

Right to Privacy, Demand for Ethics and Transparency



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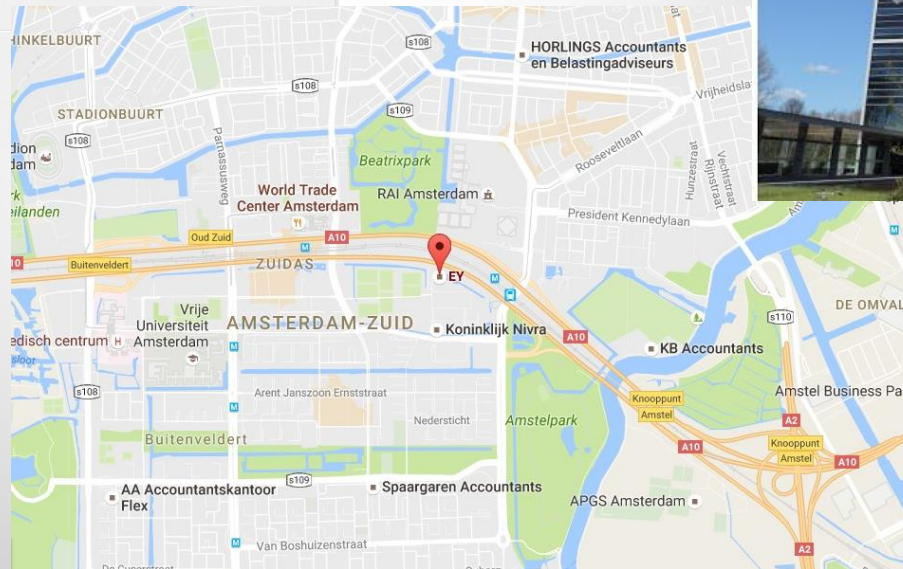
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Legislation

European Convention on Human Rights (ECHR)

- Article 8 of the ECHR gives every citizen the right to the protection of his private life. This includes a right to the protection of his personal data. The protection of personal data has been further legislated in Convention 108.

Directive 95/46/EC (Privacy and Data Protection Directive)

- In 1995 the European privacy and data protection Directive entered into force. This legislation establishes within the European Union general rules with regards to the protection and use of personal data.

La Loi vie privée/Privacywet

- La Loi vie privée/Privacywet is the Belgian implementation of the European privacy Directive.

CJEU/ECtHR

- The Court of Justice of the European Union and the European Court to Human Rights have both on occasion extended their respective European legislation to include broader data protection rights than originally envisioned.

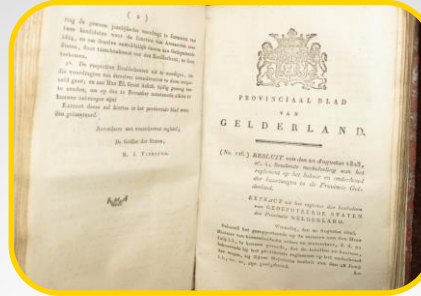
The protection of personal data has been legislated in all the layers of the European legislative continuum. All the legislation is directly relevant to the governmental institutions of Belgium. This includes the ECHR.

- ▶ On European continental level there is the European Convention on Human Rights and convention 108.
- ▶ On European Union level the applicable legislation (at this moment) is directive 95/46/EC, which will be replaced by the General Data Protection Regulation in may 2018 (Regulation 2016/679).
- ▶ In Belgium, privacy has been legislated in La Loi vie Privée/Privacywet.

Personal data used



Justice and
Security



Welfare



Tax



Employees



Innovation

General Data Protection Regulation (GDPR)

European Union privacy is:

- ▶ **Outdated:** The proposal on which the European Directive is based stems from 1993. The Directive was therefore not even designed with the internet in mind let alone smartphones, tablets, Internet of Things.
- ▶ **Fragmented:** Because European Union privacy legislation takes the form of a directive every membership is able to implement the directive in their own way.
- ▶ **Inefficient:** Although the requirements stemming from the directive are strict, lack of any real enforcement measures have made the directive an ineffective tool. Fines are in no way on par with the profits to be made from non compliance.



That's why from May 2018 onward...

