

Message from the President



Bojana Bellamy

Dear CIPL Members,

2016 is shaping up to be a very busy year for data privacy around the world. At the forefront is the now officially adopted EU General Data Protection Regulation (GDPR), initiating implementation-related activities and deliberations of epic proportions. Through our new long-term special project on GDPR Implementation that we recently kicked off in Amsterdam, CIPL has been on the forefront of this activity, trying to bridge industry with government regulators, ministries and the European Commission as we all tackle the new challenges posed by the new GDPR requirements. Most recently, CIPL has joined forces with AvePoint and launched a global GDPR readiness survey to benchmark organisations' readiness for the GDPR. I encourage you all to participate in this important survey. *(Read more about the survey and how to participate on page 3.)* In addition, CIPL continues to engage other key fronts in the ongoing global work in privacy: big data and innovation; APEC Cross-Border Privacy Rules; EU-US Privacy Shield; and developments in Brazil and the Asia-Pacific region, to name just a few. I invite you to read in this Quarterly Report about our exceptional portfolio of events and engagements during the last three months. We have a busy and exciting year ahead of us and we hope to see many of you at all of our events. And don't forget to RSVP for our Annual Executive Retreat on 15 June in Washington, DC.

SAVE THE DATES

CIPL Webinar: A Deep Dive on "Risk" and High Risk" in the EU GDPR
24 May 2016

CIPL Annual Executive Retreat
15 June 2016
Washington, DC
***Pre-retreat reception and dinner**
14 June 2016

CIPL APEC CBPR Workshop
18 July 2016
Singapore

I. CIPL Launches Special Long-Term EU GDPR Implementation Project with First Workshop in Amsterdam

On 16 March 2016, CIPL co-hosted a one-day workshop in Amsterdam, Netherlands, together with the Dutch Ministry of Security and Justice, to kick off its new long-term project on the implementation of the EU GDPR.

Under the title "Towards a Successful and Consistent Implementation of the GDPR," the focus topics of the workshop were (1) data privacy programmatic management, including the elements of accountability, the role of the data protection officer, assessing risk in the context of privacy impact assessments, privacy by design and breach notifications, demonstrating accountability externally, binding corporate rules, privacy seals and certifications and codes of conduct, and harmonisation and consistent implementation;

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and (2) individual rights, including data portability, data erasure, right to object and transparency to individuals.

Keynote remarks were given by Isabelle Falque-Pierrotin, Chair of the Article 29 Working Party and President of CNIL, and Karolina Mojzesowicz, Head of Data Protection Reform Sector at the European Commission. About 100 participants from numerous EU data protection authorities, the European Data Protection Supervisor, the European Commission, several government ministries and EU and US businesses, as well as academia and other organisations, participated in the workshop.

[Download the workshop report.](#) (includes the workshop programme and full workshop attendee list)

The two-year project aims to address the need for a constructive and expert dialogue between industry, regulators and key policymakers with the following specific objectives:

- facilitating consistency in the interpretation of the GDPR across the EU;
- informing and advancing constructive and forward-thinking interpretations of key GDPR requirements;
- facilitating consistency in the further implementation of the GDPR by EU Member States, the European Commission and the European Data Protection Board;
- examining best practices and challenges in the implementation of the key GDPR requirements;
- sharing industry experiences and views to benchmark, coordinate and streamline the implementation of new compliance measures; and
- examining how the new GDPR requirements should be interpreted and implemented to advance the European Digital Single Market strategy and data-driven innovation, while protecting the privacy of individuals and respecting the fundamental right to data protection.

The project will consist of and result in a number of workshops (including a second workshop in September 2016 in Paris TBC), webinars, written submissions, and other relevant events and materials.

Click here to download the [project description](#) and [2016 work plan](#).

For a recent discussion of the Amsterdam workshop, read CIPL's latest IAPP Privacy Perspective publication [“How to Build a Cathedral in Two Years”](#) by Bojana Bellamy and Markus Heyder.



Keynote speakers Isabelle Falque-Pierrotin and Karolina Mojzesowicz



Workshop I in Amsterdam



Bojana Bellamy and workshop participants at pre-workshop dinner.



Workshop I focus topics discussion

Complete GDPR Readiness Survey for Your Organisation



With the EU Data Protection Regulation (GDPR) enacted and due to come into force in May 2018, CIPL and AvePoint have launched a global GDPR readiness survey to enable organisations to benchmark their readiness for the GDPR. The survey focuses on the key areas of impact and change for organisations under the GDPR, such as consent, legitimate interest, data portability, profiling, privacy impact assessments, DPOs, data transfers and privacy management program.

Please participate today in this survey designed to help organisations to:

- Assess their current state of readiness for the GDPR;
- Benchmark and evaluate their readiness in relation to industry peers on an on-going basis;
- Understand key changes and compliance obligations under the GDPR; and,
- Help determine a best implementation path forward and make appropriate resources and budgetary requests to meet their goals.

The anonymous results will be aggregated, analyzed and used to publish an annual benchmark report that will provide your organisation with an overview of the current state of preparedness for the GDPR and recommendations of identified best practices among the survey respondents. This will help Chief Privacy and Data Protection Officers who are looking to ramp up their privacy programs, as well as Chief Information Officers, Chief Information Security Officers, Business Leaders, and the entire Executive Leadership within organisations as they are considering companywide change-management programs for the implementation of the GDPR.

By completing the survey, you will receive a report that outlines what organisations from different industries and regions are doing to prepare for the GDPR. The first report is expected to be ready in June 2016, and we plan to repeat the survey annually to track progress.

Email GDPRsurvey@avepoint.com to receive a unique username and password and link to log into the live survey. We are asking that each organisation submits only one response to the survey.

II. Bojana Bellamy Testifies on the EU-US Privacy Shield Before the European Parliament LIBE Committee

On 17 March 2016, Bojana Bellamy participated on a panel of experts at a hearing in front of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee) about the new EU-US Privacy Shield for commercial transfers of EU personal data to the US.

