



Privacy by Design Documentation for Software Engineers (PbD-SE TC)

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European Identity and Cloud Conference



**EMERGING Standards to make
Privacy-by-Design
Instinctual on the Internet**

**FOR EVERY ORGANIZATION AND
SOFTWARE ENGINEER –
ON PURPOSE,
IN A MANAGED WAY**



GARTNER 2014 PREDICTS:

By 2017, 80% of consumers will

collect, track and barter

their personal data for cost savings,
convenience and customization.

OASIS PbD-SE



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OASIS Privacy by Design Documentation for Software Engineers (PbD-SE) TC

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Enabling privacy to be embedded into IT system design and architecture

Dawn Jutla, dawn.jutla@gmail.com, Chair

Ann Cavoukian, Commissioner.ipc@ipc.on.ca, Chair

Gershon Janssen, gershon@qroot.com, Secretary

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Announcements

Participation in the [OASIS PbD-SE TC](#) is open to all interested parties. Contact join@oasis-open.org for more information.

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**Why should business care ...
about consumer privacy & empowerment
over personal data?**

- Loss of customers, customer loyalty, stock value, and brand reputation
- Increased legal costs, class action lawsuits
- Shareholder and board dissatisfaction

OASIS PMRM



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OASIS Privacy Management Reference Model (PMRM) TC

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Providing a guideline for developing operational solutions to privacy issues

John Sabo, john.annapolis@verizon.net, Chair
Gershon Janssen, gershon@qroot.com, Secretary

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Announcements

Participation in the OASIS PMRM TC is open to all interested parties, including privacy policy makers, privacy and security consultants, auditors, IT systems architects and designers of systems that collect, process, use, share, transport, secure, or destroy Personal Information. OASIS also invites representatives of other TCs, external organizations, and standards bodies that may find the PMRM useful in developing privacy management use cases in their contexts. Contact member-services@oasis-open.org for more information on joining the TC.

Overview

The OASIS PMRM TC works to provide a standards-based framework that will help business process engineers, IT analysts, architects, and developers implement privacy and security policies in their operations. PMRM picks up where broad privacy policies

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OASIS Privacy by Design Documentation for Software Engineers (PbD-SE) TC

1

PbD principles are internationally recognized with mappings/alignment to FIPPs, GAPPs and NIST 800-53 Appendix J controls.

2

Help stakeholders to **visualize** privacy requirements and design from software conception to retirement

3

A specification of a methodology, mappings, and guidance to help software engineers to :

- Model and translate Privacy by Design (PbD) principles to conformance requirements within software engineering tasks,
- Produce privacy-aware software, and document artifacts as evidence of PbD-principle compliance.
- Collaborate with management and auditors to *simplify* demonstration of compliance/audits.

OASIS Privacy Management Reference Model and Methodology (PMRM) Emerging Standard

TC Chair: John T. Sabo

1

PMRM provides a model and methodology for translating & mapping privacy requirements,, as the basis for a PRIVACY SERVICE ARCHITECTURE:
<http://j.mp/oasisPMRM>

2

KEY STRENGTH: Gets at how personal data flow among data platforms... 360 stakeholder view of privacy requirements. Considers context!

3

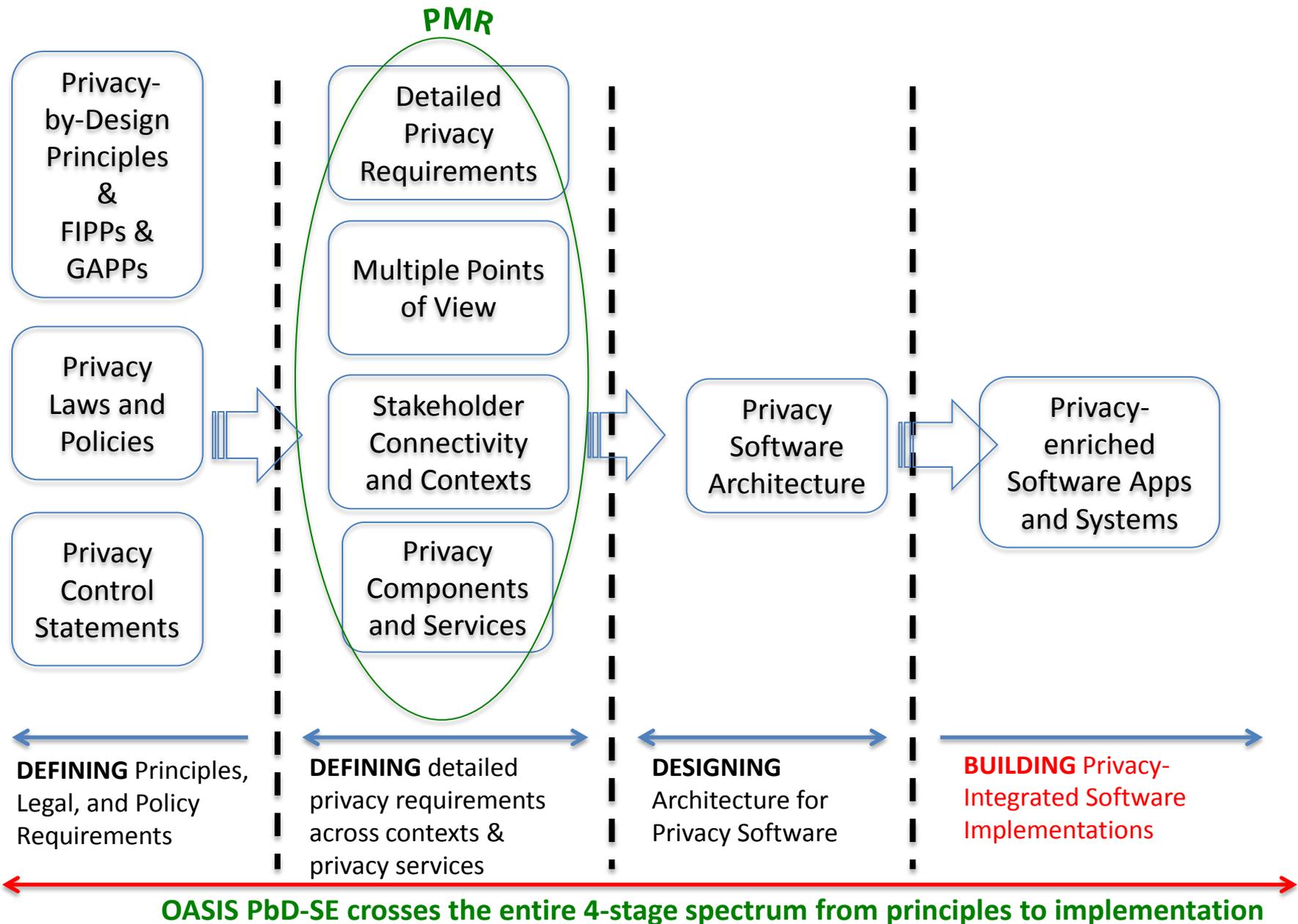
Major elements of this emerging standard's methodology and the PbD-SE methodology unify and align with the state-of-the-art in the:

