



Bojana Bellamy

Message from the President

Dear Centre Members,

As predicted, 2015 will be a big year for global data privacy and this is certainly reflected in the Centre's numerous accomplishments in the first three months of the year. Our third Privacy Risk Framework workshop in Washington, DC, and a very productive working lunch on Big Data, sparked interest and conversations. We participated and shared our thought leadership at numerous global events, including the Computers, Privacy & Data Protection 8th International Conference in Brussels, the APEC Data Privacy Meetings in the Philippines, and the IV Annual Latin American Telecommunications, Technology, and Internet Public Policy Forum in Miami. We also led a Centre delegation visit to Brazil as part of our Brazil outreach initiative. The [Centre's 2015 calendar of events](#) is a testimony to the many exciting events and opportunities that lay ahead of us in 2015 and we hope to see many of you at our Annual Executive Retreat on 19-20 May in Washington, DC.

You're Invited

The Centre's Annual
Executive Retreat:

**Privacy Vision 2020 –
Preparing for long-
term privacy and
information trends
and near-term
changes in compliance
obligations**

19-20 May 2015
Washington, DC

Member spotlight

We welcome and thank
our newest member:

Citi

For more information on
membership, please
contact Michelle Marcot
at
mmarcot@hunton.com.

I. Big Data Working Lunch & Privacy Risk Framework Workshop III — Washington, DC

The Centre successfully held its third workshop as part of its Privacy Risk Framework and Risk-based Approach to Privacy project on 3 March in Washington, DC. The workshop also included a working lunch on Big Data co-hosted with Centre member Nielsen.

Over 90 industry leaders, key global data privacy regulators and policy makers participated, including:

- Carman Baggaley, Office of the Privacy Commissioner of Canada
- Julie Brill, US Federal Trade Commission
- Russell Burnard, Department of Internal Affairs, New Zealand
- Kawezya Burris, US Federal Trade Commission
- Aaron Burstein, US Federal Trade Commission
- Allan Chiang, Office of the Privacy Commissioner for Personal Data, Hong Kong
- Neil Chilson, US Federal Trade Commission
- Melinda Claybaugh, US Federal Trade Commission
- Ted Dean, International Trade Administration, US Department of Commerce
- Elizabeth Denham, Office of the Information & Privacy Commissioner for British Columbia
- John Edwards, Office of the Privacy Commissioner, New Zealand
- Caitlin Fennessy, International Trade Administration, US Department of Commerce
- Rafael Garcia Gozalo, Agencia Española de Protección de Datos (Spain)
- Dominique Hagenauw, Dutch Data Protection Authority
- Christopher Hoff, International Trade Administration, US Department of Commerce
- Brent Homan, Office of the Privacy Commissioner of Canada
- Peter Hustinx, Former European Data Protection Supervisor
- Jacob Kohnstamm, Dutch Data Protection Authority
- Michael McEvoy, Office of the Information & Privacy Commissioner for British Columbia
- Maureen Ohlhausen, US Federal Trade Commission
- José Luis Rodríguez Álvarez, Agencia Española de Protección de Datos (Spain)
- Phillip Rosario, US Federal Communications Commission

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Big Data Working Lunch.

Big Data Working Lunch & Privacy Risk Framework Workshop III — Washington, DC (*continued*)

- David Valdez, US Federal Communications Commission
- John Verdi, NTIA, US Department of Commerce
- Shaundra Watson, US Federal Trade Commission

We distributed the following materials at the workshop:

- [Attendee List](#), [Agenda](#) and Working Lunch and Workshop [PowerPoints](#)
- Risk Management in Practice Panel (Frank Dawson, Nokia): [Speaking Notes](#) and [Position Paper – Privacy Engineering & Assurance](#)
- [A Hypothetical Case Study and Risk Matrix](#)
- White Paper One – [A Risk-based Approach to Privacy: Improving Effectiveness in Practice](#)
- White Paper Two – [The Role of Risk Management in Data Protection](#)
- Risk-based Approach in the Proposed EU Data Protection Regulation [PowerPoints](#)

II. iappANZ Seminar on the Risk-based Approach to Privacy

On 11 February, Richard Thomas, Global Strategy Advisor for the Centre and former UK Information Commissioner, was the keynote speaker for iappANZ “Risk Based Approach to Privacy Discussion” held at the offices of Gilbert + Tobin in Sydney, Australia. Close to 100 people attended the event. Richard presented the Centre’s Privacy Risk Framework project including references to the two published white papers of the project.



Richard Thomas at iappANZ seminar on the risk-based approach to privacy

Following Richard’s presentation, Timothy Pilgrim, Australian Privacy Commissioner, and Elizabeth Coombs, New South Wales Privacy Commissioner, discussed key privacy initiatives related to risk at the federal and state-based levels, while Ogla Ganapolsky, General Counsel, Privacy and Data, Macquarie Group, offered insight from a legal practitioner’s perspective.

During the Q&A discussion, many of the participants were well-informed about the risk-based approach and were very positive towards the Centre’s thinking. A few organisations were already implementing or planning to use a risk framework to manage its new initiatives. Many felt that a risk-based approach should not be seen as an alternative to the traditional, legal approach, but that there was plenty of scope to “cross-fertilise” from one approach to the other. Many also felt that the risk-based approach should be a key element of good governance and CEO-level accountability.

III. Brazil Outreach Initiative

As part of its ongoing Brazil outreach initiative, a delegation led by Centre President Bojana Bellamy and several Centre members, including Carolina Lessa from Reed Elsevier, Laura Juanes Micas from Yahoo!, and Marcos Pereira from Google held privacy consultations with Brazilian government representatives, organisations and experts in Brasilia and Rio de Janeiro the week of 23 March 2015.

The delegation met with Brazilian government representatives from the Ministry of Justice and the Ministry of Communications. They also met with academics and experts from the Confederação Nacional da Indústria (CNI), the Instituto Brasileiro de Direito Público (IDP), the Centro de Tecnologia e Sociedade (CTS) da FGV DIREITO RIO, the Instituto de Tecnologia & Sociedade do Rio (ITS), and the Asociación Iberoamericana de Centros de Investigación y Empresas de Telecomunicaciones (AHCIE). The delegation discussed global privacy law, best

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Brazil Outreach Initiative (*continued*)

practice developments and other issues of mutual interest, as well as the plans for the global privacy dialogue workshop in Brazil planned for September this year.

In anticipation of the meetings, the Centre prepared “Preliminary Comments” in English and Portuguese on the draft Brazilian privacy law that was issued for public consultation at the end of January 2014. The delegation discussed these comments with Brazilian counterpart organisations, private sector representatives and policymakers. The Preliminary Comments focus on several key issues in the draft law that are particularly relevant to the Centre’s work and consistent with global privacy trends, including those focused on using organisational accountability and privacy risk management to enable responsible uses of data and facilitate global data flows in the modern information age. The Centre is finalising its comments and will formally submit them at the end of April when the consultation period ends.

At the global privacy dialogue workshop in Brazil in September, the Centre, with its Brazilian co-hosts, will bring together international privacy experts from the private sector, academia and regulatory authorities with their Brazilian counterparts and government officials to discuss the draft Brazilian privacy law and exchange views on other key global issues relating to modern information use and management and protection of individuals.

To read more about the delegation visit, click [here](#).

The Centre will bring together international privacy experts...with their Brazilian counterparts...to discuss the draft Brazilian privacy law and exchange views on other key global issues.

IV. APEC Data Privacy Meeting — The Philippines

From 30 January to 3 February 2015, Markus Heyder represented the Centre in the meetings of the APEC Data Privacy Subgroup (“DPS”) and the Electronic Commerce Steering Group (“ECSG”), in Subic Bay, Philippines. The focus of the meetings was implementing the APEC Cross-Border Privacy Rules (“CBPR”) system, developing a corollary APEC recognition mechanism for information processors, related work relevant to cross-border interoperability between APEC and the EU, and updating the APEC Privacy Framework.