Bojana supported the Privacy Shield, arguing that it is an essential data transfer mechanism that will substantially strengthen data privacy in transatlantic data transfers and deliver effective protections to individuals. She argued that both European and US companies need a wide spectrum of data transfer mechanisms, including the Privacy Shield, to reflect the



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Photo credit: DIGITALEUROPE

diversity of today's global data flows, companies and their transfer needs.

In addition, she also placed the Privacy Shield into the context of the modern data economy generally, and the goals of the European Digital Single Market specifically. She discussed the Privacy Shield's role as an enabler for European business to be more efficient, productive and connected. Bojana emphasised to the LIBE Committee that the Privacy Shield is a "thoughtful framework" that would create an environment where data can move both securely and freely across borders. Rejecting the Privacy Shield based on an ill-advised "fortress Europe" mentality would not only be unfavorable for privacy, but would also undermine the EU's ability to successfully participate in what the World Economic Forum calls the "fourth industrial revolution."

[Click here to read a more detailed account of her testimony before the LIBE Committee.](#)

[Click here to watch the hearing.](#)

III. CIPL Holds "Essential Equivalence" Roundtable with Top European Voices Geoffrey Robertson and Noëlle Lenoir

On 28 January 2016, CIPL held a special roundtable at Hunton & Williams' Brussels office to examine the "essential equivalence" requirement for protection of data transfers to non-EU countries set by the Court of Justice of the European Union's (CJEU) Schrems decision. The roundtable brought together leading lawyers, corporate privacy officers, legal experts, regulators and policymakers to discuss the critical issues and impact of the new "essential equivalence" requirement for global data transfers set by the CJEU, and its relevance to the current EU-US Privacy Shield negotiations.

The roundtable discussion touched upon the following topics:

- How should we interpret the CJEU's clarification of adequacy, and what standards exist to protect EU citizens' data against access by EU government surveillance and intelligence agencies?
- What are the respective roles and the jurisdiction of the CJEU and the European Court of Human Rights, and how does the separation of competence between the EU and its Member States affect the protection of privacy in Europe?
- How should we interpret the Schrems decision in light of the court's role within the EU legal order, its relationship with the European Court of Human Rights, and EU Member States exclusive competence in matters of national security and intelligence?
- What is the impact of the key criteria set forth in the Schrems decision on European and international businesses, cross-border data flows and the global economy?



Geoffrey Robertson QC



Noëlle Lenoir

The roundtable offered a unique opportunity to hear from two of Europe's leading voices: Geoffrey Robertson QC from the UK, and Noëlle Lenoir from France, both of whom agreed that in order to determine whether the protection afforded to Europeans in the US is "essentially equivalent" to those afforded by the EU legal order, one has to examine not only the laws and rules in force, but also administrative practices in effect in the country. They also emphasised that it is critical not to compare the two legal orders in the abstract, but rather to focus on the protection of privacy in the context of government surveillance and national security.

[Click here to read a more detailed account of the roundtable.](#)

IV. CIPL Co-Hosts APEC CBPR Workshop in Lima, Peru

On 22 February 2016, CIPL, together with TRUSTe, the Information Accountability Foundation and Information Integrity Solutions, co-hosted a workshop — “Building a Dependable Framework for Privacy, Innovation and Cross-Border Data Flows in the Asia-Pacific Region” — in Lima, Peru, on the margins of the APEC Electronic Commerce Steering Group (ECSG) and Data Privacy Subgroup (DPS) meetings. Over 60 international and local individuals participated, including Erick Iriarte, Partner and Head of Information Technology Law at Iriarte & Asociados, and José Álvaro Quiroga León, the Directorate General for Personal Data Protection in Peru.



APEC CBPR workshop in Lima, Peru

The workshop began with an introductory tutorial on the APEC Cross-Border Privacy Rules (CBPR) and APEC Privacy Recognition for Processors (PRP), followed by panels on accountability-based information management programmes, key issues in the ongoing implementation of the CBPR/PRP system across the APEC region, current work on creating interoperable systems for cross-border data flows between APEC and the EU, and the applicability of the APEC Privacy Framework in the context of big data and other modern information uses.



Markus Heyder representing CIPL at APEC ECSG Plenary Meetings

[Click here to download the workshop programme.](#)

V. CIPL Hosts US West Coast Roundtable

On 29 February 2016, CIPL and Google co-hosted a special roundtable for corporate privacy leaders on the US West Coast in San Francisco. The roundtable provided a forum for over 30 senior corporate privacy leaders to discuss key issues and exchange views relating to new regulatory changes and privacy developments around the world. The roundtable focused on two main sessions, the first on protecting data-driven innovation and achieving privacy compliance in a time of regulatory changes in Europe and elsewhere, and the second on protecting global data flows.

Click here to download [the roundtable report](#) and [roundtable programme](#).

VI. CIPL Hosts Meeting with the Personal Information Protection Commission, Japan in Washington, DC

On 7 March 2016, CIPL hosted newly appointed Commissioner Machiko Miyai and her delegation including PIPC Director Tatsuya Ishii, Fumitake Yamada and Director of the Embassy of Japan in the US Masatoshi Kawano in the Hunton & Williams Washington, DC, office for a special closed meeting with CIPL members. The nearly two-hour meeting offered CIPL and its members a chance to hear about the latest privacy developments in Japan, as well as an opportunity to share industry perspectives on the CBPR and the EU-US Privacy Shield.