Dennedy, Finneran, and Fox's Privacy Engineering Manifesto book (industry-led – McAfee)

Shostack's Threat Modeling book (industry led- Microsoft)

Content in the Privacy Engineering program at Carnegie Mellon and extant privacy literature (university-led)

Scope of the OASIS PbD-SE and OASIS PMRM Standard-Track Work Products



Applicable to all organizations and individuals producing Information Technology Products and Services

Software Engineer: A person that adopts engineering approaches, such as established methodologies, processes, architectures, measurement tools, standards, organization methods, management methods, quality assurance systems and the like, in the development of large scale software, seeking to result in high productivity, low cost, controllable quality, and measurable development schedule.

Source: Adapted from Y. Wang, Senior Member of the IEEE and ACM. Theoretical Foundations of Software Engineering, Schulich School of Engineering, University of Calgary, 2011.

Large scale software extends to include apps that scale to millions of users

Organizations and individuals adopting design processes, privacy methodologies, models, and standards to obtain better user privacy going forward.

RACI Definitions

R

- Who is Responsible
- The person who is assigned to do the work

A

- Who is Accountable
- The person who makes the final decision and has the ultimate ownership

C

- Who is Consulted
- The person who must be consulted before a decision or action is taken

I

- Who is Informed
- The person who must be informed that a decision or action has been taken

PbD-SE Methodology Step	Documented Activity	Software Engineer	Privacy Resource	Project Mgmt.	Mgmt.	Third Party	User
3.1 Assess Organizational Readiness	Document Privacy Policy	CI	RA CI	CI	ACI	I	CI
	Document Roles/Training Program Organization	I	RA CI	CI	AI	I	I
3.2 Scope Privacy Requirements & Reference Architecture	Document Functional Requirements & Reference Architecture	RA	RA CI	ACI	AI	RAI	CI
3.3 Conduct Risk Analysis on Use Cases	Document Business Model with Data Flows	CI	RA CI	CI	AC	CI	-
	Document Risk analysis (incl. threat models, PIA)	CI	RA CI	CI	ACI	CI	-
3.4 Identify Privacy Resource Allocation	Document privacy resource allocation to SE Team	I	RA CI	RI	AI	I	-
3.5 Create RACI for Producing Artifacts	Document RACI assignment to artifact production	RCI	CI	RA CI	AI	-	-
3.6 Customize Privacy Architecture	Document Privacy Architecture	RA	AI CI	ACI	AI	I	-
3.7 Conduct Periodic Review	Document Review of Artifacts throughout the PDLC	RA	CI	RA CI	AI	-	-
3.8 Execute Code Testing & Privacy Evaluation	Document Testing and evaluation for satisfying privacy properties	RA	RCI	RA CI	AI	-	CI
3.9 Create Retirement Plan	Document plan for retirement of software solution	CI	RA CI	RA CI	ACI	I	I
3.10 Sign-off	Document Sign-off with checklist	RA CI	RA CI	RA CI	AC	-	-

1. Proactive not Reactive; Preventative not Remedial

1.1–Demonstrable Leadership: A clear commitment, at the highest levels, to prescribe and enforce high standards of privacy protection, generally higher than prevailing legal requirements.

1.2–Defined Community of Practice: Demonstrable privacy commitment shared by organization members, user communities and stakeholders.

1.3–Proactive and iterative: Continuous processes to identify privacy and data protection risks arising from poor designs, practices and outcomes, and to mitigate unintended or negative impacts in proactive and systematic ways

MUST normatively reference the PbD-SE specification
MUST reference assignment of responsibility and accountability for privacy in the organization, and privacy training program.

MUST include assignment of privacy resources to the software project, recording who are responsible, accountable, consulted, or informed for various privacy-related tasks

MUST reference all external sources of privacy requirements, including policies, principles, and regulations.

MUST include privacy requirements specific to the service/product being engineered, and anticipated deployment environments

MUST include privacy risk/threat model(s) including analysis and risk identification, risk prioritization, and controls clearly mapped to risks

PbD “Sub-Principles”

Documentation

2. Privacy by Default

2.1–Purpose Specificity: Purposes must be specific and limited, and be amenable to engineering controls

2.2–Adherence to Purposes: methods must be in place to ensure that personal data is collected, used and disclosed:

- in conformity with specific, limited purposes;
- in agreement with data subject consent; and
- in compliance with applicable laws and regulations

2.3–Engineering Controls: Strict limits should be placed on each phase of data processing lifecycle engaged by the software under development, including:

- Limiting Collection;
- Collecting by Fair and Lawful Means;
- Collecting from Third Parties;
- Limiting Uses and Disclosures;
- Limiting Retention;
- Disposal, Destruction; and Redaction

SHOULD list all [categories of] data subjects as a stakeholder
MUST document expressive traceable models of detailed data flows, processes, behaviors, and the privacy properties to be satisfied for the use cases or user stories associated with internal software project and all data/process interaction with external platforms, systems, APIs, and/or imported code. (Examples of expressive models are roughly *equivalent* to UML models)

MUST describe selection of privacy controls and privacy services/APIs and where they apply to privacy functional requirements and risks.

MUST include software retirement plan from a privacy viewpoint

PbD “Sub-Principles”

Documentation

3. Privacy Embedded in Design

3.1–Holistic and Integrative: Privacy commitments must be embedded in holistic and integrative ways

3.2–Systematic and Auditable: A systematic, principled approach should be adopted that relies upon accepted standards and process frameworks, and is amenable to external review.

3.3–Review and Assess: Detailed privacy impact and risk assessments should be used as a basis for design decisions.

3.4–Human-Proof: The privacy risks should be demonstrably minimized and not increase through use, misconfiguration, or error.

The OASIS PMRM Privacy Use Case Template is **RECOMMENDED** as a tool to use for iterating and identifying and documenting privacy requirements and assessment.

MUST contain description of business model showing traceability of personal data flows for any data collected through new software services under development.

MUST include identification of the privacy properties that inform software design

MUST contain a privacy architecture that satisfies system-level and user-level privacy properties

MUST detail privacy UI/UX design

MUST define privacy metrics

MUST include human sign-offs/privacy checklists for software engineering artifacts

MUST include privacy review reports (*either in reviewed documents or in separate report*)

4. Full Functionality: Positive Sum, not Zero-Sum

4.1–No Loss of Functionality: Embedding privacy adds to the desired functionality of a given technology, process or network architecture.

