

International privacy frameworks: an overview

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2011 International Cloud Symposium (OASIS)

10-12 October 2011

- Privacy on the Internet
- A brief chronology of international frameworks
- OECD (a principles-based approach)
- APEC (a principles-based approach + an accountability-based approach)
- Madrid and Jerusalem resolutions
- Interoperability – the holy grail of technology and policy



Privacy on the Internet - the initial challenge

there is no universally agreed definition of privacy (offline or online)

perspectives on privacy are influenced by culture, economics, society, politics, religion, history, experience, education, etc.

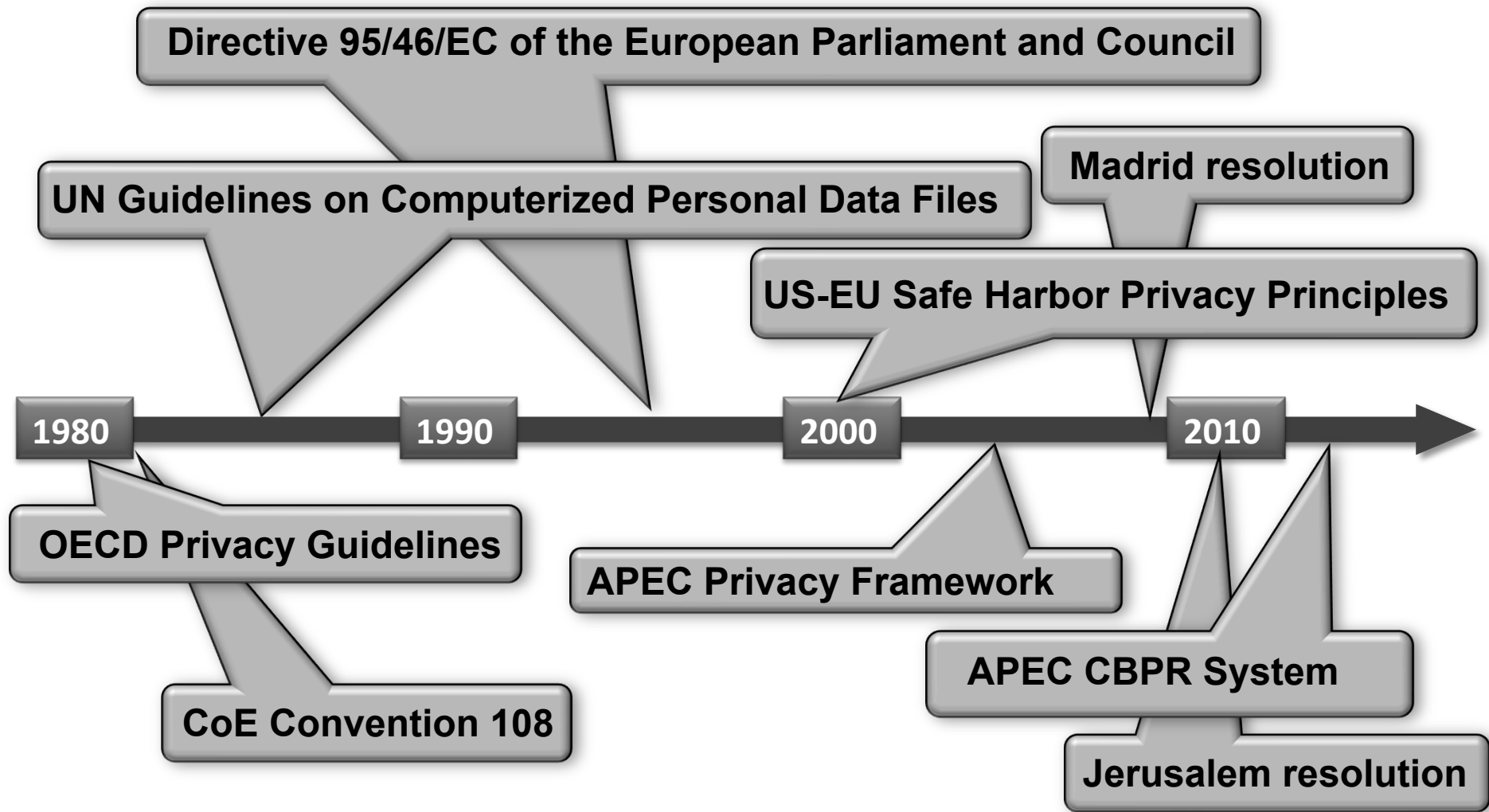
privacy is contextual

identifying what is personal data can be hard



Online Privacy = { consensual sharing of personal data within a specific context with an expectation of scope. }

A brief chronology of international frameworks



Organisation for Economic Co-operation and Development (OECD)



OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data

non-binding, yet highly influential, guidelines

adopted on 23 September 1980

apply to any information relating to an identified or identifiable individual (“personal data”)

technology-neutral

basic principles for national application (8 core principles)

basic principles for international application

OECD Privacy Guidelines: core principles

Collection limitation

Data quality

Purpose specification

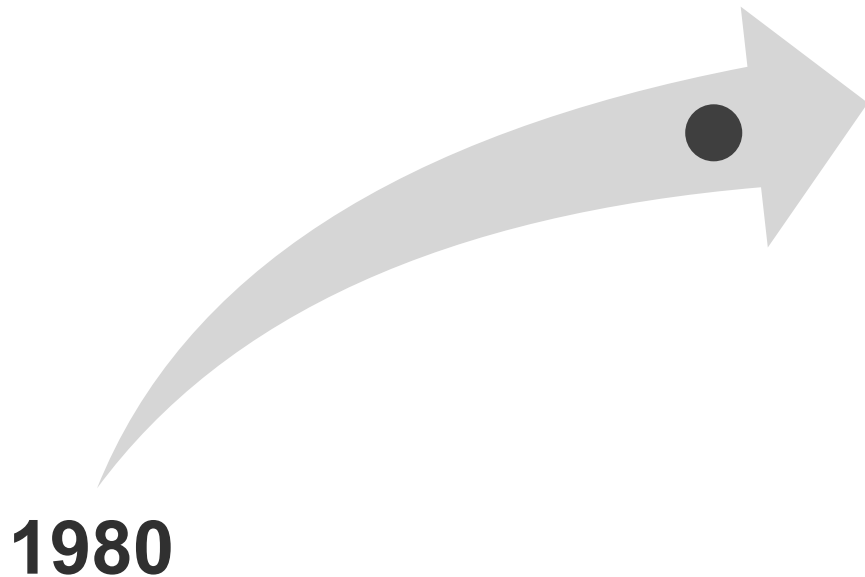
Use limitation

Security safeguards

Openness

Individual participation

Accountability



OECD Privacy Guidelines: 30th Anniversary

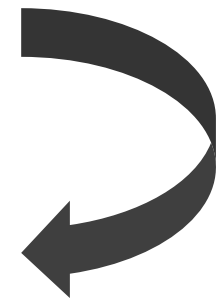
The Evolving Privacy Landscape: 30 Years after the OECD Privacy Guidelines