Commissioner Machiko Miyai with CIPL members

VII. 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 an IAPP Privacy Perspectives op-ed piece titled [“How to Build a Cathedral in Two Years”](#)
- 20 January – Bojana Bellamy spoke at Ernst & Young’s Data Protection Day event in London
- 21 January – CIPL and Hunton & Williams Seminar: What Now? Assessing the Impact of the EU GDPR in Your Organisation (London)
- 25 January – Bojana Bellamy and Richard Thomas met with Baroness Neville-Rolfe DBE CMG, UK Parliamentary Under Secretary of State at the Department for Business, Innovation and Skills & Minister for Intellectual Property regarding GDPR implementation in the UK
- 28 January – Markus Heyder spoke at the Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (INAI) International Data Protection Day 2016 conference in Mexico City on how to protect privacy while also enabling big data and innovation. [Watch the panel.](#)
- 5 February – First Friday Call. Topics included CIPL’s GDPR Implementation project, CIPL’s joint APEC Workshop, the latest developments on the EU-US Privacy Shield, GDPR Implementation in the UK, International Privacy Enforcement Cooperation and INAI Mexico International Data Protection Day Conference
- 23-27 February – Markus Heyder participated in and spoke at the APEC Data Privacy Meetings in Lima, Peru
- 29 February – Bojana Bellamy spoke at the RSA Conference 2016 in San Francisco
- 11 March – First Friday Call. Topics included the EU-US Privacy Shield framework agreement, the E-Privacy Directive, the latest privacy developments from the APEC meetings in Lima, APEC’s big data and innovation agenda, and the new Turkish data protection law



Bojana Bellamy and Richard Thomas meet with Baroness Neville-Rolfe



Markus Heyder speaking at INAI International Data Protection Day 2016 conference
Photo credit: APEC Peru 2016



Bojana Bellamy, Dana Simberkoff, JoAnn Stonier and Michelle Dennedy speaking at RSA Conference



Markus Heyder at APEC Data Privacy Meetings in Lima, Peru
Photo credit: APEC Peru 2016

Upcoming Events

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

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|---------------------|--|
| 6 May | First Friday Call |
| 9 May | Markus Heyder attends NTIA roundtable: <i>Measuring Cross-Border Data Flows: Unmet Data Needs</i> (Washington, DC) |
| 24 May | CIPL GDPR project webinar: <i>A Deep Dive on “Risk” and “High Risk” in the EU GDPR</i> |
| 3 June | First Friday Call |
| 9-10 June | Markus Heyder speaks at 4th International Conference on Data Protection – XIV Iberoamerican Meeting on Data Protection (Santa Marta, Colombia) |
| 9-10 June | Bojana Bellamy speaks at the Society for Computers and Law (SCL) IFCLA Conference 2016 (London) |
| 15 June | CIPL Annual Executive Retreat (Washington, DC) <i>*14 June: Pre-retreat reception and dinner</i> |
| 22 June | CIPL GDPR project webinar: <i>Deep Dive on the Role of the DPO</i> |
| 28-30 June | Markus Heyder attends and speaks at 6th APEC E-Commerce Business Alliance Forum (Jinjiang, China) |
| 30 June | CIPL and Telefonica joint high-level roundtable discussion: <i>Reframing Data Transparency</i> (London) |
| 5 July | Bojana Bellamy teaches a course on accountability at the Brussels Privacy Hub’s 1st European Data Protection Law Summer School (Brussels) |
| 18 July | CIPL APEC Cross-Border Privacy Rules (CBPR) workshop (Singapore) |
| 19 July | Bojana Bellamy speaks on panel during the IAPP Asia Privacy Forum 2016 (Singapore) |
| 22 July | CIPL holds a panel during the open day of the 45th Asia Pacific Privacy Authorities (APPA) Forum (Singapore) |
| September, Date TBD | CIPL GDPR Project Workshop II (Paris TBC) |

We welcome and thank our newest members:

Amazon, GSMA, Liberty Global and Takeda Pharmaceuticals

For more information about 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* 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](#)

Message from the President



Bojana Bellamy

Dear CIPL Members,

As many of you wind down for the summer holidays, CIPL is working harder than ever to bridge the divide between industry, governments, regulators and regions and ensure an ongoing dialogue and exchange of policy ideas regarding the many privacy and information management challenges facing the world today. CIPL's GDPR implementation project is now fully underway. We've had two deep-dive webinars on the role of risk and the DPO under the GDPR, and we will soon be releasing consultation papers on risk and the DPO. And remember to save the date for our second GDPR project workshop in Paris on 19 September. In June, CIPL members and global regulators gathered for our annual executive retreat in Washington, DC, and in London, CIPL and Telefónica held a very important joint senior executive roundtable on data transparency. In addition, CIPL was an active presence during the APEC E-commerce Business Alliance Forum in China as we continue our focus on cross-border data flows and efforts to promote the APEC Cross-Border Privacy Rules (CBPR) system. These are just a few of the many events and activities CIPL has been engaged with in the course of this second quarter of 2016 and I encourage you all to check out our newly updated website www.informationpolicycentre.com to learn more.

SAVE THE DATES

CIPL GDPR Implementation Project Workshop II

19 September 2016, Paris

*Dinner following workshop

CIPL GDPR Project Implementation Session

20 September 2016, hosted by Orange S.A., Paris

CIPL Workshop at the 38th International Data Protection and Privacy Commissioner's Conference

The Role of Risk Assessment and Transparency in Enabling Organisational Accountability in the Digital Economy

20 October 2016

Marrakech, Morocco

Annual Executive Retreat: *Privacy Agenda 2016: Europe; Innovation Drivers; Global Compliance; Government Access and More* — Washington, DC

CIPL held its annual executive retreat on 15 June in Washington, DC. The theme of the retreat was "*Privacy Agenda 2016: Europe; Innovation Drivers; Global Compliance; Government Access and More*." Over 70 industry leaders, key global data privacy regulators and policy makers participated in Washington, DC and also in London, Brussels, and Paris through video conference.



2016 Retreat

The morning of the retreat began with a panel session on global privacy developments and how they impact the development of global privacy compliance programs. Ted Dean, Deputy Assistant Secretary for Services with the International Trade Administration, spoke specifically in regards to the latest developments on the EU-US Privacy Shield. The next two panel sessions explored key issues relating to the GDPR—historical and statistical research, pseudonymisation/anonymisation, transparency, and

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the role of “risk” and “high risk.” Following lunch, the next panel shared their vision and practical experiences on how to mediate between technological innovation and existing legal frameworks. Commissioner Daniel Therrien discussed the Office of the Privacy Commissioner Canada’s latest [report on consent and privacy](#). The final panel session focused on the issues surrounding government access to personal information and how to take practical steps navigating government access to private-sector data. The retreat ended with a CIPL members-only closed session to discuss CIPL’s agenda and initiatives in the year ahead.