APEC Privacy Recognition for Processors

The CBPR, which are for personal information controllers, have now been supplemented by the Privacy Recognition for Processors (PRP). The PRP is designed to help personal information processors demonstrate their ability to provide effective implementation of a personal information controller’s privacy obligations related to the processing of personal information. They also facilitate controllers’ ability to identify qualified and accountable processors. Finally, they enable small or medium-sized processors that are not known outside of their economy to become part of a global data processing network. The PRP program seeks to ensure that processing is consistent with applicable controller requirements under the CBPR system. APEC still needs to operationalise the PRP by integrating it into the existing CBPR governance structure over the next few months.

CBPR Implementation

At the meetings, it was announced that the three APEC economies currently participating in the CBPR system, the United States, Mexico and Japan, will be joined by Canada. Other APEC economies continue to prepare to join the CBPR system, including through various capacity building initiatives. TRUSTe, which is the only APEC-recognised Accountability Agent (AA) to date, has been re-approved under APEC’s annual re-approval process. APEC CBPR participants are awaiting the decisions of Mexico and Japan (and soon Canada) regarding the identity of their domestic AAs. So far, 10 companies have received their CBPR certification from TRUSTe and many more are in the process of certifying.

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APEC Electronic Commerce Steering Group (ECSG) Data Privacy Sub-group (DPS)

The APEC Cross-Border Privacy Rules (“CBPR”) system, which are for personal information controllers, have now been supplemented by the Privacy Recognition for Processors (PRP).

APEC Data Privacy Meeting — The Philippines (*continued*)

APEC/EU Interoperability

Following the March 2014 release of a mapping document (the “Referential”) comparing APEC CBPR to the EU Binding Corporate Rules (“BCR”) system, APEC officials and representatives of the Article 29 Working Party continued their collaboration. At the APEC meetings in Subic Bay, several companies that sought or are in the process of seeking certification or approval under both the CBPR and BCR systems discussed their experiences with dual certification. These “case studies” explored the usefulness of the Referential and how companies might leverage certification or approval in one system for the same in the other system. As a next step, the joint APEC/EU working group is considering various options to streamline the dual certification/approval process.

10-Year Stocktake of APEC Privacy Framework

APEC is reviewing the APEC Privacy Framework (“Framework”) to identify areas that require updating in light of the technological and marketplace changes since 2005. The starting point will be an examination of the OECD’s 2013 updates of its privacy guidelines, but the APEC update could go beyond this. The Centre is providing input to the APEC Stocktake working group, which is in the process of developing specific recommendations for updating the Framework. (The APEC Privacy Principles themselves will not be updated, only the preface, facing-page commentary and other explanatory text may be amended.)

Next Meeting

The next meetings will be held in the Philippines in August 2015.

To read more about the APEC meeting, click [here](#).

V. Meet our Centre Fellows

Allen Brandt

Allen Brandt brings more than 20 years of experience in the technology and information industries to the Centre, helping businesses and policy makers form practical solutions for today’s global data economy. Most recently, Allen was the Director and Corporate Counsel for Data Privacy & Security and the Chief Privacy Official for the Graduate Management Admission Council®.

Katharina Kopp

Katharina Kopp is the former Vice President, Global Privacy, at American Express where she led the development and implementation of a global privacy policy framework and directed all policies and standards. She designed, deployed and continually improved on a global privacy risk management program. One of her key achievements included successfully managing the approval and implementation process for American Express’ Binding Corporate Rule. Currently, she is working on the impacts of Big Data and appropriate risk mitigation strategies.

Russell Schrader

Russell Schrader is the former Senior Vice President and Chief Privacy Officer of Visa Inc. Russ was responsible for privacy and data security policies and issues and a principal legal liaison for Visa financial institutions’ attorneys on regulatory issues. Prior to Visa, Russ headed the National Consumer group in the Legal Department of Chase in New York City. He was also general counsel to one of Chase’s regional banks, providing legal services to the Eastern Caribbean, Panama and South America consumer banks.



VI. Centre Responses, Public Comments, Articles and Other Events

Over the past three months, the Centre prepared the following public comments, published the following articles, and held, or spoke, at the following events.

- Prepared the Centre's "Preliminary Comments" on Brazil's draft privacy law in English and in Portuguese in consultation with the Centre's Brazil working group for purposes of our Brazil outreach initiative. Formal submission of comments is planned for the end of April.
- Published an IAPP *Privacy Perspective* piece titled [Privacy Cloud Certification Forecasts Bright Future for Cloud Computing](#).
- Published an article in BNA Bloomberg *Privacy and Security Law Report* titled [APEC Privacy Rules for Cross-Border Data Flows—A Model for Global Privacy Protections](#).
- Fred Cate, Senior Policy Advisor for the Centre, published a chapter titled "China and Information Security Threats: Policy Responses in the United States," in Jon R. Lindsay, Tai Ming Cheung & Derek S. Reveron, eds., [China and Cybersecurity: Espionage, Strategy, and Politics in the Digital Domain](#) (Oxford University Press, 2015).
- Completed Russian data localisation implementation Centre members' benchmark survey. (To request the survey, please contact Michelle Marcoot at mmarcoot@hunton.com)
- 21 January — Bojana Bellamy moderated a panel session titled ["Users' control over their data: Is prior consent the best way to monitor?"](#) and presented on Big Data at the by invitation breakfast meeting with Jacob Kohstamm (Dutch Data Protection Authority), industry representatives, and other experts and academics at the Computers, Privacy & Data Protection (CPDP) 8th International Conference in Brussels.
- 25 February — The Centre held a Cybersecurity Briefing call moderated by Paul Tiao, Partner at Hunton & Williams LLP with James Trainor, Deputy Assistant Director for Operations, FBI, and Ari Baranoff, Assistant Special Agent in Charge, Criminal Investigative Division, US Secret Service.
- 6 March — Fred Cate debated former FTC Bureau of Consumer Protection Director David Vladek on "Use-based vs. Collection-based Models for Privacy Regulation" at the 2015 IAPP Global Privacy Summit in Washington, DC.
- 11 March — Markus Heyder was a panelist on "Enabling and Protecting Cross-Border Data Flows" at the IV Annual Latin American Telecommunications, Technology, and Internet Public Policy Forum in Miami, Florida.
- 16 March — The Centre and the US Chamber of Commerce co-hosted a panel discussion titled "The Global Policy Implications of a Live Data Breach – A Play-by-Play Scenario" in Washington, DC. Russ Schrader, Centre Fellow, moderated with panelists Lisa Sotto, Partner and Chair of the Global Privacy and Cybersecurity practice, Hunton & Williams LLP; Austin Berglas, Assistant Special Agent in Charge, Cyber Branch, New York Office, FBI; Laurie Schive, Director, Forensic practice, PwC; and Christine Ricci, Senior Counsel, GE.
- 23-24 March — Bojana Bellamy and Fred Cate participated in the Privacy Bridge Project meetings in New York City.

