

CIPL Quarterly Report

January - March 2020



Centre for Information Policy Leadership

HUNTON ANDREWS KURTH

Message from the President



I hope you are all keeping safe and well despite the disruption that the COVID-19 crisis has caused to everyone's lives both personally and professionally. I am sure that each one of you is working hard to navigate the many difficult privacy and data protection questions that COVID-19 has dropped into our lives. The fight against COVID-19 certainly highlights more than ever the value of personal data and the importance of organizational accountability as an enabler of both effective privacy and innovative data uses. In these challenging times, we must redouble our efforts to find ways to efficiently and accountably unlock the potential of data—not only to help fight the current pandemic, but also to prepare for the post-COVID world in which the need and demand for data for beneficial purposes likely will not diminish. I know that all of you are facing difficult decisions related to the privacy/data use trade off in your respective organizations, and we at CIPL are committed to supporting you.

Even though COVID-19 has disrupted our normal way of working too, CIPL's work continues and is now augmented by the many examples and questions COVID is putting forward for data use and protection. In effect, the COVID-19 crisis has become a case study for many of the policies we have been discussing and advocating for over the past years. As we continue to work digitally, I would like to highlight some of the key CIPL work streams and deliverables over the first three months of 2020. At the start of the year, we organized an industry-only workshop in Brussels on shaping a European approach to AI based on a layered approach that leverages the GDPR as an AI enabler and accountable AI practices. We also issued the second report under our broader Accountable AI project which dives deeper into some of the hardest challenges of AI and data protection and puts forward concrete approaches to address them. As part of our Accountability work, we organized a joint roundtable in London alongside the UK Information Commissioner's Office (ICO) on the ICO's Accountability Toolkit, and held the first of a series of webinars under our joint project with the Centro de Estudos de Direito, Internet e Sociedade of Instituto Brasileiro de Direito Público (CEDIS-IDP) on Effective Implementation & Regulation under the New Brazilian Data Protection Law (LGPD).

I hope you and your loved ones are well and safe, and while I miss seeing you all in person, I look forward to the next opportunity to hear from you at one of our many virtual meetings.



CIPL Workshop on a European Artificial Intelligence Regulatory Framework (Brussels)



The EU Commission has released a white paper on artificial intelligence for public consultation which intends to inform the EU approach to regulating AI. In the context of the EU Commission's efforts, CIPL has launched a project to provide thought-leadership and identify the best regulatory path forward by (1) promoting organizations' best practices in developing or using AI in a responsible manner, (2) considering the potential overlap with the GDPR and (3) building a layered vision for AI regulation, leveraging CIPL's longstanding and expert work on accountability.

On 14 January 2020, CIPL held its first industry workshop on shaping a European approach to AI to launch this project. The feedback received during this workshop informed [CIPL's response to the Commission's AI white paper](#) and prepared the ground for further engagement with the EU Commission on this topic.

II.**CIPL/OneTrust/Accenture Webinar on ISO 27701 Certification and CIPL's Accountability Framework**

ISO 27701 is the privacy extension to ISO 27001 (which specified Information Security Management System requirements). ISO 27701 establishes additional data protection-related requirements and provides guidance for the safeguarding of privacy in the context of data processing. It facilitates organizations' inclusion of information security and data protection requirements into their general management systems. CIPL's accountability framework similarly identifies the essential elements of organizational accountability in the context of data protection and privacy management programs.

On 29 January 2020, CIPL held a webinar on ISO 27701, how it maps to CIPL's accountability framework, and how it can be used to enable effective privacy compliance. During the webinar, representatives from CIPL, OneTrust and Accenture spoke on the content, procedure and benefits of the new ISO certification and shared practical guidance on preparing for certification.

For more details on CIPL's webinar, please see the [agenda](#) and [slide deck](#).