For full details on the retreat, please see the [retreat program](#).



Commissioner Daniel Therrien

II. Reframing Data Transparency Roundtable

On 30 June, CIPL and Telefónica held a joint senior level roundtable discussion on “Reframing Data Transparency” in the Hunton & Williams office in London. Over 50 senior industry and regulator stakeholders participated.

The roundtable began with opening remarks from CIPL’s President Bojana Bellamy and Ian Small, Telefónica’s Chief Data Officer, and was followed by a discussion on best practices and experiences regarding transparency led by industry and regulator stakeholders including Jacob Kohnstamm, Chairman, Dutch Data Protection Authority, Wojciech Wiewiórowski, Assistant European Data Protection Supervisor, and Steve Wood, Head of Policy Delivery, UK Information Commissioners Office. The remainder of the roundtable was an open discussion on the following topics:

- Transparency deficit and legal transparency vs. user centric transparency;
- The drivers and benefits of transparency;
- The challenges of delivering user-centric transparency in a connected world;
- Components of emerging best practice; and
- Role of industry and regulators in incentivising and shaping best practice.

For full details on the roundtable, please see the [roundtable program](#).



Ian Small, Telefonica’s Chief Data Officer



Data Transparency Roundtable

III. 6th APEC E-Commerce Business Alliance Forum, Jinjiang, China

On 28-30 June, Markus Heyder, along with Policy Director Josh Harris of TRUSTe and Hunton & Williams partner Manuel “Bing” Maisog, attended the [6th APEC E-commerce Business Alliance \(ECBA\) Forum](#) in Jinjiang, Fujian Province, China. The theme of the forum was “Promoting Inclusive Trade Through Cross-Border E-Commerce” and covered issues relating to cross-border data flows, privacy, data security and big data. Markus Heyder spoke about how to enable innovation and privacy in the context of big data.

As members of the APEC ECBA Expert Council, which includes 32 e-commerce experts from government, academia and the private sector in the APEC region, Markus, Josh and Bing also participated in a pre-conference meeting and expert roundtable to develop the [Jinjiang Proposal](#).

ECBA’s secretariat is based in the China International E-Commerce Center, which is a quasi-public agency under China’s Ministry of Commerce. The principal focus of CIPL’s participation in the forum and the experts meeting was to promote the APEC CBPR and the possibility of launching a CBPR pilot project with relevant stakeholders in China.



Markus Heyder speaking at 6th ECBA Forum
Photo Credit: en.apec-ecba.gov.cn



Bing Maisog and Markus Heyder on panel at 6th ECBA Forum
Photo Credit: en.apec-ecba.gov.cn

IV. 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.

- Released [“Implementing and Interpreting the GDPR: Challenges and Opportunities”](#) outcomes report from the first GDPR implementation project workshop in Amsterdam.
- Submitted [comments on the Federal Communication Commission’s Notice of Proposed Rulemaking \(NPRM\) on Protecting the Privacy of Customers of Broadband and other Telecommunication Services](#)
- Submitted comments to the revised Brazil Draft Privacy Law on the Protection of Personal Data ([English](#) and [Portuguese](#))
- 5-6 April – Bojana Bellamy spoke on “Bridging Privacy, Security and IT to Prepare for GDPR and Beyond” and “Will the Privacy Bridges Be Built?” panels at the IAPP Global Privacy Summit (Washington, DC)

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- 21 April – Bojana Bellamy spoke on “Women Leading Privacy: The Psychology of Successful Women” panel at the IAPP Europe Data Protection Intensive 2016 (London)
- 25-26 April – Bojana Bellamy chaired the 6th European Data Protection Days (EDPD) 2016 Conference (Berlin) [Video recap](#) and [Executive Summary](#)
- 26 April – CIPL hosted a GDPR dinner discussion “Consistent Interpretation and Implementation of the GDPR” (Berlin)
- 9 May – Markus Heyder participated in NTIA roundtable “Measuring Cross-Border Data Flows: Unmet Data Needs” (Washington, DC)
- 24 May – CIPL GDPR project webinar: A Deep Dive on “Risk” and “High Risk” in the GDPR ([PowerPoint Slides](#))
- 31 May – Bojana Bellamy attended European Data Protection Supervisor EDPS-EAG Workshop on Ethics and Data Protection (Brussels)
- 9 June – Bojana Bellamy chaired the “Data Protection – Compliance in a Heavily Regulated Environment” session at the Society for Computers and Law IFCLA Conference 2016 (London)
- 22 June – CIPL GDPR project webinar: A Deep Dive on the Role of the DPO under the GDPR ([PowerPoint Slides](#))
- 9-10 June – Markus Heyder spoke at the 4th International Conference on Data Protection – XIV Iberoamerican Meeting on Data Protection (Santa Marta, Colombia)
- 9-10 June – Bojana Bellamy spoke at the Society for Computers and Law (SCL) IFCLA Conference 2016 (London)
- 20-23 June – Bojana Bellamy spoke on the “Protecting and Promoting Privacy in our Data-Driven Societies” working group and chaired the “Respecting Privacy Rights in the Commercial Use of Personal Data” working group at the European Union Agency for Fundamental Rights Forum (Vienna)
- 27 June – Markus Heyder published [“Good News for the APEC Cross-Border Privacy Rules”](#) in Data Protection Law & Policy by Data Guidance.



COMPLETE GDPR READINESS SURVEY FOR YOUR ORGANISATION

CIPL, Hutton & Williams and AvePoint have launched a global survey to enable organizations to benchmark their readiness for the GDPR. The anonymous results will be aggregated, analysed and used to publish an annual benchmark report that will provide your organisation with an overview of the current state of preparedness for the GDPR and recommendations of identified best practices among the survey respondents.

[CLICK HERE TO TAKE THE SURVEY](#)

Survey closes 9 September 2016.

