

# **Privacy by Design: The Future of Privacy**

# WHAT IS PRIVACY?

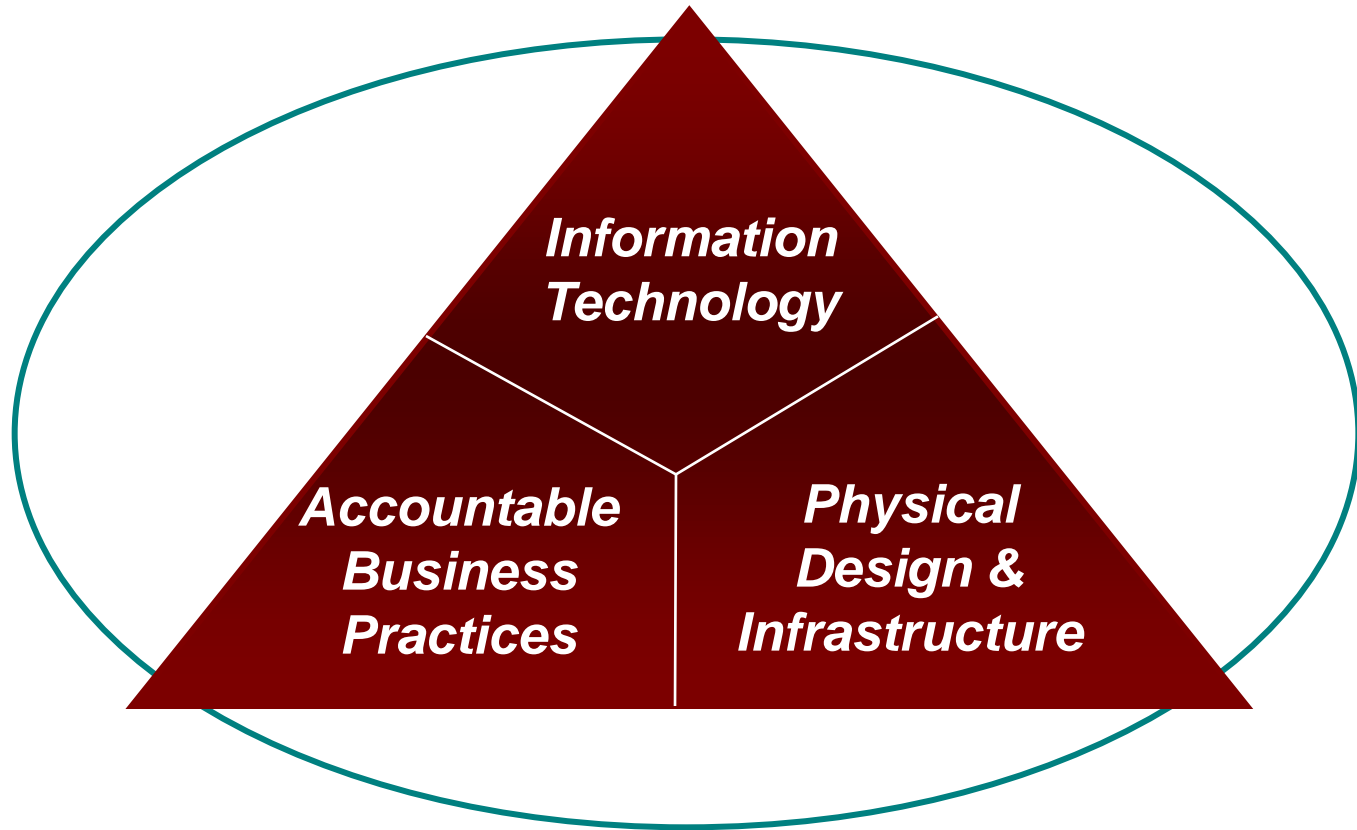
- **Privacy is not about secrecy** or preventing organizations from collecting information
- **Privacy is about control** – personal control over collection, use and disclosure of one’s personally identifiable information
- Best expressed by the German concept of “**informational self-determination**,” a term first used in the context of a constitutional ruling related to personal information collected during Germany’s 1983 census

# THE 7 FOUNDATIONAL PRINCIPLES

1. ***Proactive*** not Reactive; ***Preventative*** not Remedial
2. Privacy as the ***Default Setting***
3. Privacy ***Embedded*** into Design
4. Full Functionality – ***Positive-Sum***, not Zero-Sum
5. End-to-End Security – ***Full Lifecycle Protection***
6. ***Visibility*** and ***Transparency*** – Keep it ***Open***
7. ***Respect*** for User Privacy – Keep it ***User-Centric***

# The ecosystem

[www.privacybydesign.ca](http://www.privacybydesign.ca)



*FIPPs*

Security

Purpose Specification

Data Minimization

Consent, Accuracy, Access

Accountability, Openness,  
Compliance

**End to End Lifecycle Protection**

**Privacy as the Default**

**Respect for User Privacy**

**Openness & Transparency**

**Proactive Not Reaction;  
Preventative Not Remedial**

**Privacy Embedded into Design**

**Full Functionality –  
Positive-Sum, not Zero-Sum**

# PRIVACY BY DESIGN (PbD)

A proactive approach to privacy that supplements privacy principles in a manner that promotes innovation, privacy, data protection and trust in the 21<sup>st</sup> century.