III.**CIPL/Centro de Estudos de Direito, Internet e Sociedade of Instituto Brasiliense de Direito Público (CEDIS-IDP) Joint Webinar on Top Priorities for Organizations when Implementing the LGPD**

On 31 January 2020, CIPL held the first of a series of webinars organized in collaboration with the Centro de Estudos de Direito, Internet e Sociedade of Instituto Brasiliense de Direito Público (CEDIS-IDP), as part of our special joint project on [Effective Implementation and Regulation Under the New Brazilian Data Protection Law \(LGPD\)](#).

Many organizations are still in the early stages of coming into compliance with the LGPD and they must prioritize their efforts. When setting up LGPD compliance programs, organizations should adopt a risk-based approach. This process will be unique to each organization, as priorities and risks will vary depending on their size, type of business, volume and types of personal data processed, and other factors. At the same time, there are certain activities that are common among organizations that are in the very early stages of building their LGPD programs, such as obtaining top management buy-in and budget for the program; understanding what personal data they collect, for which purpose it is collected, where it is stored and how it is used; understanding their risk profile; and defining their corporate goals in relation to the use of personal data. Over 130 attendees joined the webinar to explore these issues in a participative way.

For more details on CIPL's webinar, please see the [agenda](#) and [slide deck](#).

IV.

CIPL/ICO Roundtable on the ICO's Accountability Toolkit (London)



As part of CIPL's commitment to reinforce the importance of organizational accountability in the digital era, CIPL organized a special roundtable alongside the UK Information Commissioner's Office (ICO) on the ICO's Accountability Toolkit. This event was held on Tuesday, 11 February 2020 in our London office. During the roundtable, CIPL members and ICO representatives discussed (1) the meaning and core elements of organizational accountability; (2) how to demonstrate compliance with the accountability principle internally and externally; and (3) the ICO's proposed accountability toolkit and its expectations of organizations' own accountability programs.

V.

CIPL/Cisco Joint Event on "The Privacy 'Win-Win' – How can Data Protection be a Differentiator for Businesses and Citizens in a Hyperconnected Age?" (Brussels)

On 18 February 2020, CIPL held an exclusive event co-hosted by Cisco entitled the "The Privacy 'win-win' - How Can Data Protection be a Differentiator for Businesses and Citizens in a Hyperconnected Age?" The event kicked off with European Commissioner for Justice, Didier Reynders, delivering a keynote outlining the EU Commission's agenda for privacy, after which representatives from Cisco presented the results of their Consumer Privacy Survey and Annual Data Privacy Benchmark Study. Afterwards, participants led by a panel of data protection experts discussed lessons to be learned from the study, the role of regulators in incentivizing and promoting accountable practices, the role of Chief Privacy Officers, and how to enable consumer empowerment.

For more details on the event, please see the [agenda](#) and [slide deck](#).



VI.

CIPL Webinar - Latest Trends in AI Regulation and Organizational Approaches to Accountable AI

On 26 March 2020, CIPL held a webinar on "Latest Trends in AI Regulation and Organizational Approaches to Accountable AI." In particular, this webinar featured (1) an update on the state of play of AI regulation in Europe and recent activity from the European Commission; (2) an examination of the UK ICO's AI Auditing Framework initiative, including key requirements and next steps in the development of this tool; (3) insights from senior leaders at CIPL member companies that are leading responsible AI deployment internally within their organizations—from principles to specific controls to developing best practices; and (4) the latest AI work from CIPL, including its recent [AI report on Hard Issues and Practical Solutions](#), its [paper on GDPR Regulation of AI](#) and plans to engage with the EU Commission on its initiative for regulating AI.

For more details on the webinar, please see the [slide deck](#).



