

Centre for Information Policy Leadership (CIPL) virtual roundtable on

## **Privacy Accountability, Transparency and Responsible Data Sharing in Latin America during and post COVID-19**

Wednesday, 1 July 2020

9:00 AM – 10:30 AM Mexico City | 10:00 AM – 11:30 AM EDT | 11:00 AM – 12:30 PM Brasília |  
3:00 PM – 4:30 PM London

Via Microsoft Teams

This roundtable will be in English

— Chatham House Rule —

### **AGENDA**

In the past several months we have seen innovative efforts by the public sector, private sector, data scientists and academia in the Latin American region and around the globe to use data and technology in the fight against COVID-19. The current crisis has raised many new questions about how personal data can be used in emergency situations to save lives without compromising individual privacy. While some data protection authorities have issued guidance on this issue (Argentina, Chile, Mexico, Peru and Uruguay), there is still wide-spread lack of clarity and direction on how to properly leverage data in this new world while also protecting privacy. Latin American governments also are taking different and inconsistent approaches to using personal data to fight the virus and this lack of coordination may impact regional economic cooperation and growth. This roundtable will convene regulators, policymakers and private companies to discuss what is being done in this space and what the COVID-19 experience can teach us about how to enable both privacy and the effective use of data for the social good.

**9:00 AM      Opening Remarks**

- ❖ **José Alejandro Bermúdez**, Partner, Bermudez Durana Abogados, CIPL Advisor

**9:05 AM      Keynote: Through the looking glass: privacy in a post-COVID world**

- ❖ **Bojana Bellamy**, President, CIPL

**9:15 AM      Keynote: Expert remarks**

- ❖ **Enric Alvarez**, Deputy Director of the Department of Physics, Universitat Politècnica de Catalunya

**9:25 AM      How can Latin American regulators, policymakers and companies promote innovative and responsible data usage during and after the COVID-19 pandemic?**

Roundtable participants will discuss recent developments in the use and sharing of data to combat the spread of COVID-19 and the potential privacy impacts of those

data uses, including how regulators can convey relevant privacy guidelines and enforcement expectations to companies and individuals. Participants will also discuss how current data use practices in the fight against COVID-19 can serve as a case study for how organizational accountability and transparency can enable the dual goals of innovative data use and privacy, and whether the current regulatory environment accomplishes these two goals. Finally, they will discuss whether a coordinated approach to using personal data to fight the virus and progressively release lockdown measures could support the regional economic recovery post-COVID-19.

- ❖ **Eduardo Bertoni**, Director, Argentinian National Access to Public Information Agency
- ❖ **José Antonio Ziebarth**, Director, Brazil Ministry of Economy
- ❖ **Gonzalo Sosa**, Head of the Citizens Rights Division, URCDP-AGESIC (Uruguay)

**9:55 AM Q&A with regulators and industry**

Moderator: **Laura Schertel**, Lawyer and Professor, Instituto Brasileiro de Direito Público (IDP)

Provocateurs:

- ❖ **Paula Vargas**, Head of Privacy Engagement, Latin America, Facebook
- ❖ **Andriei Gutierrez**, Director of Government and Regulatory Affairs, IBM Brazil
- ❖ **Lina Ornelas**, Head of Public Policy and Government Affairs Mexico, Google
- ❖ **Flavia Mitri**, Privacy Director, Uber

**10:25 AM Closing Remarks**

- ❖ **José Alejandro Bermúdez**, Partner, Bermudez Durana Abogados, CIPL Advisor

**10:30 AM End of roundtable**

Possible questions for discussion:

**Tough questions around data use to respond to COVID-19**

- When is requiring consent appropriate/inappropriate in crisis situations? Should contact tracing apps be voluntary? If so, should they be opt-in or opt-out? Could organizations rely on other legal bases for processing under LatAm data privacy laws (e.g. vital interests and protection of health)?
- Do existing data privacy laws in Latin America provide substantial flexibility for organizations to process data to respond to the current crisis?
- What are the key accountability measures that organizations can implement immediately to address privacy issues raised by COVID-19?

**The role of DPAs**

- What measures are DPAs taking to support organizations as they grapple with novel information sharing demands?

- Have enforcement policies and fining methodologies shifted in light of the pandemic? If so, how?
- What areas or issues do DPAs want to learn more about from industry as it relates to data use and sharing practices brought into focus by COVID-19?

#### **How are companies responding to COVID-19?**

- How are organizations changing their data usage and sharing practices as a result of COVID-19? And how are they changing their privacy and accountability practices as a result?
- Are organizations relying on privacy by design in the current environment? And how are they using it?

#### **Privacy outlook for a Post-COVID world**

- How do DPAs, regulators, policy-makers, organizations and academia see our world changing post-COVID?
- How can Latin American governments and DPAs coordinate approaches to fight COVID-19 and promote economic growth and recovery in the region?
- Have DPAs shifted their priorities and enforcement actions in light of COVID-19? Should DPAs focus on constructive engagement and provision of guidance rather than on enforcement measures during the crisis? Have DPAs suspended enforcement at all due to COVID-19 knowing that organizations are focusing on fighting the virus?
- Are DPAs in the Latin American region involved in the development of contact tracing apps at local level? Will there be adoption of new regulatory approaches like regulatory sandboxes?
- What types of data issues are DPAs, regulators and policy-makers thinking about now that will need to be addressed in the near future (e.g. protocols for returning to work; protocols for scientific research)?
- Will the COVID-19 experience lead to broader acceptance of data use for social good in “normal” times?
- Are the COVID-19 data sharing and use issues novel and unique, or do they merely bring into sharper focus data practices that we need to enable during “normal” times and in the long run?