This is consistent with a recent OECD Council recommendation where it noted that, “These [OECD] Guidelines [on the protection of privacy and transborder flows of personal data] should be regarded as **minimum** standards which can be **supplemented by additional measures** for the protection of privacy and individual liberties, which may impact transborder flows of personal data.”

# IPC Philosophy: 3 C's

- **Consultation:** by keeping open lines of communication
- **Co-operation:** rather than confrontation in resolving complaints
- **Collaboration:** through working together to find solutions

# WHY IS **PbD** IMPORTANT?

- International Data Protection & Privacy Commissioners adopt *PbD* as a **global standard** (Jerusalem, 2010), resolve to:
  - recognize *PbD* as an essential component of privacy protection
  - encourage organizations to adopt it as their default mode of operation
  - foster its integration into law and policy in respective jurisdictions
- 7 Foundational Principles of *PbD* translated into over 35 official languages



# Global Adoption: Europe

European Commission and Parliament encourage use of *PbD*:

- EC may legislate application of “privacy by design and data protection by default” solutions for specific sectors, data processing situations [2012 EC draft Data Protection Regulation, arts. 23, 30]
- EP Albrecht Report [2013]: data processors, controllers, producers should ensure application of *PbD* principles
- EU Counter-terrorism Coordinator, G. de Kerchove supported *PbD* in his speech at EDPS event (Jan 2014)

# Global Adoption: US

**FTC** Final Report on *Protecting Consumer Privacy* [2012]:

- recommends *PbD* as “baseline principle”
- calls on companies to build in consumer privacy protections at every stage in development of products and services [p. 13]

DoD/US CFTC Privacy Symposium: Counterterrorism: Privacy by Design by David Medine (2013)

# Global Adoption: Other

- **Victoria, Australia**, Privacy Commissioner endorses & will implement PbD (July 1, 2014)
- **Ontario Public Sector**, Privacy by Design Centre of Excellence (April 2013)
- **Canada Cloud Computing** report (2010), Canadian Federal Commissioner will work with Industry Canada to consider “how best to integrate privacy by design principles and PIAs into private sector practices”

# Privacy Drives Innovation

- The argument that privacy stifles innovation reflects a dated, zero-sum mindset
- The notion that privacy must be sacrificed for innovation is a false dichotomy, consisting of unnecessary trade-offs
- The opposite is true – privacy drives innovation – it forces innovators to think creatively to find solutions that serve multiple functionalities
- We need to abandon zero-sum thinking and adopt a positive-sum paradigm where both innovation **and** privacy may be achieved – we need a new playbook

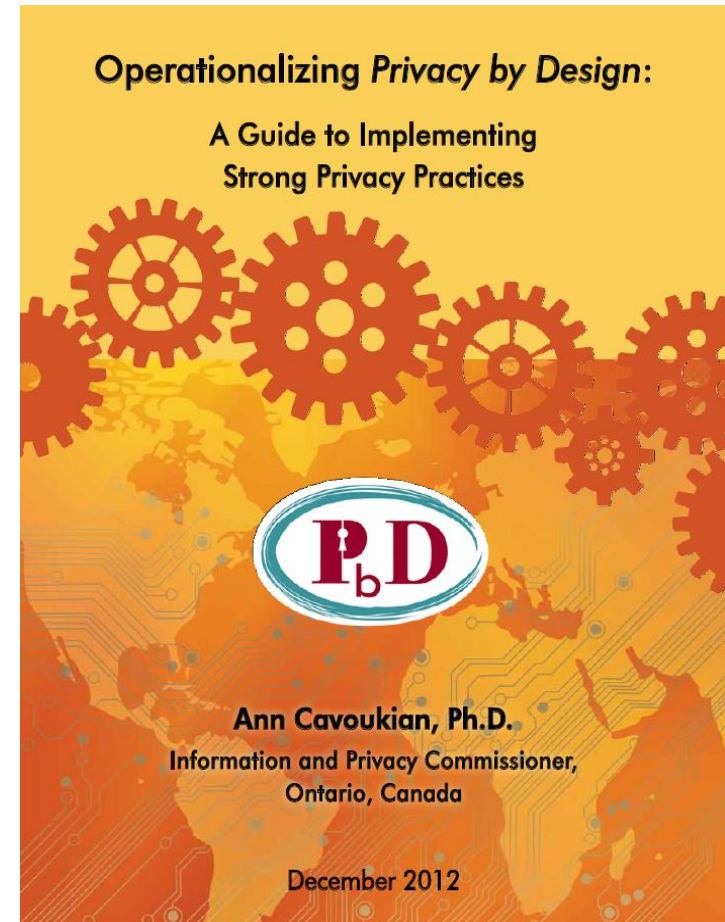
# Report to the President: Big Data and Privacy: A Technological Perspective

President's Council of Advisors  
on Science and Technology  
May 2014.

*.....Looking to the future, continued investment is needed not only in privacy topics ancillary to security, but also in automating privacy protection.....Relevant topics include cryptography, privacy-preserving data mining, formalization of privacy policies, **tools for automating conformance of software to personal privacy policy and to legal policy, .....***

The momentum behind Privacy by Design (PbD) has been growing for the past several years. It was not intended to be a theoretical, abstract framework.

The question is often, “We believe in PbD ... but how do we do it?” or “How does PbD translate into technical and business requirements, specifications, standards, best practices, performance criteria?”



# How to Contact Us

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