

ORGANISATION  
FOR ECONOMIC  
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State of Israel  
Ministry of Justice

I L I T A  
The Israeli Law,  
Information  
and Technology  
Authority



# OECD Privacy Guidelines 30 years

OECD Conference

## The Evolving Role of the Individual in Privacy Protection: 30 Years after the OECD Privacy Guidelines

International Convention Center, Jerusalem, Israel  
25-26 October 2010

### AGENDA

#### Context

This year marks the 30<sup>th</sup> anniversary of the OECD Guidelines for the Protection of Privacy and Transborder Data Flows. Adopted in 1980, the Privacy Guidelines were the first internationally-agreed statement of the core privacy principles and have proven highly influential over the years.

But these 30 years have transformed the context in which the Guidelines operate. They have brought dramatic changes in the volume and uses of personal data, triggered in part by improvements in the ability to collect, store, process, aggregate, link, analyse, and transfer vast quantities of data. Advances in computing power have combined with easy access to fixed and mobile devices globally connected through the Internet to expand the role of personal data in the economy and society.

Individuals are now active data creators, not just passive data subjects. Organisations can and do link increasing amounts of data back to individuals, bringing economic and social benefits, but also expanding the scale of activities with the potential to put privacy at risk. And the complexities of current data processing challenge the abilities of individuals to exercise effective control over their personal data. There is a need for innovative approaches to protect privacy – with many efforts underway – but further reflection is also needed on how well the key privacy principles function in the current environment. A number of international organisations, including OECD, are currently embarked on this exercise.

This Conference, focused on the evolving role of the individual, is one of three events organised by the OECD during this anniversary year to examine the current environment for protecting privacy. The other two include a roundtable on the impact of the Privacy Guidelines, held this past March, and a roundtable on the economics of personal data and privacy to be held in December. These events are intended to complement one another, providing a broad perspective on the current state of privacy.

Along with the three events, the OECD is preparing two reports this year, one offering a broad assessment of the evolving privacy landscape, and the other focused specifically on cross-border co-operation by privacy enforcement authorities. This work will lay the foundations for a review of the OECD Privacy Guidelines in 2011, to determine whether they need to be updated or revised to address the current environment for privacy and transborder data flows.

**Format of the Conference**

Hosted by the Israeli Law, Information and Technology Authority, Ministry of Justice, this Conference has been organised back-to-back with the [32nd International Conference](#) of Data Protection and Privacy Commissioners. It brings together government officials and privacy authorities, along with representatives of international organisations, business, civil society, the Internet technical community, and academics. It is open to the press and public. Advance registration is required. Each of the main sessions will be organised as a moderated panel discussion, with audience participation invited throughout.

For further information about the conference and other OECD Privacy Guidelines anniversary initiatives, visit: [www.oecd.org/sti/privacyanniversary](http://www.oecd.org/sti/privacyanniversary).

**Participants must bring a passport and should arrive early to minimise security-related delays at registration.**

<b>Overview of the Agenda</b>	
<b>Monday, 25 October</b>	
<i>Registration</i>	16:30 – 18:00
Opening Remarks	18:00 – 18:15
Panel Discussion: Privacy in the Context of the Internet – Recording Everything and Forgetting Nothing?	18:15 – 19:45
Closing Speech	19:45 – 20:00
<i>Reception</i>	20:00 – 22:00
<b>Tuesday, 26 October</b>	
I. Data Creation and Sharing by Individuals about Individuals	09:00 – 10:15
II. Aggregation and Analytics: Constructing an Individual Profile	10:15 – 11:30
<i>Coffee</i>	
III. Awareness, Understanding, and Individual Decision-Making	11:45 – 13:00
<i>Lunch</i>	
IV. Fostering Innovation in Privacy Protection	14:30 – 16:00
<i>Coffee</i>	
V. Implications for Policy Making	16:15 – 17:30
Closing Remarks	17:30 – 17:45

