

**DIRECTORATE FOR SCIENCE, TECHNOLOGY AND INDUSTRY
COMMITTEE FOR INFORMATION, COMPUTER AND COMMUNICATIONS POLICY**

Cancels & replaces the same document of 19 February 2010

30 YEARS AFTER: THE IMPACT OF THE OECD PRIVACY GUIDELINES

Draft Agenda for a Joint ICCP-WPISP Roundtable

**To be held at the OECD Conference Centre, Paris, France
10 March 2010, from 14:30 - 18:00**

This Roundtable has been organised as a joint session of the ICCP Committee and its Working Party on Information Security and Privacy. It is Item 6 on the draft agenda of the 59th Session of the ICCP Committee [DSTI/ICCP/A(2010)1].

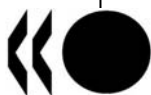
Delegates from both bodies are encouraged to attend and participate in the discussion.

It will be the first of a series of three events being organised on the 30th Anniversary of the OECD Guidelines. Further information about the other events is available at DSTI/ICCP/REG(2010)7.

All participants are invited to a cocktail reception, to be held at the conclusion of the Roundtable in Salle Marshall.

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30 YEARS AFTER: THE IMPACT OF THE OECD PRIVACY GUIDELINES

JOINT ICCP-WPISP ROUNDTABLE

Background

1. Adopted as a Recommendation of the Council in 1980, the OECD Guidelines for the Protection of Privacy and Transborder Data Flows (“Privacy Guidelines”) have long been a fixture in the global privacy landscape. The Guidelines were the first international statement of the core information privacy principles and have proven highly influential over the years. The OECD is organising three events in 2010 – the 30th anniversary of the Guidelines – to better understand the current environment for protecting privacy.

2. This first event is intended to mark the achievement of the Privacy Guidelines and reflect on their impact and implementation. It has been organised as a half-day joint session of the Committee for Information, Computer and Communication Policy (ICCP) and its Working Party on Information Security and Privacy (WPISP). Key figures from the time the Guidelines were developed will join government representatives, and other privacy experts in discussing the motivations that inspired the Guidelines, the successes and challenges in implementing the Guidelines, and their application to the current privacy landscape.

3. The second event will be a conference on privacy, technology and global data flows, held in Jerusalem, Israel on 25-26 October 2010. The event will be hosted by the Israeli Law, Information and Technology Authority, and held back-to-back with the 32nd International Conference of Data Protection and Privacy Commissioners.

4. The final event will be a roundtable focused on the economic dimensions of privacy and will be held at the OECD on 1 December 2010. It will be organised jointly by the WPISP and the ICCP Working Party on the Information Economy. A preliminary planning document for these events is available as DSTI/ICCP/REG(2010)7.

5. In addition to organising the three events, the WPISP is preparing a report on the changing privacy landscape. A preliminary draft of the report is available as DSTI/ICCP/REG(2010)6. The report aims to:

- Describe the current environment, highlighting some of the ways it differs from the time the OECD Privacy Guidelines were conceived;
- Identify some of the challenges that today’s environment poses in terms of protecting privacy under the principles and concepts based on the OECD Privacy Guidelines;
- Highlight current efforts to address those challenges.

6. Work in 2010 will lay the foundations for a review of the Guidelines, to begin in 2011. This assessment, called for by Ministers in the Seoul Declaration for the Future of the Internet Economy (2008), will determine whether the Guidelines need to be revised or updated to address the current privacy environment.

DRAFT AGENDA**Session 1 The Development of the Privacy Guidelines****14:30- 15:15**

Work on privacy and transborder data flows at the OECD began in the early 1970s. With an increasing divergence in national legislation creating risks to the free flow of information between countries, the OECD undertook to develop guidelines in 1978. They were developed in close cooperation with the Council of Europe, which was preparing what would become Convention 108 at the same time. Privacy concerns core values and OECD countries sought to ensure certain minimum standards for the protection of privacy and individual liberties with regard to personal data. By developing consensus around a set of fundamental principles to protect individuals, it was hoped to diminish the need to regulate the export of personal data and minimise problems related to the conflict of laws.