how the privacy landscape has changed since 1980

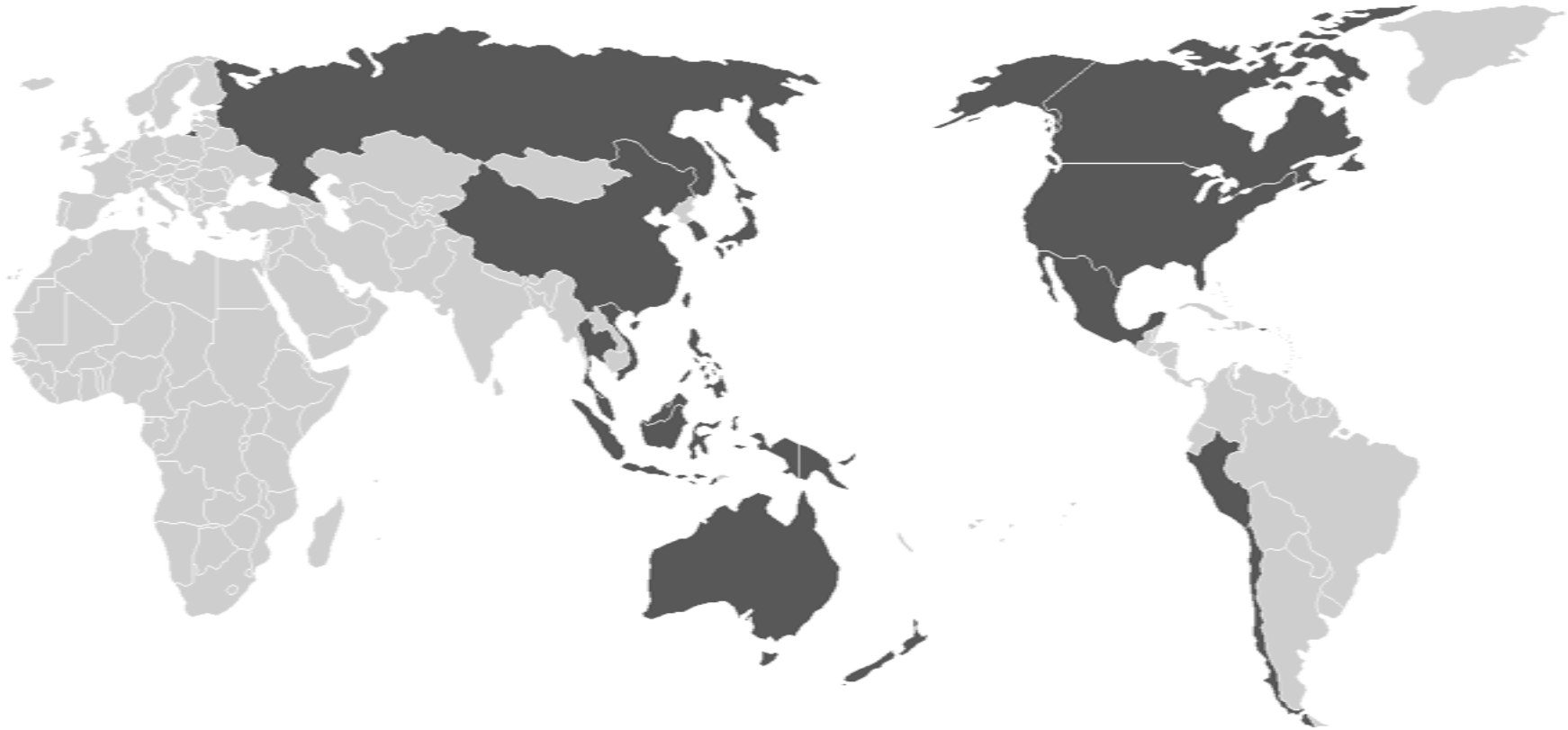
challenges for protecting privacy

evolution and innovation in privacy governance

*reviewing the OECD Privacy Guidelines
and exploring the Economics of Personal Data*



Asia-Pacific Economic Cooperation



APEC Cross-Border Privacy Rules System

an accountability based privacy framework for the transfer of personal data among APEC economies

developed by the APEC Electronic Commerce Steering Group (ECSG) Data Privacy Sub-Group (DPS) under the Data Privacy Pathfinder

endorsed by the APEC ECSG in September 2011

Key features of the APEC CBPR System

based on the APEC Privacy Framework principles

applies to personal data transfers to other economies

domestic laws still apply to transfers within borders

voluntary participation (economies, accountability agents and businesses)

governed by a Joint Oversight Panel

Key elements of the APEC CBPR System

- (1) self-assessment (by the business entity)**
- (2) compliance review (by the accountability agent)**
- (3) recognition/acceptance (certified business entities and APEC-recognised accountability agents)**
- (4) dispute resolution and enforcement (by accountability agents and privacy enforcement authorities)**

Madrid resolution (2009)

31st International Conference of Data Protection and Privacy Commissioners



Joint Proposal for a Draft of International Standards on the Protection of Privacy with regard to the processing of Personal Data

Jerusalem resolution (2010)

32nd International Conference of Data Protection and Privacy Commissioners

**calling for ... an
intergovernmental
conference with a view
to developing a binding
international instrument
on Privacy and the
protection of Personal
Data**



Interoperability: the holy grail of policy and technology

different needs

different objectives

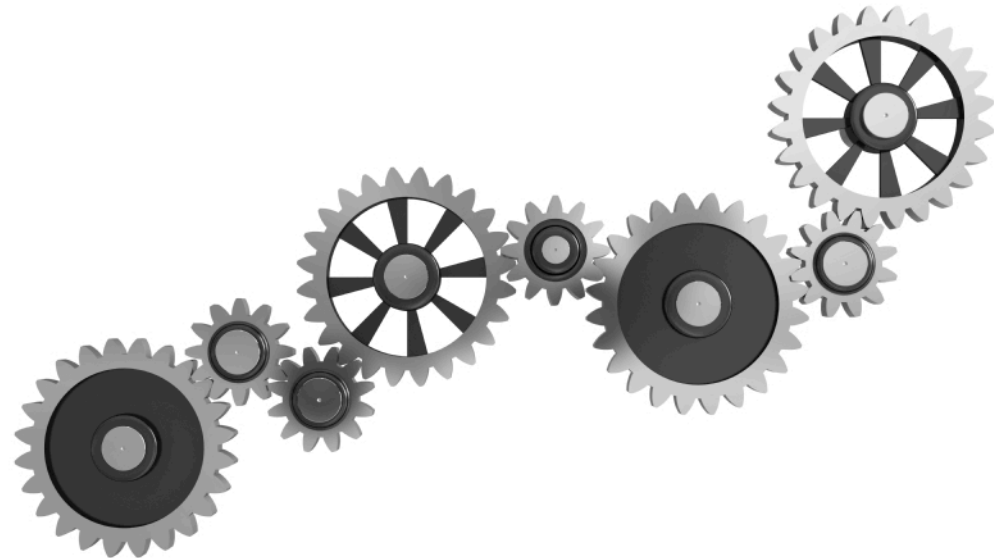
micro vs. macro

an elusive balance

ecosystem

different environments

different societies



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