2016 Upcoming Events

[Click here to see the 2016 -2017 Calendar of Events](#)

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|---------------|--|
| 7 September | Markus Heyder participates in a panel organized by IAPP KnowledgeNet on “APEC: International Privacy Coordination Efforts Outside Europe” (Washington, DC) |
| 19 September | CIPL GDPR Project Workshop II and Dinner—CIPL will continue the dialogue between industry, legal and academic experts, DPAs, Ministries, the European Data Protection Supervisor (EDPS) and the EU Commission which we began at Workshop I in Amsterdam. The specific topics to be covered in this workshop will be the role of the Data Protection Officers (DPO) and Risk under the GDPR. There will be a reception dinner following the workshop. (Paris) |
| 20 September | CIPL GDPR Project Implementation Session hosted by Orange S.A. — in addition to the CIPL GDPR Workshop II, we will hold a post-workshop meeting with companies participating in the project to discuss the status of companies' GDPR implementation plans, best practices and specific challenges in implementing the key new requirements of the GDPR. Discussion topics will include consent, legitimate interest, profiling transparency and vendor management. (Paris) |
| 7 October | First Friday Call |
| 11 October | CIPL GDPR Project Webinar: <i>Certifications</i> |
| 13-14 October | 15th Annual PDP Data Protection Compliance Conference (London) |
| 17-20 October | 38th International Conference of Data Protection and Privacy Commissioners (Marrakech, Morocco) |
| 20 October | CIPL Side Event “The Role of Risk Assessment and Transparency in Enabling Organisational Accountability in the Digital Economy” at the 38 th International Data Protection and Privacy Commissioners conference (Marrakech, Morocco) |
| 24 October | Nordic Privacy Arena (Stockholm, Sweden) |

Member Spotlight

We welcome and thank our newest members:

Teleperformance Group & Novartis

New CIPL Website

CIPL is excited to announce that we have launched our *new website* to help bring improvements to our members.

www.informationpolicycentre.com



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Visit our website [Centre for Information Policy Leadership](#)

Visit the Hunton & Williams [Privacy and Information Security Law Blog](#)

Message from the President



Bojana Bellamy

Dear CIPL Members,

As you will see, we've had another incredibly busy quarter, despite summer holidays. We've accomplished a lot over the third Quarter of the year: a major APEC CBPR capacity building workshop in Singapore, active participation in the most recent APPA meetings, as well as the APEC privacy meetings in Peru; an active role at the WP29 GDPR "FabLab" in July, our second major GDPR implementation workshop on the issues of the Data Protection Officer and risk in Paris, a CIPL Industry Roundtable to benchmark our members' progress in implementing the GDPR, and much more.

We've hired a part-time senior policy advisor, [Dr. Hielke Hijmans](#), to assist on our EU General Data Protection Regulation (GDPR) implementation project, smart regulation, and other work streams. Hielke, who will be working out of Brussels, is a widely recognised independent expert, legal advisor and specialist in EU privacy law. We are delighted to welcome a data protection expert of his caliber on the team.

We've also managed to submit comments in three consultations with authorities in the EU, Australia and Singapore. At the moment, we are busy finalizing our two white papers on the role of the Data Protection Officer and of risk, high risk and DPIAs under the GDPR, even as we are gearing up for our next GDPR working session on certifications on 8 November in Brussels and our next white paper on that topic. I look forward to seeing many of you in Brussels soon and wish all of you as many warm and sunny fall days as possible before the start of winter.

SAVE THE DATES

CIPL GDPR Project Working Session on Seals, Certifications and Codes of Conduct

8 November 2016
Brussels, Belgium

NYPOF Roundtable: GDPR Implementation Briefing with members of the EU Commission, the UK ICO and the Centre for Information Policy Leadership

18 November 2016
New York, NY

CIPL and Hunton & Williams Breakfast Briefing with Elizabeth Denham

22 November 2016
London, UK

I. CIPL & APEC Workshop: *Enabling Legal Compliance and Cross Border Data Transfers with the APEC Cross-Border Privacy Rules, Singapore*

CIPL co-hosted an APEC Cross-Border Privacy Rules capacity-building workshop alongside the Asia-Pacific Economic Cooperation (APEC) forum on 18 July 2016 in Singapore, entitled "Enabling Legal Compliance and Cross-Border Data Transfers with the APEC Cross-Border Privacy Rules (CBPRs)." The discussions covered a wide range of issues related to the benefits and ongoing implementation of both the APEC CBPR system and the complementary system for processors, the APEC Privacy Recognition for Processors (PRP), the role of Accountability Agents and the process for becoming certified, among other issues. Piet Grillet, General Counsel of MasterCard Asia Pacific, opened the workshop alongside CIPL President Bojana Bellamy and Zee Kin Yeong, Assistant Chief Executive of the personal Data Protection Commission (PDPC).

By all accounts, the CBPR workshop was a success in terms of wide participation by approximately 100 attendees representing businesses, governments, regulators and

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other stakeholders, the wide range of issues covered, and the active engagement by the participants during the panel discussions. A sentiment expressed frequently throughout the day was the need to implement the CBPR system across APEC as quickly as possible to enable its full range of benefits for businesses, governments, privacy authorities and consumers. In addition participants discussed the need for the WP29 and APEC to continue their work in cross-regional interoperability between cross-border transfer mechanisms.

Participants also identified a number of key issues that need to be clarified by APEC in the near term, such as, for example, (1) the rules around selecting the relevant jurisdiction for certification for companies (and their subsidiaries) that are active in numerous APEC Member Economies and/or that are headquartered outside of APEC but with significant business operations in APEC, and the precise scope of a CBPR certification in these cases; and (2) how false claims relating to CBPR certification can be enforced against in the various APEC Member Economies.

For full details on the workshop, please see the [program](#) and [report](#).