<b>Monday, 25 October</b>	
<b>OPENING REMARKS</b>	<b>18:00 – 18:15</b>
<p><b>Guy Rotkopf</b>, <i>Director General, Ministry of Justice, Israel</i></p> <p><b>Ambassador Richard Boucher</b>, <i>Deputy Secretary-General, OECD</i></p>	
<b>PANEL DISCUSSION</b>	<b>18:15– 19:45</b>
<b>Privacy in the Context of the Internet -- Recording Everything and Forgetting Nothing?</b>	
<p><b>Introduction</b></p> <p>This panel will embark on a broad-ranging discussion of the core privacy principles in the current context, to try to identify the key issues to be explored further and help set the scene for the following day. The opening speaker will focus on a key technology-fuelled trend: the digital capture of increasing amounts of data about our activities and interests and its indefinite storage. This trend, among others, may bring economic and societal benefits from new uses of personal data, but also an evolution in the privacy risk environment.</p> <p><b>Key Issues for Discussion</b></p> <ul style="list-style-type: none"> <li>• What is the impact on privacy of the trend towards comprehensive digital memory?</li> <li>• What are the other key changes impacting the individuals and their role in privacy protection?</li> <li>• What are the key challenges in applying the core privacy principles, as well as the implications raised for the scope of privacy protection?</li> </ul> <p><u>Moderator</u></p> <p>– <b>Andrew Wyckoff</b>, <i>Director of Science, Technology and Industry, OECD</i></p> <p><u>Opening Speaker</u></p> <p>– <b>Jeffrey Rosen</b>, <i>Professor of Law, George Washington University</i></p> <p><u>Discussants</u></p> <p>– <b>Cameron Kerry</b>, <i>General Counsel, Department of Commerce, United States</i></p> <p>– <b>Yanki Margalit</b>, <i>Founder &amp; former CEO, Aladdin Knowledge Systems Ltd</i></p> <p>– <b>Marie Shroff</b>, <i>Privacy Commissioner of New Zealand</i></p> <p>– <b>Jennifer Stoddart</b>, <i>Privacy Commissioner of Canada</i></p>	
<b>CLOSING SPEECH</b>	<b>19:45 – 20:00</b>
<p><b>Benjamin Netanyahu</b>, <i>Prime Minister of Israel</i></p>	
<p>20:00 – 22:00 <span style="float: right;"><b>Reception hosted by ILITA</b></span></p>	

**Tuesday, 26 October**

**I. Data Creation and Sharing by Individuals about Individuals**

**9:00 – 10:15**

**Introduction**

When the Guidelines were conceived 30 years ago, the drafters could not have contemplated the dramatic increases in the capabilities of individuals to produce, share, and publish personal data. Large numbers of individuals actively volunteer personal information about themselves and others, posting pictures and videos online, blogging, conducting business transactions among themselves, and interacting with large groups of friends or the public through social networking sites. With mobile computing devices like smart phones becoming commonplace, this trend seems set to continue, with location information added to the mix. In short, it's not just businesses and governments that are engaged in data processing activities. This session will examine the interest and value for individuals in generating and posting personal data online, as well as the implications of these behavioural changes for the scope and principles of the OECD Guidelines.

**Key Issues for Discussion**

- What are the trends in data creation and dissemination by individuals about themselves and others?
- While responsibility for privacy compliance is usually allocated to the organisations that control the data, are there circumstances in which it makes sense to consider a role for individuals in helping protect the privacy of data they help create and disseminate?
- What are the most promising approaches for addressing the challenges posed to privacy by individuals themselves?

Moderator

- **Nataša Pirc Musar**, *Information Commissioner, Slovenia*

Opening Speaker

- **Joshua Kauffman**, *Harvard University, Graduate School of Design*

Discussants

- **Kasey Chappelle**, *Global Privacy Counsel, Vodafone*
- **Tai Myoung Chung**, *Professor, Information & Communication Engineering, Sungkyunkwan University*
- **Elizabeth Denham**, *Information and Privacy Commissioner for British Columbia, Canada*
- **Peter Swire**, *Professor of Law, Ohio State University*

