International privacy frameworks: an overview

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• 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 = \{ \text{consensual sharing of personal data within a specific context with an expectation of scope.} \}
A brief chronology of international frameworks

- **1980**: OECD Privacy Guidelines
- **1980**: CoE Convention 108
- **1990**: UN Guidelines on Computerized Personal Data Files
- **2000**: US-EU Safe Harbor Privacy Principles
- **2000**: APEC Privacy Framework
- **2010**: Madrid resolution
- **2010**: APEC CBPR System
- **2010**: Jerusalem resolution
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

1980
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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