General Data Protection Regulation

More Rights

- Right to be forgotten;
- Right to object to processing.

More requirements

- Privacy by Design/Privacy by default;
- Data Protection Officer.

Higher fines

- €20.000.000,-;
- 4% world wide revenue.

Better Protection

- Processor also responsible;
- More focus on security.

More Trust?

- Data Breach Notification requirements.

Data Subject Rights

Notification	Restriction of data processing	Object	Right to an effective judicial remedy against a controller or processor	Right to representation (class action)
Access	Data Portability	Not be subject to automated decision making	Right to an effective judicial remedy against a supervisory authority	Right to compensation
Rectification	Erasure	Lodge a complaint with a supervisory authority		

Under the GDPR data subject rights have become significantly more visible to citizens. While all the rights of the Directive have remained in the GDPR new rights which have developed over time such as the right to be forgotten have been included.

Most significant are the judicial remedies that have been explicitly added to the Regulation. While these rights were already available in some countries having them explicitly mentioned increases citizen awareness.

DPO



Mandatory for all governmental institutions

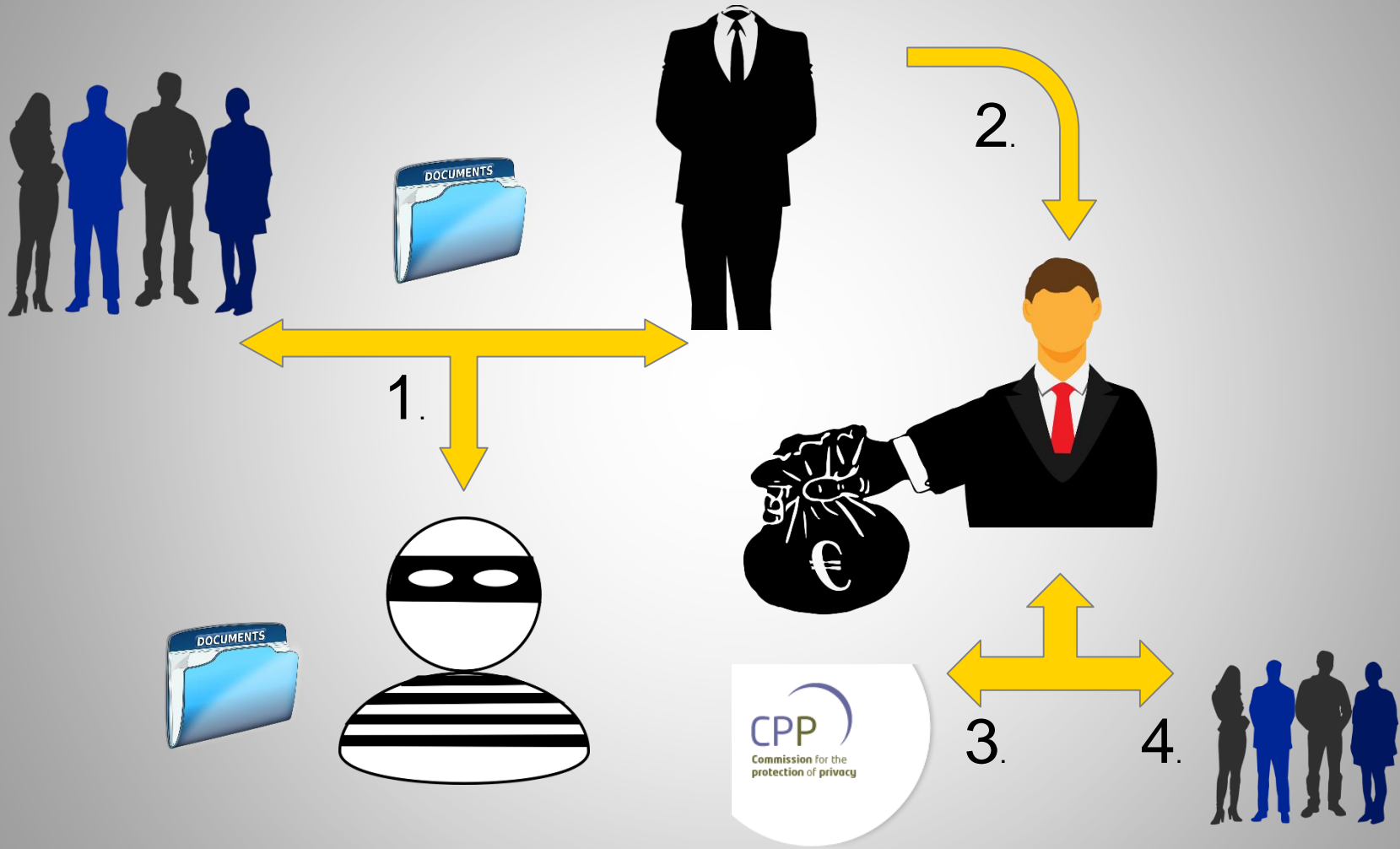


Public “privacy” face of the organisation



Enforcement of privacy rights, from data subjects to data protection authorities through the DPO.

Data Breach Notification



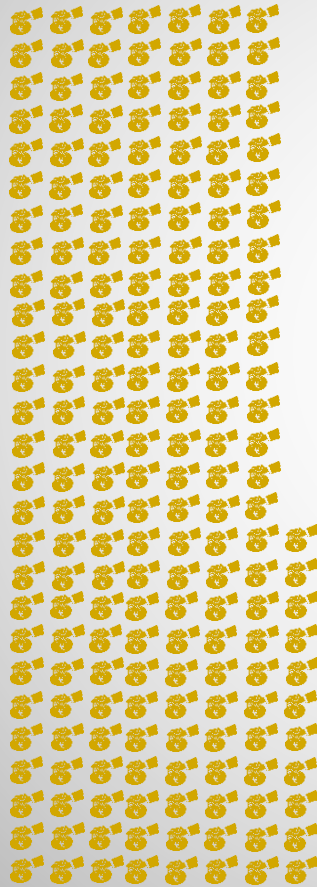
Why compliant: Financial

Fines

La Loi vie privée/Privacywet: €100.000



GDPR: €20.000.000 or 4% of worldwide annual turnover



Investment lost?

The places where Google Glass is banned

Google Glass has been hailed as the future of wearable technology and a possible replacement for the mobile phone, but even before its launch it has run into trouble