**...it is now confirmed
that independently
verifiable
accountability in the
cloud can actually
work.**

**(From Privacy Cloud
Certification Forecasts Bright
Future for Cloud Computing.)**



"The Global Policy Implications of a Live Data Breach — A Play-by-Play Scenario"

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Upcoming Events

10 April	First Friday Call
16 April	Bojana Bellamy moderates a panel on <i>With Big Data Comes Big Responsibilities: Emerging Corporate Best Practices for Responsible Use of Big Data</i> , with Assistant EDPS, UK ICO Policy Advisor, and Procter & Gamble EMEA Data Privacy Counsel at the IAPP Europe Data Protection Intensive — London
26 April	Bojana Bellamy moderates the open debate at Microsoft's GO GLOBAL series event " <i>Data Protection and Innovation: Women as Solution Makers</i> " — Brussels
4-5 May	Bojana Bellamy chairs the first day of the 5th European Data Protection Days Conference and participates on a panel on <i>Big Data: An Insurmountable Challenge for Data Protection?</i> — Berlin
7 May	Bojana Bellamy leads a Centre Member Delegation Visit with the Personal Data Protection Commission Singapore — Singapore
8 May	Bojana Bellamy moderates a panel on the Risk Based Approach & Privacy Risk Management Framework with Centre members Merck and MasterCard, and PwC and Unilever at the Personal Data Protection Commission Singapore Seminar: <i>Securing Personal Data for a Competitive Edge</i> — Singapore
15 May	First Friday Call
19-20 May	Centre Annual Executive Retreat: <i>Privacy Vision 2020 – Preparing for long-term privacy and information trends and near-term changes in compliance obligations</i> — Washington, DC
3-4 June	Bojana Bellamy presents and moderates a panel on <i>Delivering Accountability in the Cloud</i> , at the Datacloud Europe 2015 — Monaco
10 June	Fred Cate delivers a keynote presentation at the Hong Kong Privacy Commissioner's conference on Big Data and Bojana Bellamy chairs the conference and moderates a panel on <i>Big Data and Emerging Best Practices for a Win-Win Situation: Protect Privacy and Enable Benefits from Data Driven Economy</i> , with Centre members IBM, Citi, and IMS Health — Hong Kong
12 June	Bojana Bellamy speaks on <i>Accountability as a Basis for Privacy Compliance in Technology Innovations</i> at the 43rd Asia Pacific Privacy Authorities (APPA) Forum — Hong Kong
19 June	First Friday Call
25 June	Centre Cybersecurity Briefing

To see all of the Centre's events in 2015, click [here](#).



Bojana Bellamy

Message from the President

Dear CIPL Members,

In today's global digital economy, it is imperative that the public and private sectors work together to address the many opportunities and challenges of global data privacy law, policy and compliance. CIPL is committed to be a leading force driving the dialogue and exchange of ideas between businesses, policy leaders, and regulators. In the last three months, we brought together leading privacy experts from our members, global regulators, and technology futurists in a lively discussion at our two-day Annual Executive Retreat in Washington, DC. In our ongoing global outreach initiatives, we led different CIPL delegations to Brazil, Singapore, and Hong Kong, and engaged with global privacy regulators and business leaders. We are also spearheading a new initiative in light of the forthcoming EU General Data Protection Regulation (GDPR). With summer in full swing, CIPL is busy writing publications and planning for many exciting events in the fall. We hope to see many of you there!

Save the Date

CIPL Workshop:

**The Ins and Outs of the
APEC Cross-Border Privacy
Rules (CBPR)**
29 August 2015
Cebu City, Philippines

CIPL and IDP Conference:

**Global Data Privacy
Dialogue**
6-7 October 2015
Brasilia, Brazil

CIPL & Nymity Workshop:

**Bridging Disparate Privacy
Regimes Through Organis-
ational Accountability**
27 October 2015
Amsterdam, Netherlands

CIPL Workshop:

**Ensuring Consistent
Interpretation and
Effective Implementation
of the EU GDPR**
Late January/Early February
2016, London

Annual Executive Retreat: Privacy Vision 2020 – Preparing for Long-term Privacy and Information Trends and Near-term Changes in Compliance Obligations — Washington, DC

CIPL successfully held its annual executive retreat on 19-20 May in Washington, DC. The theme of the retreat was *Privacy Vision – Preparing for Long-term Privacy and Information Trends and Near-term Changes in Compliance Obligations*. Over 70 industry leaders, key global data privacy regulators and policy makers participated in Washington, and also in London and Brussels through video conference.

The retreat began with a special pre-recorded video message from Giovanni Buttarelli, European Data Protection Supervisor, and was followed by keynote addresses from Kate Crawford, Principal Researcher at Microsoft Research, Steven Tiell, Director, Accenture Technology Vision, and Julie Brill, Commissioner, US Federal Trade Commission. The remainder of the first day involved moderated open discussions with panelists on global privacy regulations, the impacts and challenges to privacy in the new information economy, and global and regional privacy trends in Brazil, Japan, and updates on Safe Harbor and APEC.

The second day of the retreat began with an interactive panel discussion and deep-dive on the proposed EU GDPR and ended with a members-only working lunch. Members learned about the state of current CIPL projects and also provided input on future initiatives that would be beneficial to them. Of particular interest was initiating a project concerning the EU GDPR.

Please see the retreat [Agenda](#) and [Attendee List](#).

II. Singapore Delegation Visit and PDPC Seminar: *Securing Personal Data for a Competitive Edge*

On 7 May 2015 Bojana Bellamy led a CIPL member delegation to Singapore for a closed session meeting at the Personal Data Protection Commission (PDPC). The delegation met with Chairmen Leong Keng Thai, other commissioners and key PDPC staff, and discussed a number of privacy and security topics, learned about the PDPC's agenda and priorities, and exchanged experiences and ideas on a wide range of issues between PDPC, CIPL, and CIPL members.



CIPL Delegation with the PDPC Singapore

The closed dialogue was centered around four main topics. The first was the challenges faced in cross-border data flows. The PDPC was open to the possibility of considering the APEC CBPR systems as a mechanism for moving data out of Singapore. The second topic was on the application of data protection principles in Big Data. There was a particular focus on the role of consent, and exploring how consent and transparency can move in new and broader ways beyond what notice and choice have historically allowed. The third topic regarding accountability and risk mitigation best practices, including CIPL's work on privacy risk management, was of particular interest to the PDPC because of its expressed desire that Singapore become a trusted data hub in the region to facilitate further economic growth. The final topic focused on information security and data breach management. The delegation brought to the attention of the PDPC the important roles of chief privacy officers and chief information security officers in elevating the issue of cyber risks to the executive board levels.

The following day, the PDPC hosted an open seminar titled *Securing Personal Data for a Competitive Edge*. Over 700 representatives from trade and business associations, law firms, governments, and SMEs participated in the seminar. Bojana Bellamy moderated the second session on CIPL's work on the risk-based approach and a privacy risk management framework. Panelists included JoAnn Stonier (Executive Vice President and Chief Information Governance & Privacy Officer, MasterCard), Hilary Wandall (Associate Vice President, Compliance and Chief Privacy Officer of Merck & Co., Inc.), Tan Shong Ye (Partner, Risk Assurance, PwC), and Florian Thoma (Senior Director of Global Data Privacy, Accenture). The session was well received and highlighted the critical role CIPL's work in risk management will play as Singapore thinks about its privacy laws and compliance through the lens of risk management. CIPL members Joe Alhadeff (Vice President for Global Public Policy, Oracle) and Michael Lamb (Chief Counsel, Privacy and Information Governance, RELX Group) also spoke on a session titled *Preserving Integrity in the Age of Big Data*.

III. Hong Kong International Conference on Big Data and 43rd APPA Forum

On 10 June 2015, Allan Chiang, Privacy Commissioner for Personal Data, Hong Kong hosted the *International Conference on Big Data from a Privacy Perspective* on the margins of the 43rd Asia Pacific Privacy Authorities (APPA) Forum. The public event was attended by many international privacy commissioners from across the Asia-Pacific region including US Federal Trade Commission Chairwomen Edith Ramirez and Australian Privacy Commissioner Timothy Pilgrim. CIPL was well represented at the conference. Bojana Bellamy chaired the conference, several members were panel speakers, and Fred Cate, CIPL Senior Policy Advisor, was the keynote speaker offering an academic perspective on the future of Big Data and data protection. [Watch the highlight video.](#)

Chairwomen Ramirez and Commissioner Pilgrim kicked off the conference laying out the benefits of Big Data and its importance in a data driven economy but also recognized the risks of Big Data, especially the lack of transparency and control. They challenged industry to innovate and find new ways to provide transparency to individuals, building upon the work already done on notice and

Continued...