4.2–Accommodate Legitimate Objectives: All interests and objectives must be documented, desired functions articulated, metrics agreed, and trade-offs rejected, when seeking a solution that enables multi-functionality

4.3–Practical and Demonstrable Results: Optimized outcomes should be published for others to emulate and become best practice

MUST treat *privacy-as-a-functional requirement*, i.e. functional software requirements and privacy requirements should be considered together, with no loss of functionality. **MUST** show tests for meeting privacy objectives, in terms of the operation and effectiveness of implemented privacy controls or services. **MUST** show the integration of, or hooks between, functional privacy architecture and functional software architecture.

PbD “Sub-Principles”

Documentation

5. End-to-End Lifecycle Protection

5.1–Protect Continuously: Personal data must be continuously protected across the entire domain and throughout the data life-cycle from creation to destruction

5.2–Control Access: Access to personal data should be commensurate with its degree of sensitivity, and be consistent with recognized standards and criteria

5.3–Use Security and Privacy Metrics: Applied security standards must assure the confidentiality, integrity and availability of personal data and be amenable to verification

Applied privacy standards must assure user/data subject comprehension, choice, consent, consciousness, consistency, confinement (setting limits to collection, use, disclosure, retention, purpose), and context(s) around personal data at a functional level, traceability of data flows, and minimized identifiability, linkability, and observability at a systems level, and be amenable to verification

MUST be produced for all stages of the software development lifecycle from referencing applicable principles, policies, and regulations to defining privacy requirements, to design, implementation, maintenance, and retirement.

MUST reference requirements, risk analyses, architectures, design, implementation mechanisms, retirement plan, and sign-offs with respect to privacy and security.

MUST reference security AND privacy properties and metrics designed and/or deployed by the software, or monitoring software, or otherwise in the organization and across partnering software systems or organizations.

PbD "Sub-Principles"

Documentation

6. *Visibility and Transparency*

6.1–Open Collaboration: Privacy requirements, risks, implementation methods and outcomes should be documented throughout the development lifecycle and communicated to project members and stakeholders.

6.2–Open to Review: The design and operation of software systems should demonstrably satisfy the strongest privacy laws, contracts, policies and norms (as required).

6.3–Open to Emulation: The design and operation of privacy-enhanced information technologies and systems should be open to scrutiny, improvement, praise, and emulation by all.

MUST *reference* the privacy policies and documentation of all other collaborating stakeholders

MUST include description of contextual visibility and transparency mechanisms at the point of contextual interaction with the data subject (user) and other stakeholders for data collection, use, disclosure, and/or elsewhere as applicable

MUST describe any measurements incorporated in the software, or monitoring software, or otherwise to measure the usage and effectiveness of provided privacy options and controls, and to ensure continuous improvement.

MUST describe placement of privacy settings, privacy controls, privacy policy(ies), and accessibility, prominence, clarity, and intended effectiveness.

7. *Respect for User Privacy*

7.1–Anticipate and Inform: Software should be designed with user/data subject privacy interests in mind, and convey privacy attributes (where relevant) in a timely, useful, and effective way.

7.2–Support Data Subject Input and Direction: Technologies, operations and networks should allow users/data subjects to express privacy preferences and controls in a persistent and effective way.

7.3–Encourage Direct User/Subject Access: Software systems should be designed to provide data subjects direct access to data held about them, and an account of uses and disclosures.

MUST describe user privacy options (including access), controls, user privacy preferences/settings, UI/UX supports, and user-centric privacy model.

MUST describe notice, consent, and other privacy interactions at the EARLIEST possible point in a data transaction exchange with a user/data subject or her/his automated agent(s) or device(s).

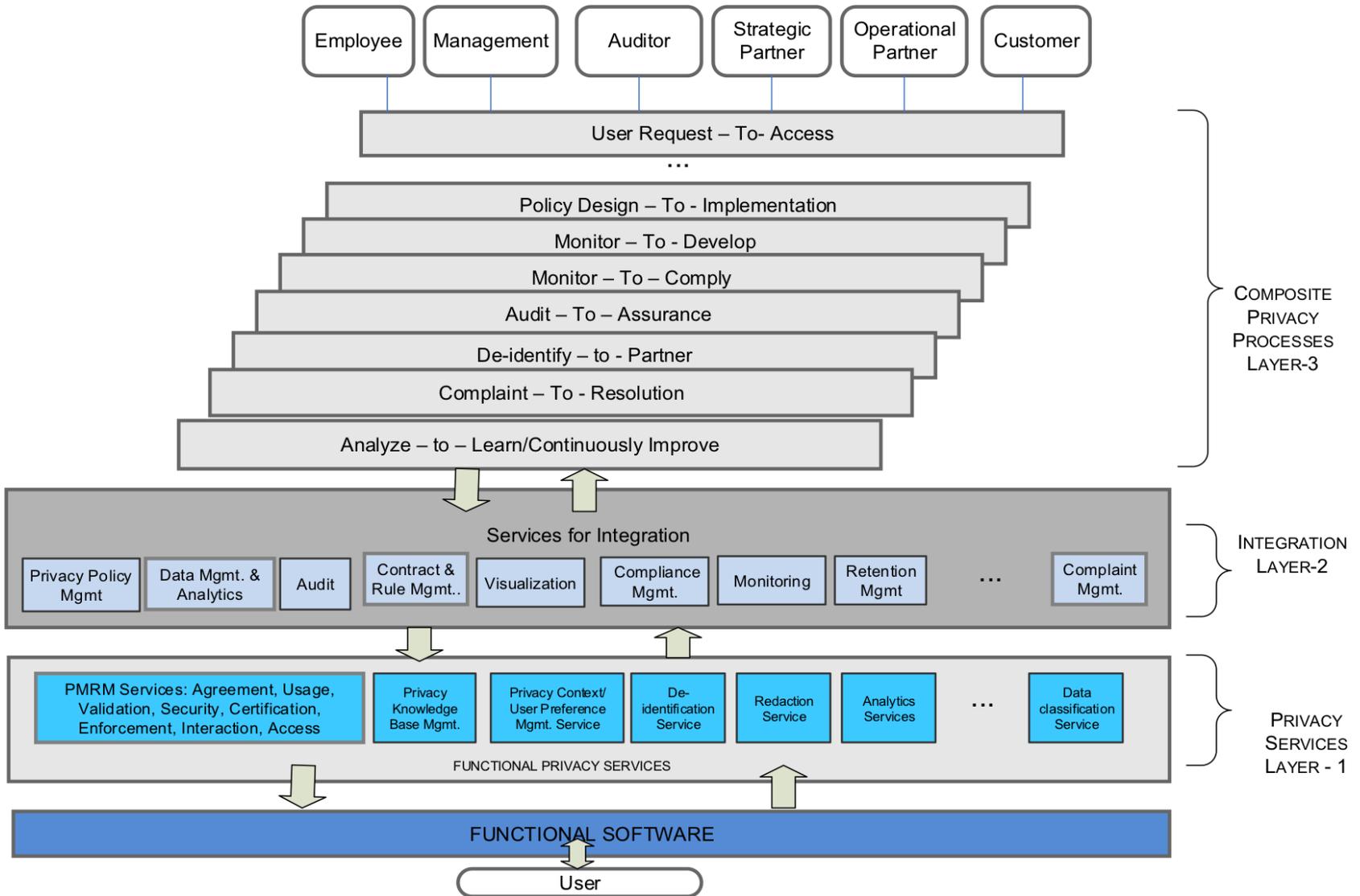
TOILING the 7Cs: Privacy Properties as a Basis for Architectural Requirements