CIPL Responses, Public Comments, Papers, Articles and Other Events

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

- 14 January – CIPL Workshop on a European AI Regulatory Framework (Brussels)
- 15 January – CIPL Roundtable on Verification of Children Online (VoCO) (London)
- 16 January – CIPL submitted its [response to the EDPB's Guidelines on Data Protection by Design and by Default](#)
- 17 January – CIPL issued its [white paper on What the USMCA means for a US Federal Privacy Law](#)
- 20 January – Bojana Bellamy spoke at the Belgian Data Protection Authority's New Year Reception and Presentation of its Strategic Plan (Brussels)
- 20 January – Nathalie Laneret spoke on CIPL's Accountable AI Governance Model and approach to AI Regulation during the Women in Law Empowerment Forum (Paris)
- 22 January – Bojana Bellamy spoke on "Unlocking societal benefits of AI with privacy protective technologies" during the 2020 Computers, Privacy and Data Protection (CPDP) Conference (Brussels)
- 23 January – Bojana Bellamy spoke on "Algorithmic Transparency and Non-Discrimination" during the 2020 CPDP Conference (Brussels)
- 24 January – Nathalie Laneret spoke on "Changing Technology and Laws: Can Accountability be a Key to Global Compliance?" during the 2020 CPDP Conference (Brussels)
- 24 January – CIPL submitted its [response to the Brazilian MCTIC's Consultation on a National AI Strategy for Brazil](#)
- 29 January – CIPL/OneTrust/Accenture Webinar on ISO 27701 Certification
- 30 January – Markus Heyder and Matt Starr spoke at the HuntonAK New York Privacy Officer Forum (NYPOF) Event on FTC Consent Orders and Accountability (New York City)
- 31 January – CIPL/Instituto Brasileiro de Direito Público (IDP) Joint Webinar on Top Priorities for Organizations when Implementing the LGPD
- 7 February – CIPL February First Friday Call
- 11 February – CIPL/ICO Roundtable on the ICO's Accountability Toolkit (London)
- 18 February – CIPL/Cisco Joint Event on "The Privacy 'Win-Win' – How can Data Protection be a Differentiator for Businesses and Citizens in a Hyperconnected Age?" (Brussels)
- 21 February – CIPL submitted its [response to the Indian Joint Parliamentary Committee on the 2019 Personal Data Protection Bill](#)
- 27 February – CIPL issued its second AI Report on [AI and Data Protection: Hard Issues and Practical Solutions](#)
- 4 March – Nathalie Laneret spoke at the Moroccan Conference on Data Protection and Competition Law (Rabat)
- 12 March – CIPL submitted its [response to the Office of the Privacy Commissioner of Canada's \(OPC\) Proposals for Ensuring Appropriate AI Regulation](#)
- 13 March – CIPL March First Friday Call
- 19 March – CIPL issued its [Q&A on Cross-Border Privacy Rules \(CBPR\) and Privacy Recognition for Processors \(PRP\)](#)
- 26 March – CIPL Webinar - Latest Trends in AI Regulation and Organizational Approaches to Accountable AI

2020 Upcoming Events

**26 June 2020**

CIPL First Friday Call

**1 July 2020**

CIPL Virtual Roundtable: on Privacy Accountability, Transparency and Responsible Data Sharing in Latin America during and post COVID-19

**9 July 2020**

CIPL Virtual Roundtable on the GDPR Two Years In: How has the Regulation worked to date, and what can we expect for the future?

**22 or 29 July 2020 (TBD)**

CIPL/OneTrust Webinar on Data Subject Rights under the GDPR

CIPL Member Spotlight

We welcome and thank our newest members:

Allianz  **BROADCOM®****Tencent 腾讯**

Stay Connected

Follow us on [Twitter](#), [LinkedIn](#) and [Facebook](#)Visit our website: [Centre for Information Policy Leadership](#)Visit the Hunton Andrews Kurth [Privacy and Information Security Law Blog](#)

© 2020 The Centre for Information Policy Leadership at Hunton Andrews Kurth LLP. The content of this paper is strictly the view of the Centre for Information Policy Leadership and does not represent the opinion of either its individual members or Hunton Andrews Kurth LLP. The Centre does not provide legal advice. These materials have been prepared for informational purposes only and are not legal advice, nor is this information intended to create an attorney/client or similar relationship. Whether you need legal services and which lawyer you select are important decisions that should not be based solely upon these materials. Please do not send us confidential information. Visit us at www.informationpolicycentre.com.