The first session will explore the issues that motivated the development of the Privacy Guidelines, the challenges of achieving international consensus in a newly emerging policy arena, and the approach that was ultimately adopted. Beginning with a keynote speech from the chair of the body that developed the Guidelines, the session will then open into a panel discussion with other key participants in the drafting of the Guidelines, with a view to informing current considerations.

- Welcome** **Andrew Wyckoff**, Director of Science, Technology and Industry (OECD)
- Moderator** **Jorgen Abild Andersen**, Director General, Information Technology and
Telecommunications Agency, Denmark (Chair of the ICCP Committee)
- Keynote** **Honourable Michael Kirby**, former Chair of the OECD Expert Group on Transborder
Data Barriers and Privacy Protection (Australia)
- Panel Discussion** **Louis Joinet**, former Vice-Chair of the OECD Expert Group on Transborder Data
Barriers and Privacy Protection (France)
- Hanspeter Gassmann**, former Head of the OECD ICCP Division

Session 2 The Impact of the Privacy Guidelines**15:15 – 17:10**

The Guidelines were the first internationally agreed statement of the core information privacy principles and remain an important point of reference in contemporary policy discussions. The Guidelines have had a substantial impact, including as a basis for national laws. Nearly every OECD country now has one or more laws protecting privacy, up from one-third of OECD countries when the Guidelines were agreed. The Guidelines have also served as a basis for other international instruments, like the EU Directive 95/46/EC and the APEC Privacy Framework (2004). More broadly, the Guidelines have served as a basis for policies and self-regulation, influencing business practices and shaping the expectations of individuals.

Session 2 will provide participants an opportunity to reflect on the successes and challenges in implementing the Guidelines. In addition to perspectives from a number of member governments, views from business and civil society will inform a broader discussion on the impact of the Guidelines.

Moderator	Keith Besgrove , First Assistant Secretary, Department of Broadband Communications and the Digital Economy, Australia (Chair of the WPISP)
Member country experiences	<p>Jane Hamilton, Acting Director, Electronic Commerce Branch, Industry Canada</p> <p>Fumio Shimpo, Assistant Professor, Graduate School of Media and Governance, Keio University (Japan)</p> <p>Blair Stewart, Assistant Commissioner, Office of the Privacy Commissioner (New Zealand)</p> <p>David Smith, Deputy Commissioner, Office of the Information Commissioner (United Kingdom)</p> <p>Hugh Stevenson, Deputy Director, Office of International Affairs, Federal Trade Commission (United States)</p>
Discussion	All participants

Coffee break (16:00 – 16:30)

Other perspectives	<p>Marc Rotenberg, Executive Director, EPIC (CSISAC)</p> <p>Joseph Alhadeff, President for Global Public Policy and Chief Privacy Officer, Oracle Corporation (BIAC)</p> <p>Malcolm Crompton, Managing Director, Information Integrity Solutions</p>
Discussion	All participants

Session 3 The Privacy Guidelines in the Current Environment 17:10 – 18:00

Noting the ongoing nature of developments in technology and likely growth in transborder data flows, the Explanatory Memorandum to the Privacy Guidelines describes the forward-looking attitudes that informed the technology-neutral approach adopted in the Guidelines. Nevertheless there have been dramatic changes in volume and uses of personal data over the intervening 30 years – triggered in part by the ready availability of fixed and mobile computing devices globally connected through the Internet. Information is increasingly a core asset for modern business operations and essential to effective government administration.

Session 3 will consider the Guidelines more explicitly in the current environment for protecting privacy. The first two presentations will outline views on the current thinking in Europe and the United States, with the 3rd presentation will outline a recent initiative to prepare a more global approach to privacy protection. The discussion will then be opened up to all participants for a preliminary exchange on the current and future opportunities and challenges – a dialogue to be continued during other 30th anniversary events in October and December 2010.

Moderator **Jennifer Stoddart**, Privacy Commissioner of Canada (Chair of the WPISP privacy volunteer group)

Peter Hustinx, European Data Protection Supervisor

Panellists **Daniel Weitzner**, Associate Administrator for Policy, NTIA, Department of Commerce (United States)

Artemi Rallo Lombarte, President, Data Protection Agency (Spain)

Discussion All participants

Closing **Jorgen Abild Andersen**, Director General, Information Technology and Telecommunications Agency, Denmark (Chair of the ICCP Committee)

Cocktail Reception

18:00- 20:00