<p>Comprehension (User understanding of how PII is handled)</p>	<p>Users should <i>understand</i> how personal identifiable information (PII) is handled, who's collecting it and for what purpose, and who will process the PII and for what purpose across software platforms. Users are entitled to visibility to know all parties that can access their PII, how to access/correct their own data, the limits to processing transparency, why the PII data is being requested, when the data will expire (either from collection or database), and what happens to it after that. This category also includes legal rights around PII, and the implications of a contract when one is formed.</p>
<p>Consciousness (User awareness of what is happening and when)</p>	<p>Users should be <i>aware</i> of when data collection occurs, when a contract is being formed between a user and a data collector, when their PII is set to expire, who's collecting the data, with whom the data will be shared, how to subsequently access the PII, and the purposes for which the data is being collected.</p>
<p>Choice (To opt-in or out, divulge or refuse to share PII)</p>	<p>Users should have <i>choices</i> regarding data collection activities in terms of opting in or out, whether or not to provide data, and how to correct their data.</p>
<p>Consent (Informed, explicit, unambiguous)</p>	<p>Users must first <i>consent</i> in a meaningful, explicit, unambiguous agreement to data collection, use, and storage proposals for any PII. Privacy consent mechanisms should explicitly incorporate mechanisms of comprehension, consciousness, limitations, and choice.</p>
<p>Context (User adjusting preferences as conditions require)</p>	<p>Users should/must be able to <i>change privacy preferences</i> according to context. Situational or physical context—such as crowded situations (for example, when at a service desk where several people can listen in on your exchange when you provide a phone number, or when you are in the subway with cameras and audio in wearables around you)—is different from when you perform a buy transaction with Amazon.com or provide information on an app registered with an aggregator that sells to advertisers. Data is also as context (such as the sensitivity of data, for example, financial and health data) could dictate different actions on the same PII in different contexts.</p>
<p>Confinement (Data minimization, proportionality, and user-controlled re-use of data)</p>	<p>Users must/should be able to <i>set/request limits</i> on who may access their PII, for what purposes, and where and possibly when/how long it may be stored. Setting limits could provide some good opportunities for future negotiation between vendors and users.</p>
<p>Consistency (User predictability of outcome of transactions)</p>	<p>Users should <i>anticipate with reasonable certainty</i> what will occur if any action or their PII is taken. That is, certain actions should be predictable on user access to giving out PII.</p>

T – Traceability
O - Observability
I – Identifiability
Linkability – measure of the degree that a real identity can be linked to data (BIRO, 2009)

Adapted from: Dawn N. Jutla, Peter Bodorik, "Sociotechnical Architecture for Online Privacy," IEEE Security and Privacy, vol. 3, no. 2, pp. 29-39, March-April 2005, doi:10.1109/MSP.2005.50. <http://bit.ly/1qePUpp>

PRIVACY ARCHITECTURAL BLUEPRINT



The Software Engineers' 1000 word models: Example Representations for Documentation



**OASIS Privacy by Design Documentation for
Software Engineers (PbD-SE) TC**

Spreadsheets

- Columns
 - Description of Personal Data/Data Cluster
 - Personal Info Category
 - PII Classification
 - Source
 - Collected by
 - Collection Method
 - Type of Format
 - Used By
 - Purpose of Collection
 - Transfer to De-Identification
 - Security Control during Data Transfer
 - Data Repository Format
 - Storage or data retention site
 - Disclosed to
 - Retention Policy
 - Deletion Policy
- DFDs
- Compare design options (identifiability, linkability, observability)

OASIS PMRM Methodology Step: For each actor instance, and incoming/outcoming data flow within a use case instance, (a) add context to requirements, and (b) determine the PMRM Services