III. Hong Kong continued

choice. Chairwomen Ramirez in particular discussed the need for transparency in the entire life cycle of Big Data, from collection to analysis to use. She also stressed the need for security and responsible use of Big Data. Commissioner Pilgrim asked for more enhanced accountability, noting that a combination of organisational accountability and individual self-management would be the best way to deal with Big Data.

Bojana Bellamy moderated the panel discussion titled *Big Data and Emerging Best Practices for a Win-Win Situation: Protecting Privacy and Enabling Benefits from the Data Driven Economy* and offered solutions and best practice ideas from industry experts. Panelists included Peter Fleischer (Global Privacy Counsel, Google), Kim Gray (Chief Privacy Officer, Global, IMS Health), and Christina Peters (Chief Privacy Officer, IBM Corporation). The session laid out three broad buckets of solutions that CIPL proposed on the issues of Big Data. The first was the readiness to evolve the interpretation of the basic privacy principles and concepts, including consent, legitimate processing, notice, and the scope of regulated personal data. The second was the importance of risk management and understanding the impacts, risks, and harms to individuals in designing and implementing Big Data applications. The third solution was the need to provide enhanced accountability or “corporate digital responsibility.” Each of these ideas were then supported with real industry examples and emerging best practices from the panelists.

From 11-12 June 2015 APPA members, invited observers and guest speakers from the government, private sector, academia and civil society met to discuss important privacy law and policy issues. At the end of the open session on day two, APPA issued its customary [communiqué](#), setting forth the highlights of the closed session on day one and the open session on day two.

During the closed session, APPA members and invited observers discussed numerous issues of common interest, including legal reforms across the region, law enforcement and investigation matters, breach notification, as well as transparency reporting about law enforcement and national security requests to companies for personal information. The closed session also discussed privacy developments in other international fora and groups, such as APEC, the International Conference of Data Protection and Privacy Commissioners, GPEN and the Ibero-American Network of Data Protection. Finally, the closed session considered privacy issues associated with big data and behavioral advertising, the regulation of public domain data and organisational accountability.

During the open session on 12 June 2015, APPA members were joined by local and international privacy experts, including CIPL members, to discuss issues ranging from data management and use in the modern information age, privacy law developments in China and Taiwan, health data and privacy, and smart cities and IT.

Finally, during the week in Hong Kong, CIPL hosted a roundtable at the IBM Hong Kong Office. CIPL members and local data protection officers discussed key takeaways from the Big Data conference, regional developments in Asia, lessons learned from CIPL’s privacy risk framework project and the risk-based approach to privacy, and corporate digital accountability.



Fred Cate, CIPL Senior Policy Advisor



Bojana Bellamy with Commissioner Allan Chiang, FTC Chairwoman Edith Ramirez, Fred Cate and CIPL members

VI. CIPL Responses, Public Comments, Articles and Other Events

Over the past three months, CIPL prepared the following public comments, published the following articles, and held, or spoke, at the following events.

- 14 April — Hunton & Williams and CIPL published a report for the American Chamber of Commerce in China (“AmCham”) titled [Protecting Data Flows in the US-China Bilateral Investment Treaty](#).
- 20 April — Manuel Maisog, Partner, Hunton & Williams and CIPL Principal, published an IAPP Privacy Perspective op-ed piece titled [Making the Case Against Data Localization in China](#).
- 5 May — CIPL submitted an official written response to the Brazil’s Draft Bill for the Protection of Personal Data (*Anteprojeto de Lei para a Proteção de Dados Pessoais*) in [English](#) and [Portuguese](#).



Bojana Bellamy at Microsoft GO GLOBAL event



Bojana Bellamy moderating a panel at the 5th EDPD Conference

- 16 April — Bojana Bellamy moderated a panel discussion titled *With Big Data Comes Big Responsibilities: Emerging Corporate Best Practices for Responsible Use of Big Data* at the IAPP Europe Data Protection Intensive in London with panelists Ross Phillipson, Senior Legal Counsel, Europe and IMEA Privacy, Digital and New Media Law, Procter & Gamble; Wojciech Wiewiórowski, Assistant European Data Protection Supervisor, European Data Protection Supervisor; and Carl Wiper, Senior Policy Advisor, Information Commissioner's Office (UK).
- 26 April — Bojana Bellamy moderated an open debate at Microsoft's GO GLOBAL series event *Data Protection and Innovation: Woman as Solution Makers* in Brussels.
- 4-5 May — Bojana Bellamy chaired the first day of the [5th European Data Protection Days \(EDPD\) Conference](#) and participated in a panel titled *Big Data: An Insurmountable Challenge for Data Protection?* in Berlin.
- 5-8 May — Fred Cate was the guest speaker for iappANZ Privacy Awareness Week in Melbourne (5 May), Wellington (6 May), Auckland (7 May) and Sydney (8 May).
- 4 June — Bojana Bellamy chaired a panel at the [Datacloud Europe 2015 Global Congress & Exhibition](#) in Monaco titled *Delivering Trust, Compliance and Accountability in the Cloud: Latest Perspectives from Cloud Providers, Cloud Users and Regulators* with panelists Nicolas Schifano, Director for Standards and Interoperability Policy, Microsoft EMEA, and Ross Phillipson, EMEA Privacy and Digital Counsel, P&G.

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VI. CIPL Responses, Public Comments, Articles and Other Events

- 24 June — Bojana Bellamy spoke on a DataGuidance webinar panel titled *Brazil: Towards Privacy Compliance* along with other Brazilian experts. Watch the webinar [here](#).
- 25 June — CIPL Cybersecurity Briefing II
- 30 June — CIPL and Data Helm Consulting held a senior executive roundtable titled *Consumer Data Monetization - Transparency & Control* in London. (*More details on CIPL's work on transparency in the next QR.)
- 30 June — Bojana Bellamy participated as a speaker for AvePoint's dialogue discussion event titled *Building a Bridge Between Privacy and IT in the Digital Information Age* in London.



Bojana Bellamy, EDPS Giovanni Buttarelli, and FTC Commissioner Julie Brill at the 5th EDPD Conference

Member spotlight

We welcome and thank our newest member:

PayPal
&
Unilever

If you would like more information on membership, please contact Michelle Marcoot, Director, Business Development at mmarcoot@hunton.com.

Upcoming Events

16 July	CIPL Webinar: <i>Managing Privacy – Tensions Between Global Systems and Local Laws</i> Bojana Bellamy will chair a panel including Julie Gibson, Global Privacy Program Leader, P&G, Ben Hayes, Chief Privacy Officer, Nielson, and Pamela Henderson, Legal Counsel, Data Privacy Compliance – North America, Accenture.
24-30 August	Markus Heyder attends APEC Data Privacy Meetings — Cebu City, Philippines
29 August	CIPL Workshop: <i>The Ins and Outs of the APEC Cross-Border Privacy Rules (CBPR) and their Role in Enabling Legal Compliance and International Data Transfers</i> – Cebu City, Philippines
11 September	First Friday Call
2 October	First Friday Call
6-7 October	CIPL and Instituto Brasileiro de Direito Público (IDP) Conference: <i>Global Data Privacy Dialogue</i> — Brasilia, Brazil
Late January/ Early February 2016	CIPL Workshop: <i>Ensuring Consistent Interpretation and Effective Implementation of the EU GDPR</i> — London

To see all of the Centre's events in 2015, click [here](#).



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Bojana Bellamy

Message from the President

Dear CIPL Members,

In the last three months, CIPL has been very active on all fronts and around the world. Among other things, we participated in the APEC Data Privacy Meetings in the Philippines, hosted a workshop on the APEC Cross-Border Privacy Rules in the margins of the APEC meetings, published an IAPP article on the alternatives to consent and a white paper for policy-makers on the essential cross-border data transfer mechanisms. In our ongoing global outreach initiatives, we hosted a special closed meeting with the Specific Personal Information Commission, Japan in our office in Washington, DC, and hosted members of the European Parliament through a closed breakfast meeting with the European Internet Foundation. Although we are entering the final months of 2015, CIPL is continually pushing forward new and exciting initiatives. We are looking forward to a bustling fall season and hope to see many of you at the CIPL-Nymity workshop at the 37th International Data Protection and Privacy Commissioners Conference in Amsterdam.

