



Centre for Information Policy Leadership
— HUNTON ANDREWS KURTH —

Quarterly Report

October - December 2019

Message from the President



Bojana Bellamy

Dear CIPL Members,

Although the start of a new decade represents a new beginning for many, the unprecedented transformation we have seen in privacy and data protection towards the end of the last decade is set to continue for many years. Amidst the changes, CIPL is continuing to work hard to develop global solutions for privacy and the responsible use of data around the globe. One of our primary focus areas continues to be the promulgation of the importance of organizational accountability, and to that end we have gathered key stakeholders to discuss accountability both in Albania during the 41st International Conference of Data Protection & Privacy Commissioners (ICDPPC), and in the US in the context of the Federal Trade Commission's (FTC) recent consent decrees, which formed the basis of a CIPL white paper entitled "[Organizational Accountability in Light of FTC Consent Orders](#)". As part of our commitment to engaging in global legislative efforts in privacy, CIPL has held a workshop with key stakeholders in New Delhi on India's Proposed Personal Data Protection Law. We are also continuing to work on accountable AI, and held a design jam on AI explainability in December during the 52nd Asia-Pacific Privacy Authorities (APPA) Forum in the Philippines.

I encourage you to read the details of CIPL's ongoing work below, and I hope to see many of you at our upcoming events.

SAVE THE DATES

CIPL/Instituto Brasileiro de Direito Público (IDP) Joint Workshop on Effective Implementation and Regulation Under the New Brazilian Data Protection Law (LGPD)
25 March 2020
São Paulo

CIPL US Privacy Roundtable in the margins of the IAPP Global Privacy Summit
6 April 2020
Washington, DC

CIPL/Hunton Andrews Kurth Reception in the margins of the IAPP Global Privacy Summit
7 April 2020
Washington, DC

CIPL 2020 Annual Executive Retreat
27-28 May 2020
Santa Clara, CA

I. CIPL/Google Joint Breakfast Meeting on “Advancing Compliance and Promoting Privacy through Constructive Engagement between Regulators and Industry” in Tirana

On 24 October 2019, CIPL hosted an exclusive breakfast discussion with Google in the margins of the 41st International Conference of Data Protection and Privacy Commissioners (ICDPPC). This meeting brought together a small group of regulators and industry thought leaders to engage in an interactive dialogue on the benefits of constructive engagement between regulators and industry.



Representatives from CIPL member companies and data protection authorities discuss the benefits of constructive engagement between regulators and industry.

II. CIPL/IAF/OECD Side Events on Accountability at the 41st International Conference of Data Protection & Privacy Commissioners (ICDPPC) in Tirana

On 24 October 2019, CIPL held two side events during the 41st ICDPPC with the Information Accountability Foundation (IAF) and the Organization for Economic Cooperation and Development (OECD). The first session, entitled “What is Accountability? Addressing the Confusion, Finding Consensus”, focused on clarifying the meaning of organizational



accountability. Organizational accountability has become a key building block of data protection globally through legislation, regulatory guidance, global standards and privacy management programs. If properly understood and implemented, it has enormous potential for maximizing both privacy protections for individuals and the effective and beneficial use of personal data. Yet, as noted in a recent OECD-CIPL workshop, the concept of accountability is still being questioned as lacking a commonly agreed meaning, as well as generally accepted ways of measurement, effective enforcement, scalability and auditability. This session sought to address these concerns in order to reinforce the relevance of accountability in the digital era. It also explored ways to increase and incentivize the uptake of organizational accountability by organizations.

Hunton Andrews Kurth Partner Lisa Sotto speaks on the relevance of approaches to accountability in other areas of US law to data protection and privacy.

This first session formed the foundation for the subsequent session on “Accountability 2.0 - Data Stewardship and Beneficial AI”, which

focused on updated guidance, new legal frameworks, and corporate implementation of stakeholder focused data stewardship, specifically in the context of advanced analytics and artificial intelligence.

For more details on the ICDPPC side events, please see the agendas for both the [first](#) and [second](#) session.

III. CIPL Roundtable on Accountability in Light of FTC Consent Orders in Washington, DC

Traditionally, the FTC has spelled out many of accountability’s key features through its past consent orders. Following the FTC’s recent record settlement with Facebook, CIPL organized a roundtable in Washington, DC to brainstorm with senior privacy leaders from CIPL member organizations on how the recent FTC consent decree may change the expectations of regulators, the shape of accountability and privacy management programs, both within an organization and across the ecosystem.