Zee Kin Yeong, Josh Harris, Markus Heyder

II. CIPL Participates in the 45th Meeting of the Asia Pacific Privacy Authorities (APPA)

During the open session of the 45th Meeting of the Asia Pacific Privacy Authorities (APPA), CIPL President Bojana Bellamy moderated a panel on “Calibrating Privacy Principles to a Big Data and Digital Society.” Panelists consisted of Vivienne Artz, Managing Director and Head of International IP and O&T Law Group of Citi, Keith Enright, Director of Global Privacy Legal for Google, Caroline Louveaux, Senior Managing Counsel, Privacy and Data Protection for MasterCard, Hilary Wandall, General Counsel and Chief Data Governance Officer with TRUSTe, and Giovanni Buttarelli, the European Data Protection Supervisor. Participants primarily discussed risk assessment processes during the session.

III. APEC Privacy Meetings, Lima, Peru



Markus Heyder at ECSG Plenary Meetings

On 17-19 August 2016, Markus Heyder participated in the meetings of the APEC Electronic Commerce Steering Group (ECSG) and its Data Privacy Subgroup (DPS) to discuss issues relating to the ongoing implementation of the APEC CBPR and PRP systems and numerous improvements and updates to these systems.

Key issues for discussion included how to broaden the range of organizations that might certify to the CBPR under the applicable rules; how to refine the enforcement and complaint handling structure of the CBPR and enforce against false CBPR certifications claims; and how to improve CBPR-related public education strategies.

Markus Heyder spoke about CIPL’s ongoing work relating to CBPR and PRP implementation across the Asia-Pacific.

IV. CIPL GDPR Implementation Workshop II, Paris, France

In continuing efforts to promote a consistent implementation of the GDPR across the EU, CIPL hosted its 2nd workshop on GDPR Implementation in Paris, France on 19 September 2016. The workshop was part of CIPL's multi-year GDPR project, which seeks to provide a forum for stakeholders to ensure EU-wide consistency in implementing the GDPR, encourage forward-thinking and future-proof interpretations of key GDPR provisions, develop and share relevant best practices, and foster a culture of trust and collaboration between regulators and industry.



Workshop II focus topic discussion

The Paris workshop focused on two key areas under the GDPR: the role of the data protection officer (“DPO”) and the risk-based approach in the application of the GDPR (e.g., in connection with data protection impact assessments (“DPIAs”). Both reflect key priorities of the Article 29 Working Party (“Working Party”) for developing its own GDPR implementation guidance, as well as the high importance of these two areas for the industry. Additional topics will be covered in future phases of the CIPL project.

Overall, the discussions of the day were a productive mix of a reality check, wake-up call and encouragement. Particularly promising were instances of emerging consensus around several key implementation questions. While the discussions illustrated how many provisions under the GDPR remain unclear and how much work is left to be done before the quickly approaching implementation deadline, it was reassuring that no one seemed to be slow-pedaling their respective implementation responsibilities. Instead, we saw concentrated energy and commitment from all sides. There was a sense of shared responsibility for the successful and timely implementation of the GDPR between industry, DPAs, national governments and the EU Commission. Finally, it was also recognized that the lines of communication between regulators, industry and other stakeholders should stay open to ensure the best outcome for everybody. Approximately 120 participants represented numerous EU data protection authorities, the European Data Protection Supervisor, the European Commission, several government ministries and EU and US businesses, as well as academia and other organisations at the event.

For full details, please see the [workshop report](#) and [workshop agenda](#).



Workshop II Introduction by Bojana Bellamy



Workshop II in Paris

V. CIPL Industry GDPR Implementation Roundtable (Hosted by Orange S.A.), Paris, France



Following the 2nd workshop on GDPR Implementation, CIPL sought to continue the conversation about GDPR implementation progress and challenges by holding a Roundtable on 20 September 2016 for industries. CIPL President Bojana Bellamy and Group Data Protection Officer Patricia Le Large of Orange S.A. opened the roundtable, and then participants delved into specific challenges of GDPR implementation, such as consent, legitimate interest, and profiling requirements.

The second portion of the Roundtable allowed participants to provide status updates about how their particular organizations have been working towards meeting GDPR requirements. The feedback was in general very positive, though some had expected a more active input of the representatives of EU DPAs. The main topic of the Roundtable was the preparation for the application of the GDPR, from 25 May 2018. It was emphasised that this is a labour intensive process and that an early start of the preparations is needed.

Introduction by Bojana Bellamy & Patricia Le Large

For full details on the roundtable, please see the [roundtable program](#).

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:

- 4-8 July – at Brussels Privacy Hub 1st European Data Protection Law Summer: *Getting Grips with the GDPR*
- 5 July - Submitted [Response to European Commission’s Public Consultation on ePrivacy Directive](#)
- 19 July – at IAPP Asia Privacy Forum
- 26 July - Submitted Response [to the Office of the Australian Information Commissioner Draft Big Data and Privacy Principles Guide](#)
- 26 July - WP29 FabLab: *GDPR/from concepts to operational toolbox, DIY*
- 27 July – EU Commission Workshop on the GDPR
- 12 August – First Friday Call
- 7 September – Markus Heyder spoke and moderated at IAPP KnowledgeNet Session on “APEC: International Privacy Coordination Efforts Outside Europe”
- 29 September – CIPL submitted comments to the Singapore Personal Data Protection Commission (PDPC) on the PDPC’s proposed revised advisory guidelines on anonymization.

