

Data Protection Conference

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Chairman WP29

Working Session I:

Effectiveness of personal data protection principles in the changing world.

Even though the groundworks of data protection in the EU will not be fundamentally changed, the revised legal framework for data protection in the EU will most certainly introduce a few new concepts.

This first working session is meant to discuss how some of those concepts (notably: privacy by design, privacy impact assessments and accountability) will need to be implemented in order to ensure **real** data protection.

I will abuse my position as chair of this session to very shortly explain my views, as regulator and enforcement authority.

By emphasising the word **real** I hope to have underlined the fact that these concepts are supposed to actually enhance the level of protection.

They should not become just another box ticking exercise which leads to the (false) impression that data are adequately being protected.

Why is the current Directive being revised ?

The review is taking place to ensure data protection in today's globalised world. And to enhance the protection of data subjects, for whom it has nowadays become practically impossible to understand what use is made of their data and what potential dangers exist.

Technology is great, we all profit from new technologies every day.

But the use of data through new technologies is so widespread and has become so obscure, that the onus now is on data controllers.

Data controllers should not only provide us (data subjects) with clear information about processing operations (why, where, how ect).

They should first and foremost take real responsibility for data processing and demonstrate that they have done their data protection homework.

And this, ladies and gentlemen, is what the concepts of privacy by design, privacy impact assessments and accountability are all about: demonstrating that data protection, from the very beginning and at all levels – be it management or workflow - has been taken seriously. Whether it concerns a product or a service.

Privacy should be one of the important first steps when designing, developing and launching new services, not the last.

It is important that the best and brightest, when designing and developing new products and services, build in privacy safeguards in order to limit the chance of privacy intrusions or data breaches.

And why is this necessary ? Because it forms the essence of trust.

People need to trust the services they use and the products they purchase.

If they don't trust, they will not buy or buy elsewhere.

It is therefore also in the interest of data controllers to get it right at the start; not only for their business' reputation but also because getting it right at the start is a lot cheaper.

The data protection enforcement authority, the DPA only comes in at the end of the process.

What counts for DPAs is that companies have done their data protection homework. Personal data should be properly protected, without DPAs spelling out each and every every step controllers should take to ensure this. Accountability and privacy impact assessments are concepts that are meant to help controllers take up their role in ensuring data subjects can trust their data is well protected.

I now would like to invite our panellists to tell us how they believe these concepts should be put into practice in order to ensure real protection.

Speakers:

Waclaw Iszkowski, president of the Polish Chamber of Information Technology and Telecommunications

Illias Chantzos, Senior Director of Government Affairs for Symantec (EMEA and APJ: for Europe, the Middle East and Africa and Asia Pacific and Japan)

David Wright, Trilateral research & consulting from London (schrijft met Paul de Hert een boek over privacy impact assessments)

Peter Fleischer, Global Privacy Counsel at Google

Caspar Bowden, until very recent Chief privacy officer for Microsoft, now: an independent privacy advocate.