SAVE THE DATE

CIPL & H&W Seminar
**Proposed EU General Data
Protection Regulation:
Privacy Impact Assessments**
5 November 2015
London, UK

CIPL & AvePoint Breakfast:
**Can the New EU
Regulation Ensure Data
Protection for the Financial
Services Sector?**
6 November 2015
London, UK

H&W Workshop:
**Strategy for Assessing the
Impact and Readiness for
GDPR Implementation in
your Organisation**
1 December 2015
Brussels, Belgium

I. CIPL Calls for Individual Empowerment Beyond Consent in New IAPP Privacy Perspective Article

How do we focus on individuals and ensure meaningful control and the empowerment of individuals in the modern information age? What data privacy tools would drive empowerment in the digital world of today and tomorrow more effectively and more nimbly than traditional individual consent? At a time when many countries are legislating or revising their data privacy laws and organisations are searching for best practices to embed in their business models, these questions are more relevant today than ever. In an article published on 2 July 2015, in the International Association of Privacy Professionals' Privacy Perspective, entitled "Empowering Individuals Beyond Consent," Bojana Bellamy and Markus Heyder argue that consent is no longer the best or only way to provide control and protect individuals. There are alternative and additional tools in our toolkit that can deliver effective data privacy and greater individual empowerment. These include legitimate interest processing, new transparency, focus on risk and impact on individuals, individuals' right of access and correction, and fair processing requirements. The article points to these "individual empowerment" mechanisms as effective privacy protection tools that ensure real focus on individuals. When used appropriately, these mechanisms likely will decrease the overuse of consent and limit consent to appropriate situations where it can be effective.

To read the full article, please click [here](#).

II. CIPL Publishes New White Paper on Cross-Border Data Transfers

On 20 August 2015 CIPL published a new white paper entitled “Cross-Border Data Transfer Mechanisms.” This paper and a cover letter was submitted in the public consultation to the Indonesian Draft Regulation proposed by the Minister of Communication and Information (RPM) of the Protection of Personal Data in Electronic Systems.

This white paper is relevant to all global policy makers and legislators who are drafting privacy laws that contain cross-border transfer restrictions for personal data. The paper argues that while an approach to cross-border data transfers that relies on “accountability” rather than transfer restrictions is both viable and preferable, an increasing number of countries are including cross-border transfer restrictions modeled on the EU example. Given this trend, privacy laws that contain cross-border data transfer restrictions should also include the full range of existing exceptions and derogations to such restrictions, as well as a comprehensive set of available cross-border transfer mechanisms to enable accountable global data flows. These mechanisms include:

- **Contracts:** The law should allow cross-border transfers on the basis of contractual arrangements that stipulate appropriate data privacy and security controls to be implemented by the organisations.
- **Corporate Rules:** The law should allow cross-border transfers based on binding corporate rules.
- **Cross-Border Rules:** The law should allow for enforceable corporate cross-border privacy rules modeled on the APEC Cross-Border Privacy Rules.
- **Codes of Conduct, Certifications, Privacy Marks, Seals and Standards:** The law should allow for the use of certified codes of conduct, certifications, privacy marks, and seals and standards as cross-border transfer mechanisms.
- **“Safe Harbors” and Self-Certification Arrangements:** The law should allow the possibility of cross-border transfers based on negotiated safe harbor arrangements, including arrangements that rely on self-certification to a given privacy standard, coupled with enforcement.
- **Consent:** The law should allow cross-border data transfers on the basis of data subject consent.
- **Adequacy and Whitelists:** The law should allow adequacy rulings and “whitelists.”

Any derogations and exceptions to cross-border data transfer restrictions should be comprehensive in light of global practice.

To read this white paper, please click [here](#).

III. CIPL Deepens Engagement on APEC Privacy

CIPL CBPR Workshop at APEC Data Privacy Meetings – The Philippines

On 29 August 2015 CIPL held a well-attended, half-day workshop in the margins of the APEC Data Privacy meetings on “The Ins and Outs of the APEC Cross-Border Privacy Rules (CBPR) and their Role in Enabling Legal Compliance and International Data Transfers – A Workshop for Controllers, Processors and Regulators in the Asia-Pacific Region.” During the workshop, panelists from CIPL members, industry, governments and APEC privacy enforcement authorities, as well as audience members, discussed the benefits of the CBPR and the newly created APEC Privacy Recognition for Processors (PRP) systems to Asia-Pacific-based information controllers and processors and the roles these codes of conduct and cross-border transfer mechanisms can play in an organisation’s domestic and international compliance strategies.



CBPR Workshop Panel

Continued...

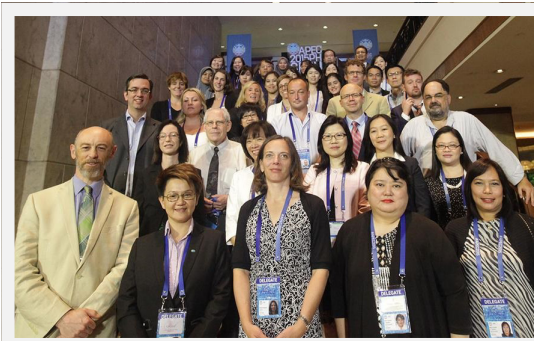
APEC Data Privacy Meetings

The APEC Data Privacy Subgroup (“DPS”) and its parent committee, the Electronic Commerce Steering Group (“ECSG”), finalised the PRP during their latest round of meetings from 25-31 August 2015, in Cebu, Philippines. Markus Heyder participated on behalf of CIPL as an official “guest” of APEC. Completing the PRP system was one of the principal goals at these meetings. The PRP allows information processors to demonstrate their ability to effectively implement an information controller’s privacy obligations related to the processing of personal information. In addition, the PRP enables information controllers to identify qualified and accountable processors, as well as assists small or medium-sized processors that are not widely known to gain visibility and credibility. Combined, the CBPR for controllers and PRP for processors now covers the entire information ecosystem, promising to motivate additional APEC economies to join both the CBPR and PRP systems, as well as incentivising larger numbers of controllers and processors to seek certification.

Although the substantive program requirements had already been finalised by APEC in early February this year, the PRP governance structure, as well as the details of how APEC economies could join and implement the PRP system, remained to be developed intersessionally in the months leading up to the August meetings in Cebu. Now that both the substantive requirements and the operational aspects of the PRP have been completed and officially endorsed by APEC, individual APEC economies and third-party certifiers, or “Accountability Agents,” may join the PRP system. Following that step, information processors seeking PRP certification also can apply to Accountability Agents, similar to the current process under the CBPR system.

Other key items on the DPS and ECSG agendas included (1) ongoing implementation of the CBPR across the APEC region, including adding more APEC economies and Accountability Agents to the system; (2) continuing the collaboration between APEC and the Article 29 Working Party to develop processes to streamline “dual certification” under the CBPR and EU Binding Corporate Rules; and (3) updating certain portions of the APEC Privacy Framework.

The next round of meetings will be held in Peru at the end of February 2016.



**APEC Electronic Commerce Steering Group
(ECSG) - Data Privacy Sub-Group (DPS)**

IV. CIPL Meetings with Global Regulators and Policymakers

CIPL & Europe Internet Foundation Hosts Members of European Parliament for Working Breakfast Meeting — London

On 24 September 2015 CIPL and the Europe Internet Foundation (EIF) hosted a group of members of the European Parliament, led by the current chair of the EIF, Pilar del Castillo, in the London Hunton & Williams office for an exclusive closed working breakfast meeting with several CIPL members. The two hour event included introductory remarks from Bojana Bellamy and Richard Thomas, CIPL Global Strategy Advisor, and industry perspectives from three CIPL members on how to achieve both data innovation and data privacy objectives for a digital Europe in the proposed GDPR and beyond. A Q&A discussion concluded the meeting.

