DRAFT AGENDA

Session 1 **The Development of the Privacy Guidelines**

14:30- 15:15

Work on privacy and transborder data flows at the OECD began in the early 1970s. With an increasing divergence in national legislation creating risks to the free flow of information between countries, the OECD undertook to develop guidelines in 1978. They were developed in close cooperation with the Council of Europe, which was preparing what would become Convention 108 at the same time. Privacy concerns core values and OECD countries sought to ensure certain minimum standards for the protection of privacy and individual liberties with regard to personal data. By developing consensus around a set of fundamental principles to protect individuals, it was hoped to diminish the need to regulate the export of personal data and minimise problems related to the conflict of laws.

The first session will explore the issues that motivated the development of the Privacy Guidelines, the challenges of achieving international consensus in a newly emerging policy arena, and the approach that was ultimately adopted. Beginning with a keynote speech from the chair of the body that developed the Guidelines, the session will then open into a panel discussion with other key participants in the drafting of the Guidelines, with a view to informing current considerations.

Welcome **Andrew Wyckoff**, Director of Science, Technology and Industry (OECD)

Moderator **Jorgen Abild Andersen**, Director General, Information Technology and
Telecommunications Agency, Denmark (Chair of the ICCP Committee)

Keynote **Honourable Michael Kirby**, former Chair of the OECD Expert Group on Transborder
Data Barriers and Privacy Protection (Australia)

Panel
Discussion **Louis Joinet**, former Vice-Chair of the OECD Expert Group on Transborder Data
Barriers and Privacy Protection (France)

Hanspeter Gassmann, former Head of the OECD ICCP Division

The Guidelines were the first internationally agreed statement of the core information privacy principles and remain an important point of reference in contemporary policy discussions. The Guidelines have had a substantial impact, including as a basis for national laws. Nearly every OECD country now has one or more laws protecting privacy, up from one-third of OECD countries when the Guidelines were agreed. The Guidelines have also served as a basis for other international instruments, like the EU Directive 95/46/EC and the APEC Privacy Framework (2004). More broadly, the Guidelines have served as a basis for policies and self-regulation, influencing business practices and shaping the expectations of individuals.

Session 2 will provide participants an opportunity to reflect on the successes and challenges in implementing the Guidelines. In addition to perspectives from a number of member governments, views from business and civil society will inform a broader discussion on the impact of the Guidelines.

Moderator	Keith Besgrove , First Assistant Secretary, Department of Broadband Communications and the Digital Economy, Australia (Chair of the WPISP)
Member country experiences	Jane Hamilton , Acting Director, Electronic Commerce Branch, Industry Canada Fumio Shimpo , Assistant Professor, Graduate School of Media and Governance, Keio University (Japan) Blair Stewart , Assistant Commissioner, Office of the Privacy Commissioner (New Zealand) David Smith , Deputy Commissioner, Office of the Information Commissioner (United Kingdom) Hugh Stevenson , Deputy Director, Office of International Affairs, Federal Trade Commission (United States)
Discussion	All participants

Coffee break (16:00 – 16:30)

Other perspectives	Marc Rotenberg , Executive Director, EPIC (CSISAC) Joseph Alhadeff , President for Global Public Policy and Chief Privacy Officer, Oracle Corporation (BIAC) Malcolm Crompton , Managing Director, Information Integrity Solutions
Discussion	All participants

