



PHAEDRA II - IMPROVING PRACTICAL AND HELPFUL CO-OPERATION BETWEEN DATA PROTECTION AUTHORITIES II

<http://www.phaedra-project.eu/>

DPA: College Bescherming Persoonsgegevens (Netherlands)

TITLE: "Ten simple ways to improve worldwide privacy protection"

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WEBSITE LINK: <https://cbpweb.nl/en/news/ten-simple-ways-improve-worldwide-privacy-protection>

ABSTRACT:

Nineteen renowned privacy experts from the US and the EU have developed ten practical proposals to increase the transatlantic level of protection of personal data. Most proposals can be implemented within existing different legal systems and are applicable worldwide. It concerns pragmatic bridges that benefit people, companies, governments and supervisory authorities. The experts cooperated in the Privacy Bridges project and present the bridges during the International Privacy Conference at the end of October in Amsterdam.

ASSESSMENT:

The privacy bridges project is an attempt to bridge the gap between differing approaches to privacy and data protection between the EU and the US. The "bridges" are understood as a number of areas where practical and concrete action can conceivably be taken to improve the current situation, and allows the two systems to work better together. The project did not have a mandate to consider changes to the existing legal regime, instead working from the assumption that the adoption of a single set of privacy rules was unlikely. The group intended to produce recommendations that can be acted upon by relevant parties without legislative changes.

The full privacy bridges report is publicly available.

The ten areas identified as offering privacy "bridges" are:

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1. Deepen the Art.29 Working Party/Federal Trade Commission relationship (including institutionalising this relationship through a memorandum of understanding)
2. User controls - relevant actors should develop easy to use mechanisms for expressing individual decisions regarding user choice and consent, resulting in open standards development and clear regulatory guidance
3. New approaches to transparency - encouraging an international standardisation process on privacy notices, and guidance on transparency
4. User complaint mechanisms: redress of violations outside a user's region - including the creation of a directory of basic information about relevant jurisdictions and how and to whom complaints regarding data privacy can be brought.
5. Government access to private sector personal data - recommending that companies develop uniform internal practices for handling government requests regardless of jurisdiction, and adopt best practices based on international standards.
6. Best practices for de-identification of personal data - calls on regulators to develop concrete, shared standards on de-identification practices.
7. Best practices for security breach notification - recommends cooperation between regulators dealing with multi-national data breaches and establishing a more harmonised breach-reporting regime.
8. Accountability - identification of the common elements of enforceable corporate accountability programmes, development of more effective means of external verification, and scaling of accountability programmes for SME.
9. Greater government-to-government engagement - in parallel with the MOU in bridge one, executive agencies and decision making bodies should engage in active dialogue and where appropriate, coordinate their legislation activities. Develop transparent platforms for active discussion and practical policy development.
10. Collaborating on privacy research programs - foster collaborative, multidisciplinary engagement by privacy researchers in the EU and US, and remove barriers to joint participation in privacy-related research programmes.

At its launch, the privacy bridges project was criticised by civil society groups and privacy activists who were concerned at the limited involvement in the development of the proposals,

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and to the extent to which the privacy bridges project did not tackle what they say as key issues in transatlantic privacy protection, specifically surveillance activities of the US and its EU partners.¹² The project was welcomed by the European Commission in a speech at the Amsterdam Privacy Conference acknowledging that practical measures were a welcome addition to the fundamental right to privacy in the EU.³

¹ "Fundamental Rights are Fundamental" Statement of leading digital rights and consumer NGOs, 37th International Conference of Data Protection and Privacy Commissioners, Amsterdam,

² Davies, Simon, "Why privacy commissioners are betraying human rights", *The privacy Surgeon*, <http://www.privacysurgeon.org/blog/incision/why-privacy-commissioners-are-betraying-human-rights/>

³ http://europa.eu/rapid/press-release_SPEECH-15-5949_en.htm

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