Continued...

CIPL Hosts Specific Personal Information Protection Commission, Japan — Washington, DC

On 16 September 2015 CIPL hosted Commissioner Takao Abe and Deputy Director Hirokazu Yamasaki from the Specific Personal Information Protection Commission (SPIPC), Government of Japan in the Hunton & Williams Washington, DC office for a special closed meeting with CIPL members. The two-hour meeting offered CIPL and its members a chance to hear about the latest privacy developments in Japan, including the revision of the Personal Data Protection Framework and the establishment of a new Personal Information Protection Commission in 2016. The meeting also allowed an exchange of views on various topics including Japan's implementation of the CBPR and de-identification.



CIPL Members meet with Commissioner Abe and Deputy Director Yamasaki, SPIPC Japan

V. CIPL Webinars

On 16 July 2015 CIPL held a webinar titled “Managing Privacy – Tensions Between Global Systems and Local Laws.” Bojana Bellamy moderated with panelists Julie Gibson, Global Privacy Program Leader, P&G; Ben Hayes, Chief Privacy Officer, Nielsen; and Pamela Henderson, Legal Counsel, Data Privacy Compliance – North America, Accenture. The webinar discussed how to manage and implement privacy systems in the context of conflicting global and local laws.

Listen and watch the webinar [here](#).

On 29 September 2015 CIPL held a webinar titled “The Ins and Outs of the APEC Cross-Border Privacy Rules (CBPR) and their Role in Enabling Legal Compliance and International Data Transfers.” Markus Heyder moderated with panelists Josh Harris, Director of Policy, TRUSTe; Anick Fortin-Cousens, Program Director, Corporate Privacy Office and Privacy Officer for Canada, Latin America, Middle East & Africa, IBM; Caitlin Fennessy, Policy Advisor, International Trade Administration, US Department of Commerce; and Melinda Claybaugh, Counsel for International Consumer Protection, Office of International Affairs, FTC.

Listen and watch the webinar [here](#).

Member spotlight

We welcome and thank our newest member:



If you would like more information on membership, please contact Michelle Marcoot, Director, Business Development at mmarcoot@hunton.com.

VI. CIPL Responses, Public Comments, Articles and Other Events

Over the past three months, CIPL prepared the following public comments, published the following articles, and held, or spoke, at the following events.

- Published new white paper titled [Cross-Border Data Transfer Mechanisms](#). This paper was also submitted as comments to the Indonesian Draft Regulation proposed by the Minister of Communication and Information (RPM) of the Protection of Personal Data in Electronic Systems.
- Published an IAPP Privacy Perspectives piece titled [Empowering Individuals Beyond Consent](#).
- 8 July — Bojana Bellamy chaired a session titled “Assessing Privacy Risks and Privacy by Design—How to deliver accountability and build privacy program based on privacy risk management ” at the Privacy Laws & Business 28th Annual International Conference in Cambridge, UK.
- 16 July – CIPL webinar: [“Managing Privacy – Tensions Between Global Systems and Local Laws.”](#)
- 24-30 August — Markus Heyder attended and participated in the APEC Data Privacy Meetings in Cebu City, Philippines.
- 29 August — CIPL held a half-day workshop on “The Ins and Outs of the APEC Cross-Border Privacy Rules (CBPR) and their Role in Enabling Legal Compliance and International Data Transfers – A Workshop for Controllers, Processors and Regulators in the Asia-Pacific Region” on the margins of the APEC meetings in Cebu City, Philippines.
- 16 September — CIPL hosted a meeting with CIPL members and Commissioner Takao Abe and Deputy Director Hiokazu Yamasaki from the Specific Personal Information Protection Commission, Japan in Washington, DC.
- 24 September — CIPL hosted a meeting in its Washington DC office with CIPL members and Kevin Ludeke, Economic Specialist at the US Embassy, San Jose, Costa Rica.
- 29 September CIPL webinar: [“The Ins and Outs of the APEC Cross-Border Privacy Rules \(CBPR\) and their Role in Enabling Legal Compliance and International Data Transfers.”](#)



Bojana Bellamy at Laws & Business 28th Annual International Conference



Markus Heyder and APEC delegates at TRUSTe reception event.



CIPL represented at APEC meetings

Upcoming Events

2 November	Fred Cate, CIPL Senior Policy Advisor, moderates academic panel titled “The Data Dilemma: A Transatlantic Discussion on Privacy, Security, Innovation, Trade, and the Protection of Personal Data in the 21st Century” at the Indiana University Europe Gateway at the CIEE Global Institute — Berlin, Germany
5 November	Bojana Bellamy and CIPL Members speak at H&W Privacy at the Crossroads Seminar: <i>Proposed EU General Data Protection Regulation: Privacy Impact Assessments</i> — London, UK
6 November	CIPL and AvePoint Joint Breakfast Event: <i>Can the New EU Regulation Ensure Data Protection for the Financial Services Sector?</i> — London, UK
10 November	Bojana Bellamy speaks at Danish Business Authority (Erhvervsstyrelsen) “Conference on PrivacyKomasset.dk.” — Copenhagen, Denmark
13 November	First Friday Call
16 November	Markus Heyder speaks on Data Transparency Lab Conference 2015 panel titled “Public Policy and Data Transparency.” — Cambridge, Massachusetts
18 November	Bojana Bellamy speaks at iappANZ PRIVACY@WORK Annual Privacy Summit — Melbourne, Australia
20 November	CIPL Delegation Meeting with the Personal Data Protection Commission Singapore — Singapore
1 December	Hunton & Williams Workshop: <i>Strategy for Assessing the Impact and Readiness for GDPR Implementation in your Organisation</i> — Brussels, Belgium
2 December	Markus Heyder speaks on IAPP Europe Data Protection Congress 2015 panel titled “Inside the CBPR.” — Brussels, Belgium
11 December	First Friday Call
2016 Late January/ Early February	CIPL Workshop: <i>Ensuring Consistent Interpretation and Effective Implementation of the EU GDPR</i> — London, UK

To see all of CIPL’s events in 2015, click [here](#).



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Bojana Bellamy

Message from the President

Dear CIPL Members,

Happy New Year! I hope that each of you rang in the new year with good spirit and cheer. As we say goodbye to year 2015 and welcome a brand new year, CIPL is preparing a number of new and exciting projects, initiatives and workshops in which I hope many of you will be able to take part. (See our new [2016 Calendar of Events](#)) Certainly, 2016 will bring many new and exciting challenges, such as the implementation of the new EU General Data Protection Regulation. In preparation, CIPL is launching a new special project this year—[CIPL Project on GDPR Implementation](#). In the meantime, I would like to highlight in this final Quarterly Report of 2015 our achievements over the last three months, including our Global Privacy Dialogue conference in Brazil, the Accountability workshop in Amsterdam, and a new white paper series on protecting privacy in a world of big data.

SAVE THE DATE

CIPL Roundtable
Examining Both Sides of the Safe Harbour “Essential Equivalence” Equation – Is Europe Up to Scratch?
28 January 2016
Brussels

CIPL, TRUSTe, The IAF and IIS Joint APEC Workshop
Building a Dependable Framework for Privacy, Innovation and Cross-Border Data Flows in the Asia-Pacific Region
22 February 2016
Lima, Peru

CIPL-Google US West Coast Privacy Roundtable
Defining a 2016 Strategy for Innovation and Privacy Compliance
29 February 2016
San Francisco

CIPL GDPR Project Workshop I
Ensuring Consistent Interpretation and Effective Implementation of the EU GDPR
16 March 2016
Amsterdam



I. CIPL and Instituto Brasileiro de Direito Publico Host Global Data Privacy Dialogue in Brasilia

On 6-7 October 2015, CIPL and the [Centro de Direito, Internet e Sociedade do Instituto Brasileiro de Direito Público](#) (CEDIS/IDP) co-hosted a two-day Global Data Privacy Dialogue in Brasilia, at the IDP’s conference facilities. The two-day conference brought together dozens of Brazilian and international privacy experts from government, industry and academia to discuss how to achieve effective privacy protection for individuals, while at the same time enabling technological innovation and the beneficial uses of personal data in the age of Big Data and the Internet of Things. Over 150 individuals attended the conference.