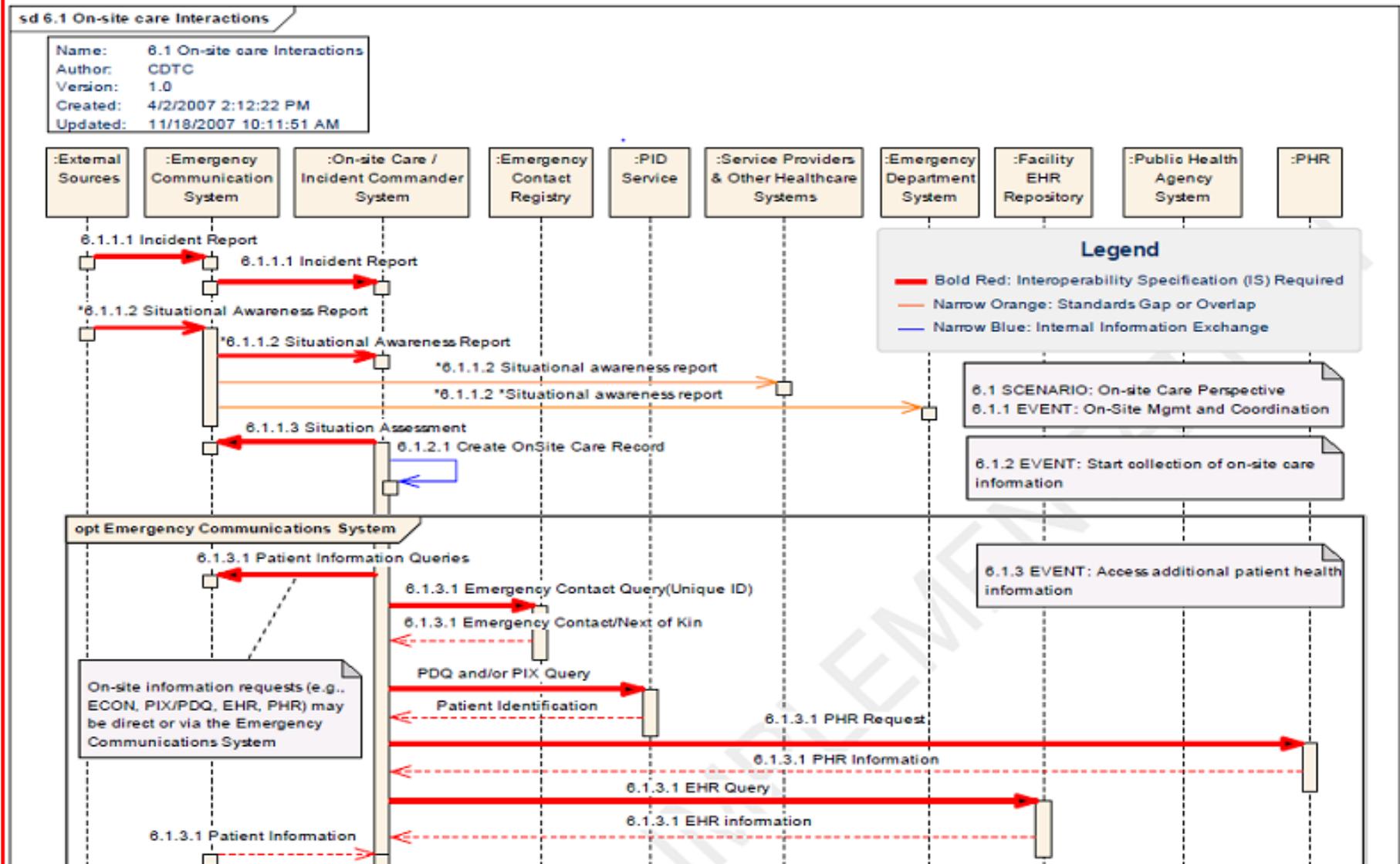


Table 1. Data Flows TO a Single Actor with PMRM Service Invocations.

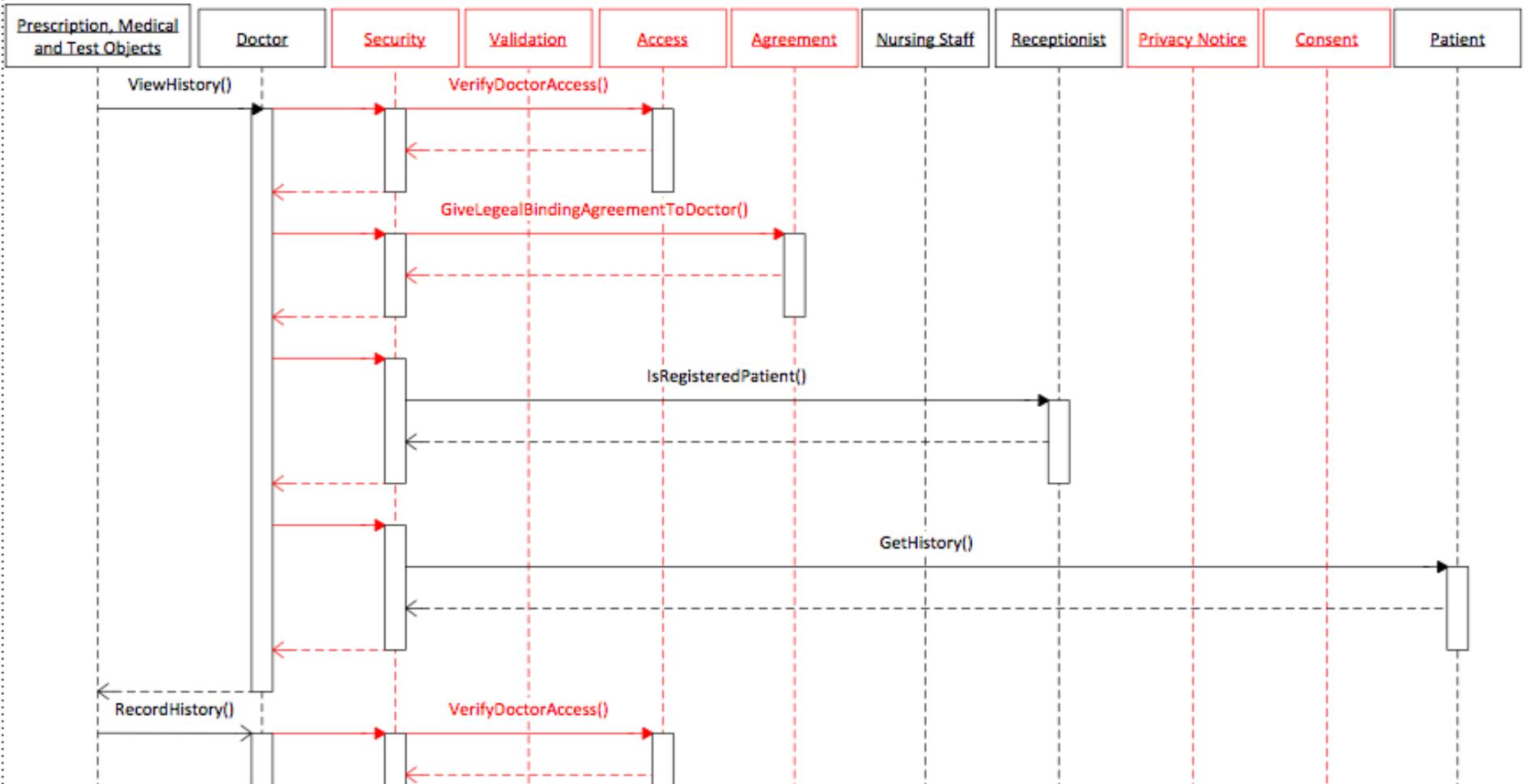
ACTOR:	PI-In	Actor Source	Requirements	PMRM SVCs	[Context Narrative]	Comment
ECS	Incoming Data Flows		[Examples – Qualify with Context]			
	Incident Report	External sources	<ul style="list-style-type: none"> ECS Privacy and Security Policy jurisdictional regulations OnStar 	<ul style="list-style-type: none"> Security Control Audit Interaction Validation Usage 	Incident involving Californians with all health info within the City of Sacramento	Data elements require further definition
	Situational Awareness Report	External Sources	<ul style="list-style-type: none"> ECS Privacy and Security Policy jurisdictional regulations OnStar 	<ul style="list-style-type: none"> Security Control Audit Interaction Validation Usage 		
	Patient EHR Information	Service Provider and other Healthcare systems	<ul style="list-style-type: none"> HIPAA security and privacy rules HITECH 3rd party inherited policy agreements 	<ul style="list-style-type: none"> Security Control Audit Interaction Validation Certification Usage 		If Individual access or enforcement are necessary to the ECS, then Access and enforcement services required
	Situation Assessment	On-site Care/Incident Commander	<ul style="list-style-type: none"> General scene information 	<ul style="list-style-type: none"> None 		