2016-2017 Upcoming Events

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

| | |
|-----------------------|--|
| 4 November | First Friday Call |
| 8 November | CIPL GDPR Project Working Session on Seals, Certifications and Codes of Conduct (Brussels) |
| 8-10 November | IAPP Europe Data Protection Congress (Brussels) |
| 16-19 November | Data Transparency Lab (New York) |
| 18 November | NYPOF Roundtable: GDPR Implementation Briefing with members of the EU Commission, the UK ICO and the Centre for Information Policy Leadership (New York) |
| 22 November | CIPL and Hunton & Williams Breakfast Briefing with Elizabeth Denham (London) |
| 7 December | European Data Protection Days Webinar on GDPR Readiness |
| 9 December | First Friday Call |
| 24 January | CIPL GDPR Roundtable in the Margins of CDPD International Conference (Brussels) |
| 25—27 January | CDPD Computers, Privacy & Data Protection 10th International Conference (Brussels) |
| 3 February | First Friday Call |
| 13—17 February | RSA Conference (San Francisco, CA) |
| Week of 13 February | CIPL US West Coast Roundtable (San Francisco, CA) |
| Week of February 20th | APEC Data Privacy Subgroup/Electronic Commerce Steering Group meetings (Vietnam) |
| Week of March 6th | CIPL GDPR Project Workshop III (<i>Madrid or Rome, TBC</i>) |

Member Spotlight

We welcome and thank our newest member:

OneTrust LLC



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Visit our website [Centre for Information Policy Leadership](#)

Visit the Hunton & Williams [Privacy and Information Security Law Blog](#)

Message from the President



Bojana Bellamy

Dear CIPL Members,

I hope you have all enjoyed a restful holiday season and a good start in the new year. I certainly did, and I think that after a very busy and productive 2016, we all were in need of some time to regenerate and rejuvenate. But now we are ready to roll up our sleeves again! The last very busy quarter of 2016 set us up for an equally busy first few months in 2017 and beyond. For example, in the last few months, we have provided formal input to, and otherwise engaged with, the WP29 on a number of GDPR implementation issues, including the role of the DPO, high risk and DPIAs, the lead authority and the one-stop-shop, and ePrivacy. Now there is follow-up work to do on each of these items, in addition to addressing the next set of GDPR issues through white papers, webinars, workshops and more. They include GDPR certifications, smart regulation, data portability, core privacy principles and innovation drivers. It will be all hands on deck here at CIPL over the next couple of months to advance these various work streams and to prepare for our next major GDPR workshop, in Madrid in early March. In addition, we are planning another CIPL delegation visit to Brazil later in March, participation in the APEC privacy meetings in Vietnam in February, and speaking engagements at various privacy conferences over the next few months, among other things. I invite you to take a look at our updated 2017 Calendar of Events (below and on our website) and I look forward to working with all of you in the new year and to seeing many of you in Madrid.

SAVE THE DATES

**CIPL GDPR Project
Workshop III:
Understanding the Core
Principles of Transparency,
Consent and Legitimate
Interest**
6-7 March 2017
Madrid, Spain

I. CIPL Workshop at the 38th International Data Protection and Privacy Commissioners Conference in Marrakech, Morocco

On 20 October 2016, CIPL hosted a side workshop at the 38th International Conference of Data Protection and Privacy Commissioners entitled “The Role of Risk Assessment and Transparency in Enabling Organizational Accountability in the Digital Economy.” The workshop was led by Bojana Bellamy and featured contributions from many leaders in the field, including the UK ICO, Belgium’s and Hong Kong’s privacy commissioners, counsel and privacy officers from several multinational companies. Topics discussed during the workshop included the drivers for transparency, exceeding legal transparency, identifying harms and benefits for meaningful risk assessment, and regulators’ expectations concerning “best practice” risk assessments, among other things.

Many ideas and insights were exchanged during the session and there was substantial consensus between regulators and businesses on a number of topics. There is a real danger that both transparency and risk management can end up as empty slogans, but the lively discussion probed beneath both concepts to come to a better understanding of how they can contribute to organizational accountability in practice.

Continued...

For example, participants heard accounts of the efforts being made by companies like Google, Facebook, TRUSTe and Telefónica to understand and effectively implement transparency. Although legal obligations can stimulate companies' efforts toward transparency, the real challenge is disseminating to users the right amount of information at the right time and in ways that can be easily understood and acted upon. The recent report from the Telefónica and CIPL roundtable on Reframing Data Transparency confirms the dangers of a growing gap between legal and user-centric transparency. The challenges are especially acute in observational and connected environments where personal information can be collected and used with little or no interaction with the data subject.

For full details on the workshop, please see the [program](#) and [report](#).

II. APEC CBPR Readiness Workshop in Da Nang, Vietnam

Markus Heyder represented CIPL at the Cross-Border Privacy Rules capacity-building workshop co-hosted by the Vietnam eCommerce and Information Technology Agency and APEC on 21 October 2016. The workshop was entitled "Readiness for the Cross-Border Privacy Rules System in APEC." It brought together Asia-Pacific-based government officials, privacy and data governance experts, third-party certifiers and online dispute resolution providers, as well as Vietnamese private sector stakeholders, to discuss the state of CBPR implementation in Vietnam and other APEC economies. Markus moderated a panel on CBPR implementation in APEC economies at the workshop. In addition, the workshop considered the outcomes of a recent APEC-sponsored survey on the CBPR-readiness of APEC economies and the specific challenges or necessary changes needed to facilitate participation in the system.



Markus Heyder moderates panel on CBPR implementation in APEC economies

For more on the outcomes of the workshop, please see the full [workshop report](#).

III. CIPL and Telefónica Call for Action on New Approaches to Data Transparency in Joint White Paper

In October 2016, CIPL and Telefónica released a joint white paper on Reframing Data Transparency. The white paper was the outcome of a June 2016 roundtable held by the two organizations in London, in which senior business leaders, data privacy officers, lawyers and academics discussed the importance of user-centric transparency to the data-driven economy.

The roundtable and white paper build upon a number of current initiatives, including the work of the Data Transparency Lab; the 2015 EU-US Privacy Bridges Project, which, among other topics, explored the issue of data transparency, as well as the new European General Data Protection Regulation, which includes enhanced transparency obligations for organizations. As reflected in the white paper, the participants at the roundtable agreed that a new, user-centric conception of transparency represents a multidimensional, multidisciplinary and multistakeholder challenge that is essential to effectively protect individuals and enable digital trust, innovation and beneficial uses of personal data.

Issues explored during the roundtable and detailed in the white paper include the transparency deficit in the digital age, challenges of delivering user-centric transparency, the role of data protection authorities (DPAs), and the importance of empowering individuals.

Please see the full white paper, entitled "[Reframing Data Transparency](#)," to read more about this topic.