<b>II. Aggregation and Analytics: Constructing an Individual Profile</b> <span style="float: right;"><b>10:15-11:30</b></span>
<p><b>Introduction</b></p> <p>When individuals browse the web, use their cell phones and make purchases, they leave data crumbs everywhere. We live in a world where data about what we buy, what we tell our friends, how we spend our time, where we walk, where we drive and more are collected, analysed and linked to information about our gender, income, age, occupation, ethnicity and other demographic information. Even apart from more well-known tracking technologies like cookies, browsing the web reveals many other types of data that can often be combined to create unique fingerprint of our browser. These along with other techniques allow those crumbs to be combined, analysed and transformed by private and government actors into individual profiles – our digital personas. And at the same time, the practical effectiveness of efforts to anonymise or de-identify data is being questioned. This session will explore what “personal data” means in an age of data abundance and analytics.</p> <p><b>Key Issues for Discussion</b></p> <ul style="list-style-type: none"> <li>• What are the key trends in aggregation and analytics, and the abilities of organisations to monitor or develop profiles of individuals?</li> <li>• What are the best approaches to determining whether data relate to an identified or identifiable individual, and how should we address occasions where technical progress allows data to be linked back to an individual in ways not anticipated at the point of collection?</li> <li>• With the increasing capabilities to relate disparate pieces of data back to an individual, are the key concepts of privacy still working well?</li> </ul> <p><u>Moderator</u></p> <ul style="list-style-type: none"> <li>– <b>Daniel Weitzner</b>, Associate Administrator for Policy, NTIA, Department of Commerce, United States</li> </ul> <p><u>Opening Speaker</u></p> <ul style="list-style-type: none"> <li>– <b>Omer Tene</b>, Senior Lecturer, College of Management School of Law</li> </ul> <p><u>Discussants</u></p> <ul style="list-style-type: none"> <li>– <b>Alexander Dix</b>, Commissioner for Data Protection and Freedom of Information, Berlin, Germany</li> <li>– <b>Gus Hosein</b>, Senior Fellow, Privacy International</li> <li>– <b>Betsy Masiello</b>, Policy Manager, Google</li> <li>– <b>Richard Thomas</b>, Global Strategy Advisor, Centre for Information Policy Leadership</li> </ul>
<b>11:30 – 11:45</b> <span style="float: right;"><b>Coffee break</b></span>

<b>III. Awareness, Understanding, and Individual Decision-Making</b>	<b>11:45 – 13:00</b>
<p><b>Introduction</b></p> <p>As data usage practices have become more complex, so too have the privacy policies that describe them. For an individual, estimating the privacy implications of a particular action is often difficult, and numerous and subtle influences can create dichotomies between the individual’s privacy attitudes and actual behaviour. Some of the challenges for example relate to the difficulty of reconciling the need for privacy with the need for publicity. Others stem from difficulties in navigating and understanding information not always presented in an easy-to-understand manner by organisations. Issues of presentation and default settings may have a great influence on user perceptions and choices. Drawing in part on insights from behavioural economics and the social sciences, this session will explore how and why individuals make the decisions they do when it comes to privacy and what can be done to improve it.</p> <p><b>Key Issues for Discussion</b></p> <ul style="list-style-type: none"> <li>• What do individuals understand about how their information is to be used and the steps they can take to protect it?</li> <li>• Do individuals have the motivation and ability to make effective cost-benefit evaluations of how websites and marketers use their data? What are the implications for privacy principles like consent?</li> <li>• What sorts of market mechanisms, technologies, or policy actions can help achieve a more desirable balance between information disclosure and protection?</li> </ul> <p><u>Moderator</u></p> <ul style="list-style-type: none"> <li>– <b>Peter Hustinx</b>, <i>European Data Protection Supervisor</i></li> </ul> <p><u>Opening Speaker</u></p> <ul style="list-style-type: none"> <li>– <b>Alessandro Acquisti</b>, <i>Associate Professor, Heinz College, Carnegie Mellon University</i></li> </ul> <p><u>Discussants</u></p> <ul style="list-style-type: none"> <li>– <b>Anna Fielder</b>, <i>Steering Committee Member, Civil Society Information Society Advisory Council to OECD</i></li> <li>– <b>Mozelle Thompson</b>, <i>Advisor, Facebook</i></li> <li>– <b>Bjorn Erik Thon</b>, <i>Director General, Data Protection Inspectorate, Norway</i></li> <li>– <b>Alan Westin</b>, <i>Professor of Public Law and Government Emeritus, Columbia University</i></li> </ul>	
<p><b>13:00 – 14:30</b></p>	<p><b>Lunch hosted by ILITA</b></p>