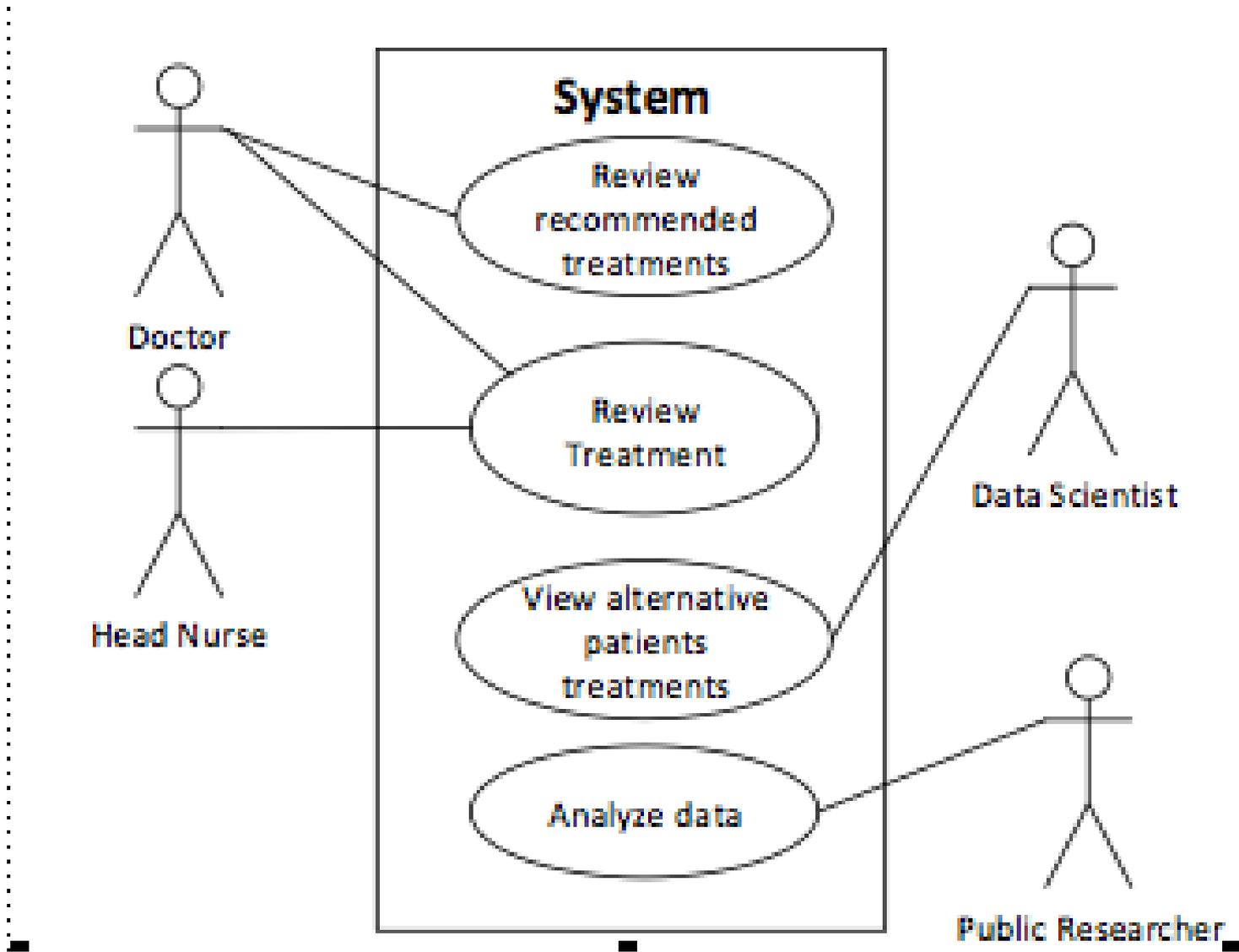
OASIS PMRM & PbD-SE Methodology Step: Describe the business processes and data flows using a data lifecycle description model and provide the level of detail needed to include all actors and touch points

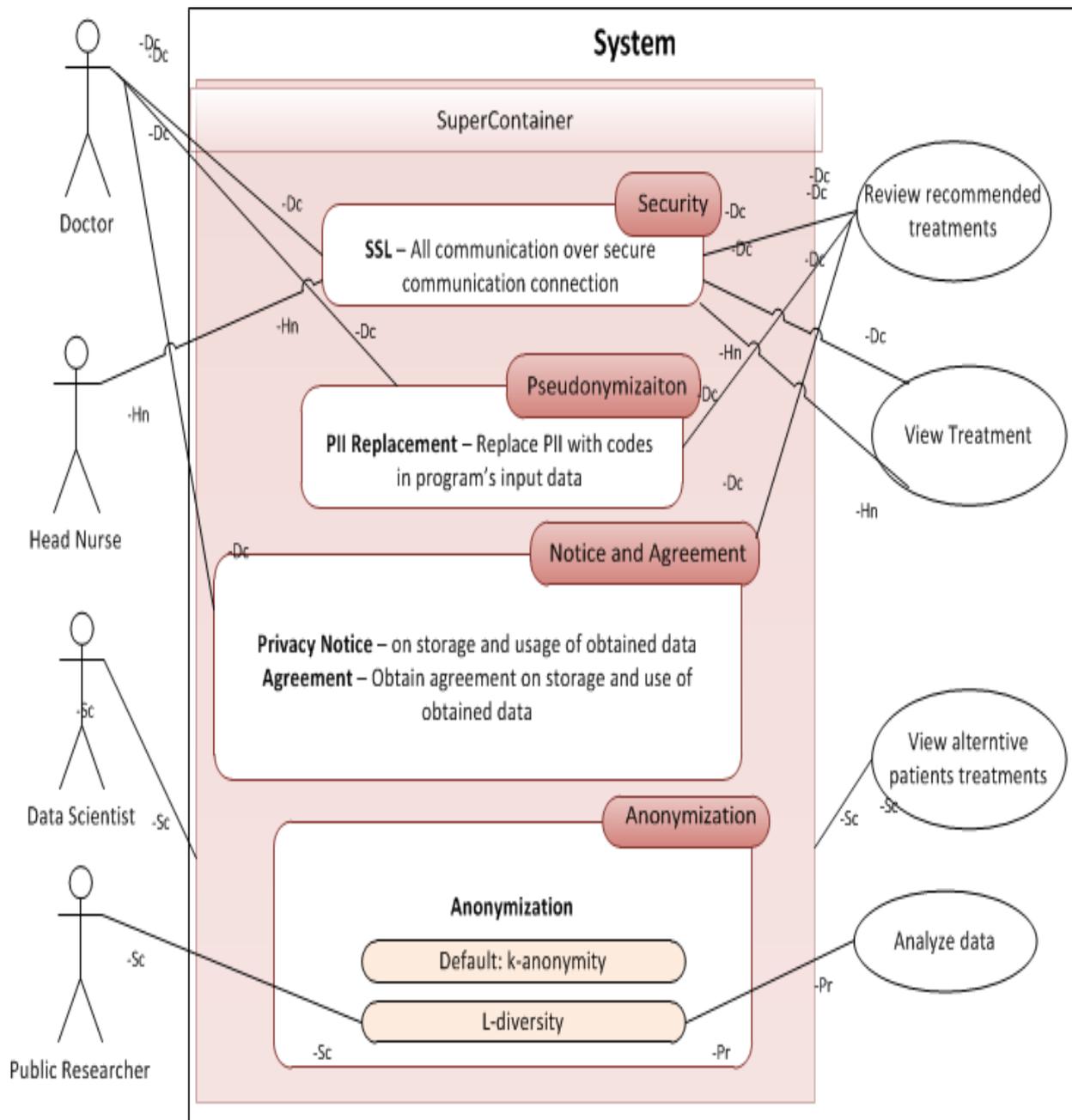
Figure 2.2.4.1-1 On-Site Care Scenario Perspective Business Sequence Diagram