During seven different sessions, participants from Brazil, Uruguay, Colombia, Europe, the United States and Canada discussed the realities of modern information technology and information uses; Brazil’s draft privacy legislation and other important global developments in data protection; how to govern global data flows; how to apply core privacy principles such as consent in the modern information age; how to design effective organisational privacy compliance programs and best practices; and the role of a national data protection authority.

Download the [conference report](#) and the [agenda](#) with the full list of speakers.

Continued...

In addition, CIPL held two special side meetings with Juliana Pereira da Silva, Secretary of the National Consumer Protection Secretariat at the Ministry of Justice on 7 October, and with Senator Aloysio Nunes Ferreira's parliamentary advisor Fabricio da Mota Alves on 8 October. CIPL members discussed the latest developments in the Ministry of Justice draft data protection bill and the details of key proposed amendments to the draft Senate bill, and provided examples of how these provisions would impact industry.

The Global Data Privacy Dialogue is part of a special initiative to facilitate and support international expert engagement with key Brazilian stakeholders during Brazil's ongoing process to develop a comprehensive privacy law.



Global Data Privacy Dialogue panel



Delegation meeting with Secretary
Juliana Pereira da Silva



Delegation group visits Senator Aloysio
Nunes Ferreira's office

Brazil Ministry of Justice Revises Draft Privacy Bill

In late October, the Brazilian Ministry of Justice (the "Ministry") issued its [revised Draft Bill](#) for the Protection of Personal Data ("Draft Bill"). The Ministry had released its preliminary draft in January 2015, and CIPL filed public [comments](#) to the draft on 5 May 2015.

Key changes to the new Draft Bill include:

- adding "legitimate interest" as a basis for processing non-sensitive personal information;
- adding a risk-based approach by data controllers and processors in establishing "best practices standards";
- broadening the definition of "consent";
- adding consent as a basis for legitimising cross-border transfers;
- requiring the application of data processing principles to public data;
- adding a chapter on personal data processing by public authorities;
- clarifying the competence of the Competent Public Body (a privacy authority); and
- creating a multi-stakeholder National Counsel of the Protection of Personal Data, to assist the Competent Public Body.

A more detailed summary of the revised Draft Bill can be found in an article titled [Main Innovations of the Newest Version of the Brazilian Draft Law on the Protection of Personal Data](#), written by Brazilian attorneys Renato Leite Monteiro, Cyber Law and International Law Professor at Mackenzie University School of Law and Bruno Bioni, Researcher for The Public Policy for Access to Information Research Group at the University of São Paulo. The next steps for the Draft Bill include an evaluation by the Brazilian Office of the Presidential Chief of Staff, followed by an introduction to Congress. CIPL is currently drafting comments on the revised Draft Bill.

In addition, there are two other privacy bills currently moving through the Brazilian Congress, one in the Chamber of Deputies and another in the Federal Senate. An updated version of the Senate bill ([PLS 330](#)) was released on 13 October 2015. The current rapporteur for this bill is Senator Aloysio Nunes Ferreira. In order for the Draft Bill to move forward, it would have to be merged with, or supersede, these other two privacy bills.

II. CIPL Hosts Workshop on Accountability at the 37th International Privacy Conference in Amsterdam

On 27 October 2015, CIPL held a joint workshop with Nymity at the 37th [International Privacy Conference](#) in Amsterdam on *Bridging Disparate Privacy Regimes through Organisational Accountability*. The workshop was designed to support and further explore the theme of global “Privacy Bridges” that was presented at the International Privacy Conference. Organisational accountability is one of the proposed bridges in the [Privacy Bridges Report](#) which the international expert group also released during that week.

At the workshop, numerous regulators, CIPL members and business representatives focused specifically on the “bridge” of organisational accountability in three different sessions. The first session examined how accountability systems can help organisations achieve and demonstrate legal compliance, including in the cross-border context. EDPS Director Christopher Docksey provided perspectives from his experiences as a regulator. The second session discussed the benefits of accountability systems from the perspective of privacy and data protection regulators. The panelist of regulators included Jose Alejandro Bermudez, former Colombian DPA and Managing Director of Latin America, Nymity; Elizabeth Denham, Information and Privacy Commissioner for British Columbia, Canada; Ventsislav Karadjov, Chairman of the Board for the Personal Data Protection in the Republic of Bulgaria; and Florence Raynal, Head of the Department of European and International Affairs, CNIL. The final session considered emerging best practices in organisational accountability programs and information management programs.



CIPL and Nymity workshop



EDPS Director Christopher Docksey

Lisa Sotto, partner at Hunton & Williams, also gave a presentation on moving forward in the aftermath of the Court of Justice of the European Union’s Safe Harbor Decision.

Click [here](#) for the workshop agenda.

In conjunction with this workshop and the general themes of the International Privacy Conference, CIPL released two draft white papers in a series of three papers on protecting privacy in a world of big data: The third discussion paper, as well as final versions of all three papers, will be released at a later date.

The three papers propose the following three solutions to the pressing issues of fostering a sustainable data-driven economy and digitally enabled society and protecting privacy:

- 1) enhanced organisational accountability;
- 2) improved privacy risk management; and
- 3) new interpretation of core privacy principles and concepts.

Download Paper 1: [The Role of Enhanced Accountability in Creating a Sustainable Data-driven Economy and Information Society](#).

Download to read Paper 2: [The Role of Privacy Risk Management](#).



Lisa Sotto

III. Transparency in the Age of Big Data

Following the [37th International Privacy Conference](#) in Amsterdam and the [Privacy Bridges Report](#), CIPL is increasing its focus on the issue of “transparency”, which was one of the “privacy bridges” included in this report. The theme of the conference was how to bridge the transatlantic privacy gap through practical and collaborative initiatives that can be pursued right now and in the context of the existing legal frameworks in the EU and US. To provide the basis for this discussion, a group of 20 EU and US privacy experts (including Bojana Bellamy and Fred Cate) had prepared the Privacy Bridges Report. One of CIPL’s proposed initiatives for 2016 is to follow up on the report’s call for further collaborative work on developing the suggested 10 bridges, focusing specifically on the “transparency bridge”.

Our first post-Amsterdam foray into the subject matter was participating in a [conference](#) organised by the Data Transparency Lab (DTL) at the Massachusetts Institute of Technology (MIT) in Cambridge, Massachusetts. The DTL is a community effort founded by MIT, Mozilla Foundation, the Open Data Institute (ODI) and Telefónica to advance online personal data transparency through scientific research and design. At this conference, teams of computer scientist, technologists and researchers discussed their efforts to create tools to explain what happens to personal information online and, by extension, enable more effective user control and choice in that environment. As one of the panelists on the policy panel, Markus Heyder addressed the meaning of transparency in the context of big data, the IoT and other features of the modern information economy.

Specifically, Markus discussed how the complexities of information practices in the digital economy can lead to a sense of suspicion and lack of trust in society towards the organisations that collect and use our personal information, potentially causing overreactions to otherwise perfectly legitimate and beneficial uses of personal data. Combating this lack of trust must begin with transparency, which essentially has three distinct goals, depending on context:

- 1) providing the appropriate amount of information to enable informed user engagement, choice or consent with respect to specific uses of personal information;
- 2) creating general awareness of information practices in a way that explains the “value exchange” between individuals and businesses and creates consumer trust and “buy-in”, even in the absence of choice and consent; and
- 3) educating policy makers, legislators and privacy enforcement authorities about the value propositions and benefits associated with information uses as well as the associated risks (or lack thereof) to enable informed and effective policies, laws and enforcement.

