

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.

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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

for the implementation of the GDPR.

The survey questions focused on the GDPR topics most relevant to everyday business and compliance concerns. The



survey received 233 responses from predominantly multinational organizations, of which 93 percent operate in Europe, more than half operate in the US and less than half operate in South America and Asia. Telecommunication and technology companies were the most represented respondents, followed by insurance and financial services companies, as well as pharmaceutical and health care companies. The survey respondents were a mix of both data controllers and data processors, with 57 percent controllers and 43 percent processors. Finally, respondents' annual revenue size ranged from less than \$1 million to more than \$100 billion.

Results from the GDPR Readiness Survey presented at the 2016 IAPP Data Protection Congress in Brussels

The survey results reveal that most respondents have started to assess the impact of the GDPR on their operations, devise companywide implementation plans and evaluate the need for additional resources.

For more details regarding the results of the survey, see the full [survey report](#).

VI. 2016 Data Transparency Lab in New York City

On 17 November 2016, Bojana Bellamy headed a panel at the Policy making Session of the 2016 Data Transparency Lab to discuss “Reframing Data Transparency for Digital Society.” She was joined by speakers from the Federal Communications Commission, Federal Trade Commission, European Commission, Office of the Privacy Commissioner of Canada, and Telefónica, as the sole industry representative. The panel explored regulators’ and policymakers’ perspectives on the role of data transparency in the context of big data, the Internet of Things, machine learning and the digital society in general.

The panel touched on many issues also addressed in the above-referenced CIPL/Telefónica [white paper](#) on “Reframing Data Transparency.”



Bojana Bellamy summarizes Data Transparency collaboration across US and EU

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:

- 20 October — CIPL held a workshop at the 38th International Data Protection and Privacy Commissioners Conference (Marrakech)
- 24 October — Bojana Bellamy moderated a panel at the [2016 Nordic Privacy Arena](#) on the changing role of the

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](#)

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)

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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