**IV. Fostering Innovation in Privacy Protection**

**14:30 – 16:00**

**Introduction**

While attention is often focused on the privacy challenges of the digital environment, the Internet and other technologies also bring new opportunities to offer individuals practical options to participate in the protection of their privacy. Integrated into IT systems and business practices at the design stage, innovative approaches have been proposed concerning, for example, identity and reputation management tools, “just-in-time” notices, privacy “dashboards”, anonymous routing services, and even attaching “sticky” privacy preferences to the data. Although the adoption of what were dubbed “Privacy Enhancing Technologies” in the 1990’s has been slower than expected, there is renewed interest in deploying technological tools for privacy today. This session will examine some innovative approaches being taken by organisations to provide individuals with appropriate and usable information to exercise control over their personal information and the challenges to making them effective. It will also consider the broader role of innovative approaches to privacy to address the current environment.

**Key Issues for Discussion**

- What technical innovations offer promise for giving individuals easier access to and control over information about them?
- What are the incentives and barriers for innovating privacy tools and what are challenges to successful deployment?
- What is the role of technological innovation within a broader framework for privacy protection?

Moderator

- **Yoram Hacoen**, *Head of Law, Information and Technology Authority, Israel*

Opening Speaker

- **Jules Polonetsky**, *Director, Future of Privacy Forum*

Discussants

- **danah boyd**, *Senior Researcher, Microsoft Research and Associate Researcher, Harvard Berkman Center*
- **Marit Hansen**, *Deputy Privacy and Information Commissioner, Schleswig-Holstein, Germany*
- **David Hoffman**, *Director of Security Policy and Global Privacy Officer, Intel Corporation*
- **Christine Runnegar**, *Senior Manager Public Policy, Internet Society*

**16:00 – 16:15**

**Coffee**

<b>V. Implications for Policy Making</b>	<b>16:15 – 17:30</b>
<p><b>Introduction</b></p> <p>This concluding session will consider the broader implications of the issues raised during the conference for policy making to protect the privacy of individuals. A number of international organisations are reviewing their privacy instruments, including the OECD. Recognising the increasing importance of internationally compatible approaches to privacy, this session will bring together experts on work in APEC, the Council of Europe, the European Union and the Global Privacy Enforcement Network, who will join civil society and business representatives to identify key issues and ways forward.</p> <p><b>Key Issues for Discussion</b></p> <ul style="list-style-type: none"> <li>• What have we learned from taking a closer look at how individuals act online and how they think about privacy?</li> <li>• What is the role of businesses and other organisations in addressing the changing role of the individual in privacy protection?</li> <li>• What do these changes mean for privacy protection and for the core privacy principles?</li> </ul> <p><u>Moderator</u></p> <p>– <b>Anne Carblanc</b>, <i>Special Counsellor, Directorate for Science Technology and Industry, OECD</i></p> <p><u>Discussants</u></p> <p>– <b>Joseph Alhadeff</b>, <i>Chair of the ICCP Business and Advisory Committee to the OECD, and Chief Privacy Officer, Oracle Corporation</i></p> <p>– <b>Marie-Hélène Boulanger</b>, <i>Head of Data Protection Unit, Directorate-General Justice, European Commission</i></p> <p>– <b>Hiroshi Miyashita</b>, <i>Advisor, Office of Personal Information Protection, Consumer Affairs Agency, Japan and Associate Professor of Law, Surugadai University</i></p> <p>– <b>Jörg Polakiewicz</b>, <i>Head of Law Reform Department, Council of Europe</i></p> <p>– <b>Marc Rotenberg</b>, <i>Steering Committee Member, Civil Society Information Society Advisory Council and Executive Director, EPIC</i></p> <p>– <b>David Vladeck</b>, <i>Director, Bureau of Consumer Protection, Federal Trade Commission, United States</i></p>	
<b>CLOSING REMARKS</b>	
<p style="text-align: right;"><b>17:30 – 17:45</b></p> <p><b>Jennifer Stoddart</b>, <i>Privacy Commissioner of Canada</i></p>	