Markus argued that goals 2 and 3 must increasingly become more important because in the age of big data, the IoT, and of ubiquitous information collection, inferring and sharing of data, there will be an increasing number of contexts where individual engagement, choice or consent are no longer practicable, possible, or even wanted by individuals. In these contexts, the role of transparency will primarily be to create general awareness of the “value exchange” between organisations that are creating benefits from personal data, individuals who are contributing their data and society as a whole, as well as to explain and demonstrate to all relevant stakeholders, including regulators, how organisations protect personal data consistent with the elements of organisational accountability.

A more detailed discussion of this topic can be found in the recent IAPP article by Markus [Transparency and the Future of Driverless Privacy](#).



Markus Heyder speaks at Data Transparency Lab Conference at MIT.

IV. Report from Richard Thomas: Smart Privacy Regulation — Achieving Compliance in Practice

What are Data Protection Authorities (DPAs) for? What should be their priorities? How can they best fulfil their responsibilities? How, when resources are tight, can they be smart?

At the EU level, independent DPAs will have their role strengthened by the General Data Protection Regulation (GDPR). In Europe, and elsewhere in the world, DPAs have to wear many hats—policemen, ombudsmen, educators, policy advisers and so on.

But there has been remarkably little debate about overall strategies, the setting of priorities or about how best to achieve compliance in practice. Even the GDPR which will specify DPA duties and powers under EU law, uses many general words—“monitor”, “supervise”, “enforce”, “promote”, “deal with”, “advise”—without any sense of overall mission or prioritisation. Nor is there any real recognition of behaviours in the real world, ignoring both the motivations for organisations to comply (or not comply) with obligations, and the need to distinguish between those trying hard to get it right and those who simply ignore or wilfully breach their responsibilities.

This situation is not unique to privacy and data protection. Last month I attended a workshop at the University of Oxford to mark the publication of [“Law and Corporate Behaviour”](#) by Professor Christopher Hodges. His approach draws heavily upon a considerable body of empirical evidence and behavioural psychology to consider *why* people and corporations observe or break rules and applies the findings to regulatory and compliance systems and to enforcement policies. The book does not directly examine privacy regulation, but there is a great deal of food for thought for DPAs and those they regulate.

Of particular relevance is Hodges’ central conclusion that effective regulation must involve a more collaborative approach—harnessing corporate self-interest with the promotion of responsible approaches to compliance.

In the New Year, within the context of CIPL’s new GDPR project, I am planning to prepare a paper to extend this thinking to the regulation of data protection. There is plenty of scope to explore how smarter approaches to regulation can achieve better compliance in practice.

If you would like further information, please contact Richard Thomas at Richard.Thomas@which.net.

V. CIPL Engages with Personal Data Protection Commission, Singapore

On 1 October 2015 CIPL hosted Chairman Leong Keng Thai and a delegation from the PDPC Singapore in Washington, DC for a special closed lunch meeting with CIPL members. The two-hour meeting offered CIPL and its members a chance to hear about the latest privacy developments in Singapore, and the vision of the PDPC on making Singapore a global data hub. The meeting also allowed CIPL members to discuss various topics including cross-border data transfer mechanisms, applying privacy principles to big data, data security and breach notification, and privacy risk management.



Washington, DC Meeting

On 20 November 2015 Bojana Bellamy led a delegation of CIPL members for a special meeting with the PDPC Singapore in their office in Singapore. The two-hour meeting provided CIPL members and the PDPC the opportunity to exchange ideas on the solutions for big data and how to achieve a dual goal of privacy protection and fostering innovation and big data applications in the modern information age. Key discussion points included interpretation of privacy principles, risk management, corporate digital responsibility and enhanced accountability.

VI. CIPL Responses, Public Comments, Articles and Other Events

Over the past three months, CIPL prepared the following public comments, published the following articles, and held, or spoke at, the following events.

- Published two new white paper discussion drafts titled [The Role of Enhanced Accountability in Creating a Sustainable Data-driven Economy and Information Society](#) and [The Role of Risk Management](#) as part of a new series proposing three sets of solutions for protecting privacy in the modern information age of big data.
- Markus Heyder published an IAPP Privacy Perspectives piece titled [Transparency and the Future of Driverless Privacy](#).
- 28 October – Bojana Bellamy moderated a panel on the Privacy Bridges Project at the [37th International Privacy Conference](#) — Amsterdam, Netherlands
- 2 November – Fred Cate, CIPL Senior Policy Advisor, moderated an academic panel titled [“The Data Dilemma: A Transatlantic Discussion on Privacy, Security, Innovation, Trade, and the Protection of Personal Data in the 21st Century”](#) at the Indiana University Europe Gateway at the CIEE Global Institute — Berlin, Germany
- 5 November – Bojana Bellamy and CIPL Members spoke at H&W Privacy at the Crossroads Seminar: Proposed EU General Data Protection Regulation: Privacy Impact Assessments — London, UK
- 6 November – CIPL and AvePoint Joint Breakfast Event: Can the New EU Regulation Ensure Data Protection for the Financial Services Sector? — London, UK
- 10 November – Bojana Bellamy spoke at Danish Business Authority (Erhvervsstyrelsen) “Conference on PrivacyKomasset.dk.” — Copenhagen, Denmark
- 16 November – Markus Heyder spoke on panel titled “Public Policy and Data Transparency” at the Data Transparency Lab Conference 2015 — Cambridge, Massachusetts
- 18 November – Bojana Bellamy spoke at iappANZ PRIVACY@WORK Annual Privacy Summit — Melbourne, Australia
- 9 December – CIPL Lunch Meeting with MEPs: Can a European Digital Single Market Foster Growth in Europe? — Brussels, Belgium



Bojana Bellamy moderating panel on Privacy Bridges



Bojana Bellamy on panel at iappANZ Annual Privacy Summit



Bojana Bellamy speaking at Danish Business Authority conference

Upcoming Events

Click here to see the [2016 Calendar of Events](#)

20 January	Bojana Bellamy speaks on EU GDPR panel at the EY Data Protection Day event — London
21 January	CIPL and Hunton & Williams Workshop: <i>Assessing your Organisation's GDPR Readiness and Developing an Implementation Strategy</i> — London
28 January	CIPL Roundtable : <i>Examining Both Sides of the Safe Harbour "Essential Equivalence" Equation – Is Europe Up to Scratch?</i> — Brussels
28 January	Markus Heyder speaks on panel titled "The Future of the Processing of Personal Data: Internet of Things and Other Technologies" at the Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (INAI) International Data Protection Day 2016 conference — Mexico City
5 February	First Friday Call
22 February	CIPL, TRUSTe, The IAF and IIS Joint APEC Workshop: <i>Building a Dependable Framework for Privacy, Innovation and Cross-Border Data Flows in the Asia-Pacific Region</i> — Lima, Peru
23-27 February	Markus Heyder attends APEC Data Privacy Meetings — Lima, Peru
29 February	CIPL-Google US West Coast Privacy Roundtable: <i>Defining a 2016 Strategy for Innovation and Privacy Compliance</i> — San Francisco
1 March	Bojana Bellamy speaks on panel titled "Privacy, Security, IT and the new European General Protection Regulation" at RSA Conference 2016 — San Francisco
11 March	First Friday Call
16 March	CIPL GDPR Project Workshop I: <i>Ensuring Consistent Interpretation and Effective Implementation of the EU GDPR</i> — Amsterdam

MEMBER SPOTLIGHT

We **welcome** and **thank** our newest members:

INTEL and HP INC.

For more information on membership, please contact Michelle Marcoot at mmarcoot@hunton.com.



NEW CIPL WEBSITE

CIPL is excited to announce that we are currently in the process of launching a *new website* in 2016 to help bring improvements to our members.



Follow us on [Twitter](#)
and on [LinkedIn](#)

Visit our website [Centre for Information Policy Leadership](#)
Visit the Hunton & Williams [Privacy and Information Security Law Blog](#)