During the Roundtable, CIPL member Facebook presented on the impact of the FTC’s consent order on Facebook and its partners. The roundtable then transitioned to an open discussion among all participants on the global impact of the FTC’s recent settlement with Facebook and what this means for organizations’ internal privacy management programs and business-to-business relationships. Other key discussion topics included the relevance of FTC consent orders to organizational accountability more generally and whether the obligations laid out in the Facebook settlement are instructive for SMEs and other industries. Participants also explored the relevance of this consent order to a potential accountability requirement in a future US federal privacy law. This roundtable informed CIPL’s recent white paper on [“Organizational Accountability in Light of FTC Consent Orders”](#).

IV. CIPL/Trilegal Joint Global Dialogue on Best Practices in Implementing India's Proposed Personal Data Protection Law in the Context of the Data Driven Economy in New Delhi

On 14 November 2019, CIPL held a joint workshop with Trilegal on India's proposed data protection law. Over 70 representatives from CIPL member companies, regulators and local Indian organizations participated in this workshop.

The all-day event consisted of four main sessions. Following opening remarks by CIPL's Bojana Bellamy and Trilegal Partner Rahul Matthan, the event commenced with a keynote on the promises of India's data protection law. The first session focused on the various DPA tasks under the new privacy law and how to best implement them in light of globally recognized characteristics and experiences of established international data protection authorities. The second session explored how key elements of this law will interact with the demands of the modern digital economy, including AI and machine learning, the Internet of Things, blockchain and other emerging technologies. The third session shifted to a discussion around enabling cross-border data flows. The final session of the event focused on India's Digital Empowerment and Protection Architecture (DEPA) and similar frameworks from across the world.

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

V. CIPL/TTC Labs Joint Design Jam on AI Explainability in the margins of the 52nd APPA Forum in Cebu

In connection with its broader project on the data protection implications of artificial intelligence (AI) and machine learning, CIPL has been organizing a series of events and workshops to bring together industry, policymakers, regulators, academics and civil society to discuss accountable solutions and best practices to address the challenges that AI technology presents to data protection.

As part of this series, CIPL held a fast-paced, output-oriented workshop called a Design Jam focused on AI Explainability with TTC Labs, a cross-industry effort initiated by Facebook that focuses on research, thought leadership and prototype design patterns related to improving user experiences for privacy and data. This event was held in Cebu, Philippines on 3 December 2019 around the 52nd Asia-Pacific Privacy Authorities (APPA) Forum. During the Design Jam, multidisciplinary experts shared ideas and prototypes that aim to facilitate AI explainability through providing transparency and controls to people around algorithmically-driven services. This event built on TTC Labs' first Design Jam on the subject of AI explainability for startups in May 2019 in Singapore.



Hong Kong Privacy Commissioner Stephen Wong speaks on the meaning and importance of AI explainability.

For more details on the workshop, please see the [agenda](#).

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

Between October – December 2019, CIPL prepared the following public comments, published the following papers/articles and held, or spoke at, the following events:

- 3 October – CIPL’s Director of Privacy Policy Nathalie Laneret spoke on the LGPD, cross-border data transfer mechanisms, and interoperability with international privacy regimes at the French-Brazilian Chamber of Commerce (Paris)
- 3 October – CIPL’s Global Privacy Policy Analyst Sam Grogan spoke on “US and International Enforcement Actions” at the National Defense Industrial Association Privacy Symposium 2019 (Virginia)
- 4 October – CIPL held its October First Friday Call
- 8 October – CIPL held joint delegation meeting with the Instituto de Tecnologia e Sociedade (ITS-Rio) (London)
- 9 October – CIPL President Bojana Bellamy spoke on “Artificial Intelligence and machine learning – policy & regulatory approaches” at the International Institute of Communications’ (IIC) 50th Annual Communications Policy & Regulation Conference (London)
- 10 October – Nathalie Laneret spoke on accountability in a digital connected world and its relevance for Latin America at Schneider Electric’s Innovation Day (Paris)
- 10 October – Bojana Bellamy spoke at Datum Future’s Roundtable on “Data Portability – Turning a Right into a Reality” (London)
- 11 October – Bojana Bellamy participated in the IIC’s Roundtable on “The Cross-Cutting Issues of Privacy and (Personal) Data Protection as they Impact the Telecoms, Media and Technology (TMT) Sector” (London)
- 15 October – CIPL/Hunton Andrews Kurth Joint Networking Lunch on "Addressing GDPR Challenges: An Interactive Session on Handling Data Breaches" (Brussels)
- 16 October – Bojana Bellamy spoke on the future of privacy and security in Europe at Google’s Privacy & Security Tech Talk (Brussels)
- 22 October – CIPL held an Advisory Council Lunch (Tirana)
- 24 October – CIPL/Google Joint Breakfast Meeting on “Advancing Compliance and Promoting Privacy through Constructive Engagement between Regulators and Industry” (Tirana)
- 24 October – CIPL/IAF/OECD Side Events on Accountability at the 41st ICDPPC (Tirana)
- 30 October – CIPL released its [White Paper on Organizational Accountability – Past, Present and Future](#)
- 31 October – CIPL Roundtable on Accountability in Light of FTC Consent Orders (Washington, DC)
- 5 November – CIPL held its first Verification of Children Online (VoCO) Roundtable with Jonathan E. Shipp Ltd. (London)
- 8 November – CIPL held its November First Friday Call
- 12 November – Nathalie Laneret spoke on the benefits of accountability during the Euroconsumers International Forum Panel on “Innovation vs. Regulation: How can we Guarantee Safety without Killing Innovation?” (Brussels)

