

Centre for Information Policy Leadership (CIPL) and Trilegal Joint Workshop

Global Dialogue on Best Practices in Implementing India's Proposed Personal Data Protection Law in the Context of the Data Driven Economy

Oberoi Hotel

Dr. Zakir Hussain Marg,
New Delhi 110003, India

Thursday, 14 November 2019 | 8:30 AM – 5:30 PM

AGENDA

8:30 AM **Registration**

9:00 AM **Opening Remarks**

- ❖ Bojana Bellamy, President, CIPL
- ❖ Rahul Matthan, Partner, Trilegal

9:10 AM **Opening Keynote – India's coming Data Protection Law: What are its principal promises?**

- ❖ Additional Secretary, Mr. Gopalakrishnan, S.

9:40 AM **Topic I: India's Future Data Protection Authority: Roles, Responsibilities and Challenges**

This panel will examine the various DPA tasks under the new privacy law and discuss how to best implement them in light of globally recognized characteristics of an effective data protection authority and the experience of established international data protection authorities. Particular focus will be placed on the role of "constructive engagement" between the DPA and the regulated industry. The panel will also share successes and challenges faced by DPAs emerging across the globe, so that India may learn from these experiences in shaping its regulator. Additional issues include how to scale the DPA given the demographic and geographic size of India, prioritizing complaints redress, and how DPAs may leverage accountability in meeting its statutory obligations.

- ❖ *Regulating for Results: Strategies and Priorities for Leadership and Engagement* presented by Richard Thomas, Global Strategy Advisor, CIPL | Former Information Commissioner, UK ICO | Chairman of Guernsey Data Protection Authority

Discussion Leads:

- ❖ Moderator: Bojana Bellamy, President, CIPL
- ❖ Dr. Renuka Sane, Associate Professor, National Institute for Public Finance and Policy

- ❖ Mr. Gopalakrishnan, S., Additional Secretary to the Ministry of Electronics and Information Technology (MEITY)
- ❖ Christine Wilson, Commissioner, US Federal Trade Commission
- ❖ Shuhei Ohshima, Commissioner for International Cooperation, Japan Personal Information Protection Commission (PPC)
- ❖ Hielke Hijmans, Director, President of the Litigation Chamber, Belgian Data Protection Authority
- ❖ Ashish Aggarwal Senior Director and Head Public Policy, NASSCOM
- ❖ Richard Thomas, Global Strategy Advisor, CIPL | Former Information Commissioner, UK ICO | Chairman of Guernsey Data Protection Authority

11:10 AM **Break**

11:35 AM **Topic II: Key Requirements of India's Data Protection Law in the Context of Innovation, Emerging Technologies and the Data Driven Economy**

This panel will explore how key elements of this law will interact with the demands of the modern digital economy, including AI and machine learning, the IoT, blockchain and other emerging technologies. The issues this panel will discuss include the role of consent, reasonable purposes, and other grounds for processing; the processing of sensitive personal data; how to handle purpose, collection and storage limitations; and the role of privacy by design, transparency and data protection impact assessments. The panelists will discuss how to effectively implement the above requirements within a framework of organizational accountability to maximize legal compliance as well as the beneficial use of personal data.

Discussion Leads:

- ❖ Moderator: Nikhil Narendran, Trilegal
- ❖ Hielke Hijmans, Director, President of the Litigation Chamber, Belgian Data Protection Authority
- ❖ Tanuj Bhojwani, Fellow, iSPIRT Foundation
- ❖ Rama Vedashree, CEO, Data Security Council of India
- ❖ Anirudh Burman, Associate Fellow, Carnegie India
- ❖ Bojana Bellamy, President, CIPL
- ❖ Belson Devarajan, Legal Counsel, Accenture

1:05 PM **Lunch**

2:05 PM **Topic III: Enabling Cross-Border Data Flows**

This panel will discuss data transfer mechanisms that enable accountable and trusted cross-border data flows to and from India that are requisite for a thriving digital economy and innovation. Particular focus will be on the potential roles of privacy codes of conduct and certifications in this context and how they can be made interoperable with similar transfer mechanisms in other regions, such as the APEC Cross-Border Privacy Rules and the EU Binding Corporate Rules and future GDPR

certifications and codes of conduct.

- ❖ *Impact Assessment of Data Localization - A Macro and Micro Perspective, in the context of India's Digital Exports and Consumers of Digital Services* presented by Shagufta Gupta, Director and Head - Centre for Competition, Investment and Economic Regulation, CUTS International

Discussion Leads:

- ❖ Moderator: Rahul Matthan, Partner, Trilegal
- ❖ Sahil Kini, Co-Founder, Setu
- ❖ Junichi Ishii, Director for International Affairs, Japan Personal Information Protection Commission (PPC)
- ❖ Betsy Broder, Counsel for International Consumer Protection, US Federal Trade Commission
- ❖ Shivnath Thukral, Public Policy Director, Facebook
- ❖ Yolynd Lobo, General Manager – Public Policy, Amazon Web Services
- ❖ Derek Ho, Senior Vice President and Assistant General Counsel, Privacy and Data Protection, Mastercard

3:40 PM **Break**

4:05 PM **Topic IV: Consent Artefacts, Privacy Centric Architectures, and their potential to Transform the Indian Economy**

This panel will explore the benefits of consent artefacts and technological solutions to ensuring user-privacy. The Digital Empowerment and Protection Architecture (DEPA) is India's homegrown technological architecture that facilitates privacy-centric, secure and transparent user data sharing across different service providers (including the government). It also relies on a granular consenting and re-consenting framework and an independent intermediary to oversee and control the entire flow. The DEPA framework has been adopted by India's banking and finance regulator (the RBI) and is proposed to be adopted by its health regulator as well. The panel may explore the success of DEPA in these sectors in India, similar examples from across the world, and the relevance of this architecture in other sectors. Finally, the panel will address the issue of age of consent for children and the protection of children's data.

Discussion Leads:

- ❖ Moderator: Vinay Kesari, Setu
- ❖ Bhairav Acharya, Public Policy Manager, India and South Asia, Facebook
- ❖ Smriti Parsheera, Fellow, National Institute of Public Finance and Policy
- ❖ Siddharth Shetty, iSPIRT
- ❖ Saranya Gopinath, DICE India

5:30 PM **End of Workshop**