IV. CIPL Working Session on Certifications, Seals and Marks under the GDPR in Brussels, Belgium

On 8 November 2016, CIPL and Microsoft co-hosted a working session on Certifications, Seals and Marks under the GDPR. Nearly 100 participants representing numerous EU data protection authorities, the European Data Protection Supervisor, the European Commission, the CNIL, EU and US businesses and academia convened to discuss the benefits, challenges and questions presented by certifications under the GDPR. The working session primarily focused on the nature of and expectations for certification, the roles of the Data Protection Authorities and other actors, and current expectations concerning guidance from the WP29 and/or the Commission and next steps.

CIPL is currently drafting a white paper on this topic. A draft will be circulated to GDPR project participants in early 2017.



Bojana Bellamy moderates first panel of CIPL Working Session



Valérie Bourriquen (Head of Data Privacy Seals, CNIL) speaks on the roles of DPAs

V. Joint CIPL & AvePoint Survey Report on Organizational Readiness for the GDPR

On 9 November 2016, CIPL and AvePoint released the results of a joint global survey launched in May 2016 concerning organizational preparedness for implementing the EU General Data Protection Regulation. Given the many significant changes the GDPR will bring to companies' management and processing of personal data, their privacy compliance programs and their IT systems and infrastructure, CIPL and AvePoint decided to collaborate on this survey to help stakeholders understand the relevant, upcoming challenges and assist organizations in preparing

survey received 233 responses from predominantly



1. *Journal of the American Medical Association*, 2000; 284: 2689-2694.

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collaboration across US and EU



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DPO under the GDPR (Stockholm)

- 3 November — Bojana Bellamy spoke at IAPP's webinar, "Preparing for the GDPR: Attaining and Demonstrating Compliance"
- 7 November — Bojana Bellamy spoke at "Operationalizing GDPR: Implications and challenges for businesses" panel as part of MetricStream's 3rd Annual GRC Summit (London)
- 10 November — Bojana Bellamy spoke alongside Eleanor Treharne-Jones (director, EMEA & Global Communications, TRUSTe) on "Addressing Risky Processing under the GDPR: A Practical Approach" as part of the 2016 IAPP Europe Data Protection Congress
- 17 November — CIPL released white paper on "[Ensuring the Effectiveness and Strategic Role of the Data Protection Officer under the GDPR](#)"
- 17 November — Bojana Bellamy headed a panel on "Reframing Data Transparency for Digital Society" at 2016 Data Transparency Lab
- 18 November — Bojana Bellamy led a discussion with Karolina Mojzesowicz, head of Data Protection Reform Sector, European Commission, at a special session of the New York Privacy Officers' Forum (New York)
- 22 November — CIPL and Hunton & Williams held an exclusive breakfast briefing in London with Elizabeth Denham to discuss her "View from the first 90 days as UK Information Commissioner," where she outlined the current priorities for the ICO as well as the future of UK data protection law, including the forthcoming General Data Protection Regulation and the ongoing Brexit negotiations (London)
- 22 November — Bloomberg BNA published article by Bojana Bellamy and Markus Heyder on "[User-Centric Transparency for the Trusted Information Age](#)"
- 30 November — CIPL submitted white paper on "[The One-Stop-Shop and the Lead DPA as Co-operation Mechanisms in the GDPR](#)" to WP29
- 2 December — Bojana Bellamy attended [Time.lex](#) and Spark Legal Network & Consultancy's joint invitation-only workshop, organized within the framework of the EU Commission - DG Connect's "Study on Clarification of applicable legal framework for full, co- or self-regulatory actions in the cloud computing sector."
- 7 December — Bojana Bellamy participated alongside Dana Simberkoff, Chief Compliance and Risk Officer, AvePoint; Dr. Axel Keßler, Head of Legal Data Privacy, Siemens AG; and Florian Thoma, Senior Director of Data Privacy, Accenture, in [Euroforum's Webinar](#) on the GDPR Readiness of Organizations, based on CIPL and AvePoint's joint survey report
- 21 December — CIPL submitted white paper on "[Risk, High Risk, Risk Assessments, and Data Protection Impact Assessments under the GDPR](#)" to WP29

2017 Upcoming Events

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

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|----------------|--|
| 25-27 January | CDPD Computers, Privacy & Data Protection 10th International Conference (Brussels) |
| 3 February | First Friday Call |
| 14-15 February | Data Protection Officer 2.0 Seminar (Helsinki) |

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| 21-22 February | CIPL Delegation Visit to Poland to meet with MEP Michal Boni and Poland DPA (Warsaw) |
| 22-25 February | APEC Data Privacy Subgroup/Electronic Commerce Steering Group meetings (Nha Trang) |
| 6-7 March | CIPL GDPR Project Workshop III (Madrid) |
| 13-16 March | IAPP Europe Data Protection Intensive 2017 (London) |
| 17 March | First Friday Call |
| Week of 20 March | Brazil Delegation Visit (Brasilia) |
| 30 March | Go Global 2017 - Diversity and Data Protection (Brussels) |
| 7 April | First Friday Call |
| 17-20 April | IAPP Global Privacy Summit 2017 (Washington, DC) |
| 18 April | CIPL Dinner in the margins IAPP Global Privacy Summit (Washington, DC) |
| Date TBD | Smart Regulation Workshop (Location TBD) |
| 5 May | First Friday Call |
| Week of 8 May | CIPL Privacy Workshop (Tokyo) |
| 15-18 May | IAPP Canada Privacy Symposium (Toronto) |
| 15-16 May | 7th European Data Protection Days 2017 (Berlin) |
| 17 May | CIPL Side Event at 7th European Data Protection Days (Berlin) |

Member Spotlight

We welcome and thank our newest members:

Hewlett Packard Enterprise

Osler, Hoskin & Harcourt LLP

Smartpipe Solutions

The Depository Trust & Clearing Corporation (DTCC)

The Walt Disney Company



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Visit the Hunton & Williams [Privacy and Information Security Law Blog](#)