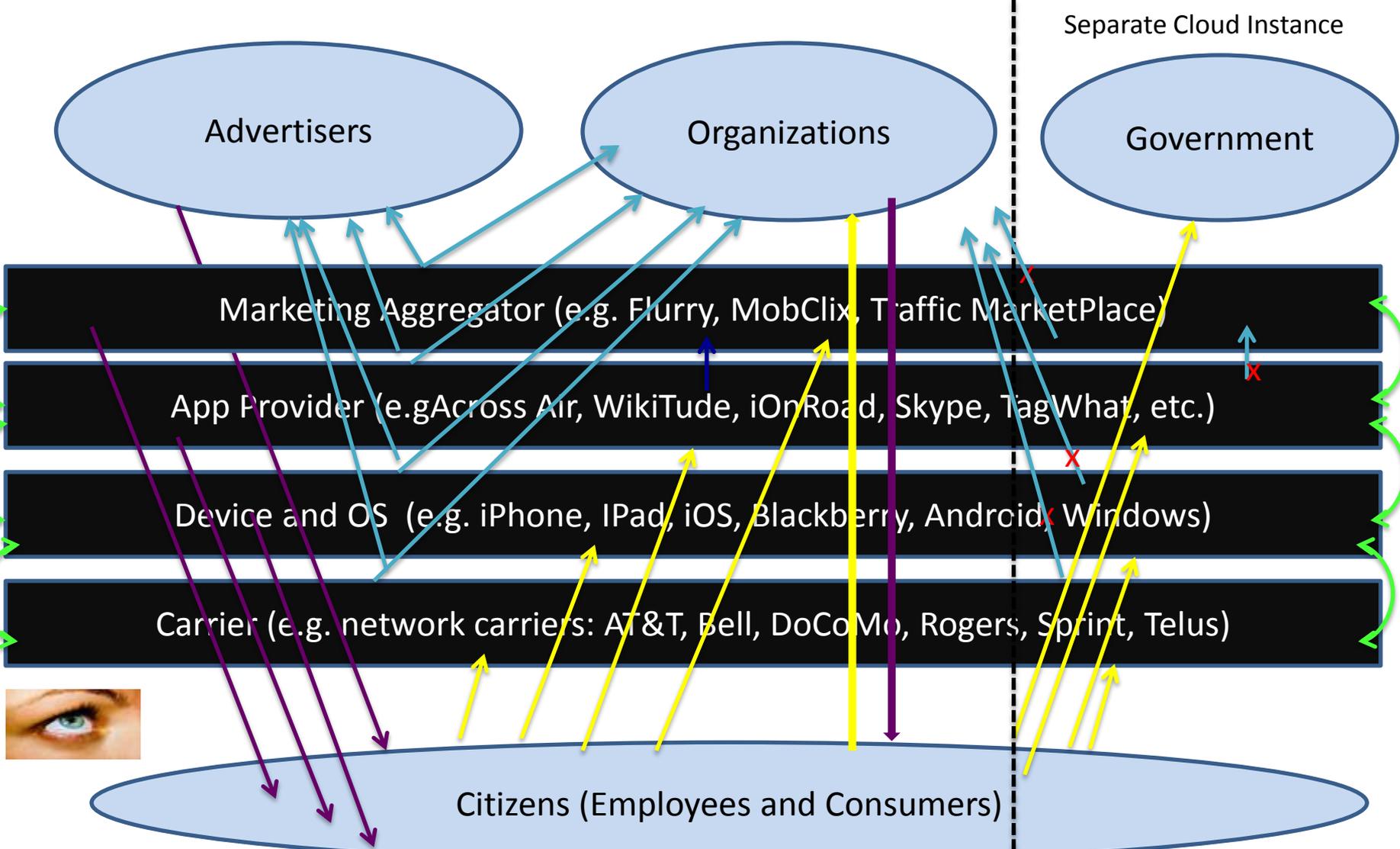


Visualizing Privacy Services in a UML Sequence Diagram









Separate Cloud Instance

Advertisers

Organizations

Government

Marketing Aggregator (e.g. Flurry, MobClix, Traffic MarketPlace)

App Provider (e.g. Across Air, WikiTude, iOnRoad, Skype, TagWhat, etc.)

Device and OS (e.g. iPhone, iPad, iOS, Blackberry, Android, Windows)

Carrier (e.g. network carriers: AT&T, Bell, DoCoMo, Rogers, Sprint, Telus)

Citizens (Employees and Consumers)

User-provided personal data (each platform and merchant may get different data attributes) in a single service

User profiles sent to advertiser networks, aggregators, and to merchants

Ads, offers, deals etc.

Personal data flows between platforms.