- 13 November – Nathalie Laneret spoke on CIPL’s accountability framework and how it’s fit for Europe during the Internet Commission’s Roundtable on “Corporate Accountability and Europe’s Digital Age” (Brussels)
 - 13 November – CIPL released its [White Paper on Organizational Accountability in Light of FTC Consent Orders](#)
 - 14 November – CIPL/Trilegal Joint Global Dialogue on Best Practices in Implementing India’s Proposed Personal Data Protection Law in the Context of the Data Driven Economy (New Delhi)
 - 15 November – Bojana Bellamy spoke at the US-India Business Council’s International Privacy Forum on “Creating an Effective Data Protection Authority” (New Delhi)
 - 18 November – Bojana Bellamy spoke at the OECD’s Accountability Roundtable (Paris)
 - 20 November – Nathalie Laneret spoke on “Demonstrating Accountability: How Can Certification, Code of Conduct and BCR Help?” at the 2020 IAPP Europe Data Protection Congress (Brussels)
 - 20 November – Nathalie Laneret spoke on “GDPR Territorial Scope in a Global Connected World” at the 2020 IAPP Europe Data Protection Congress (Brussels)
 - 21 November – Nathalie Laneret spoke on “Artificial Intelligence: From Principles to Practice” at the 2020 IAPP Europe Data Protection Congress (Brussels)
 - 26 November – Bojana Bellamy spoke on approaches to addressing the challenges posed by balancing transparency with security and privacy at Datum Future’s “Beyond Regulation” Roundtable (London)
 - 26 November – Bojana Bellamy testified by video conference at the Brazilian Congress’ Congressional Hearing (Brasilia)
 - 27 November – CIPL submitted its [Response to the UK ICO’s Accountability Toolkit Consultation](#)
 - 3 December – CIPL/TTC Labs Joint Design Jam on AI Explainability in the margins of the 52nd APPA Forum (Cebu)
 - 4 December – Bojana Bellamy spoke at the Philippines National Privacy Commission’s Global Privacy Forum entitled “Bridging East and West” (Cebu)
 - 6 December – CIPL held its December First Friday Call
 - 10 December – CIPL’s Vice President and Senior Policy Counselor Markus Heyder presented on “National Privacy Agendas Post GDPR; Data Protection Regulation – Objectives, Effectiveness and Impacts” at the IIC Annual DC Telecommunications and Media Forum (Washington DC)
 - 11 December – CIPL held its Advisory Council Call
 - 11 December – CIPL submitted its [Response to the US FTC’s Review of COPPA Rule](#)
 - 13 December – CIPL held a US privacy discussion call with CIPL members
 - 18 December – CIPL held a call with the Steering Committee of its LGPD Implementation Project
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2020 Upcoming Events

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

11 March	Panel - “Procuring Accountable AI: How to Manage your AI Business Partners” - 2020 IAPP UK Data Protection Intensive (London)
13 March	CIPL First Friday Call
25 March	CIPL/Instituto Brasileiro de Direito Público Joint Workshop on Effective Implementation and Regulation under the New Brazilian Data Protection Law (São Paulo)
3 April	CIPL First Friday Call
6 April	CIPL US Privacy Roundtable in the margins of 2020 IAPP Global Privacy Summit (Washington, DC)
7 April	CIPL/Hunton Andrews Kurth Joint Reception in the margins of 2020 IAPP Global Privacy Summit (Washington, DC)
8 May	CIPL First Friday Call
27-28 May	52 nd APPA Forum (Cebu)

Member Spotlight

We welcome and thank our newest member:

Crypto



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