Vision without Execution is Hallucination

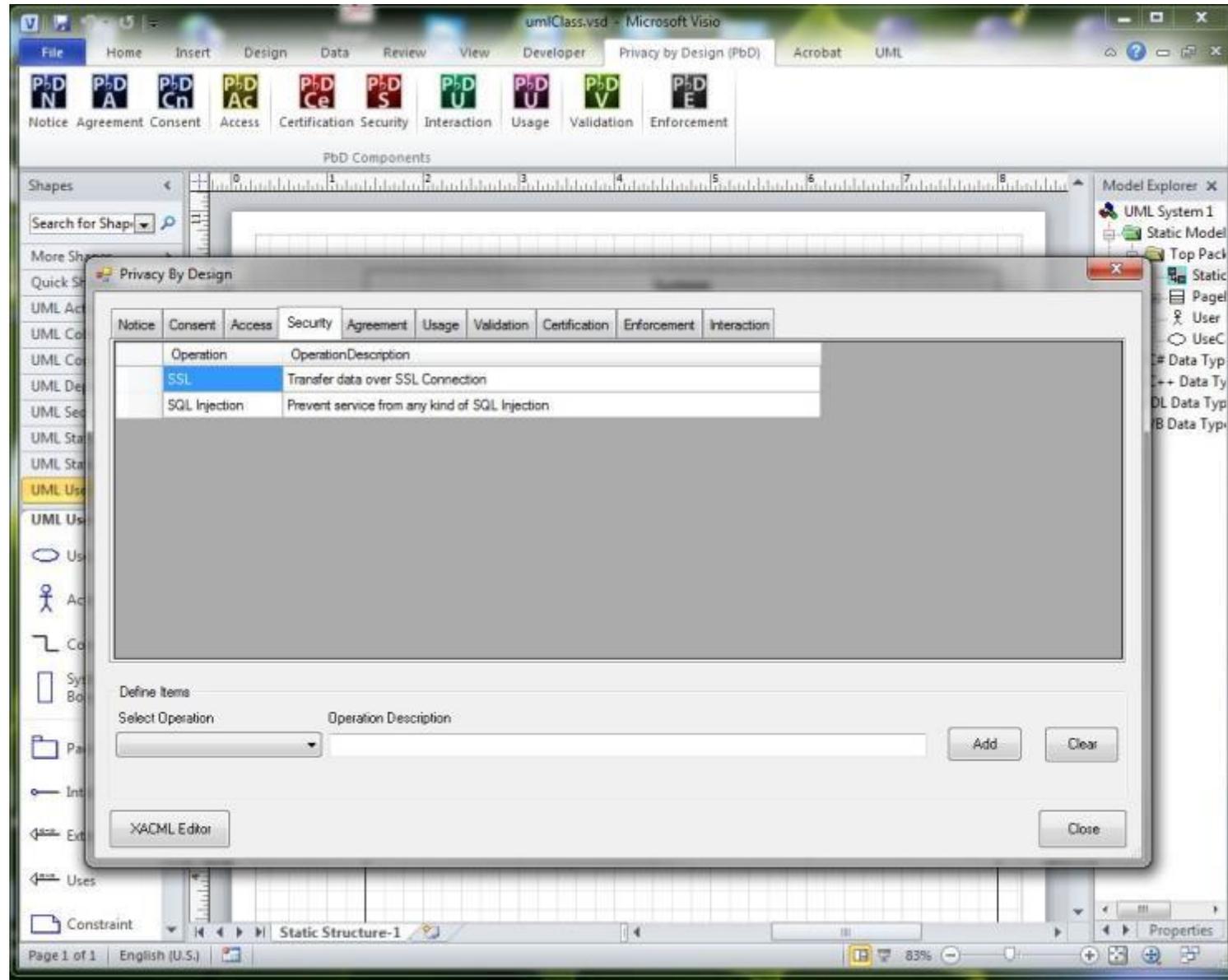
Examples of such documentation exist across industries but not
CONSISTENTLY

Roles of Education and Adoption

Institutionalize Privacy Engineering within Software Engineering
in Community College and University Programs
... in Computer Science, Engineering, Business, and the Arts

Create tools to make it EASIER for software engineers to comply to
OASIS Emerging Privacy Standards without losing productivity

POSSIBLE FUTURE TOOLS IN SOFTWARE ENGINEERING EDUCATION/OASIS PbD-SE ADOPTION



POSSIBLE FUTURE TOOLS IN SOFTWARE ENGINEERING – Example: UML tool with integrated XACML Editor

The image shows a screenshot of Microsoft Visio running a UML diagram. An integrated window titled "UMU-XACML-Editor - 1.IIA001Policy.xml" is open over the diagram. The editor window is divided into three main sections:

- Left Panel (Tree View):** Displays the XML structure of the Policy Document. The root is <Policy>, which contains <Description>, <Target>, <Subjects>, <Resources>, <Actions>, and <Rule> elements. The <Rule> element is expanded to show its own <Description>, <Target>, <Subjects>, <Resources>, <Actions>, <SubjectMatch>, and <ResourceMatch> sub-elements.
- Right Panel (Form):** Contains input fields for XACML metadata:
 - * xmins:** A dropdown menu with the value "urn:oasis:names:tc:xacml:2.0:policy:schema:os".
 - Version:** An empty text input field.
 - * PolicyId:** A text input field containing "urn:oasis:names:tc:xacml:1.0:conformance-test:IIA1:policy".
 - * Rule Comb Alg:** A dropdown menu with the value "urn:oasis:names:tc:xacml:1.0:rule-combining-algorithm:deny-overrides".
 - Description:** A text area containing "Policy for Conformance Test IIA001".
- Bottom Panel:** A status bar indicating the file path: "Analizando fichero: C:\Users\Sohail A\l\Desktop\Siren\XACML\Nef1.IIA001Policy.xml".

The background Visio window shows a ribbon with tabs for "File", "Home", "Insert", "Design", "Data", "Review", "View", "Developer", "Privacy by Design (PbD)", "Acrobat", "UML", and "Format". Below the ribbon are icons for various UML shapes like "Notice", "Agreement", "Consent", "Access", "Certification", "Security", "Interaction", "Usage", "Validation", and "Enforcement". The left sidebar of Visio shows a "Shapes" pane with a search bar and a list of UML shapes, including "UML Use Case (US...)" which is currently selected.

STATUS CHECK ON THE PRIVACY FIELD

Status:	IMMATURE
Progress:	TOO SLOW
Funding:	UNDERFUNDED
Priority:	COMPETING INTERESTS – (all stakeholders)
Risk:	CITIZENS LOSE ALL PRIVACY
Impact:	IMMEASURABLE in terms of the freedoms of future generations

A lot more time-consuming work to do ...



Our changing societies with wearables, wireless, augmented reality, big data, and IoT machines communicating (M2M).



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