US Government's Failure To Protect Public Privacy Is Driving Business Overseas

Wearables a violation of workers' rights?

Administrative Sanctions

- ▶ Worst case scenario the data protection authority can impose temporary or definitive limitations including bans on processing activities;
- ▶ Ordering the erasure of collected data;
- ▶ Ordering controllers or processors to bring processing operations into compliance with the provisions of the regulations, in a specific manner and within a specified period.

Why Compliant: Citizen Security

Six people falsely accused of crimes after errors in internet data disclosure

Explicit celebrity photos leak following speculated iCloud breach

Shame of charities that prey on the kind-hearted and drove Olive to her death: Organisations who exploited pensioner's kind heart admit to sending begging letters

Thousands of German spies at risk after double-agent stole list of identities

'Our £130,000 bill from identity theft'

A stolen passport landed one British couple with a huge demand from the

TECH

Pastor Outed In Ashley Madison Hack Commits Suicide

"He talked about depression. He talked about having his name on there and he said he was just very, very sorry."

© 09/09/2015 05:21 am ET | Updated Sep 09, 2015

Man pleads guilty in huge ID theft case

29,000 FBI Agents and DHS Staffers Had Their Contact Info Revealed

tens of thousands of credit reports

by Robert Hackett @rhackett FEBRUARY 9, 2016, 8:54 AM EDT

Scenario's – Safety & Security



Endless possibilities –
Digital Innovation
& Data at Hand



Limitations and considerations a
Privacy & Security perspective

- ▶ Within the boundaries
- ▶ Benefit case
- ▶ Technically possible
- ▶ Data
- ▶ Explainable
- ▶ Legally justify
- ▶ Deliver on data promise
- ▶ Communication
- ▶ Transparency!

Why Compliant: Trust

June 11, 2015

The Government Fails Again to Protect Sensitive Information



HealthCare.gov sends personal data to Twitter, Yahoo and Google

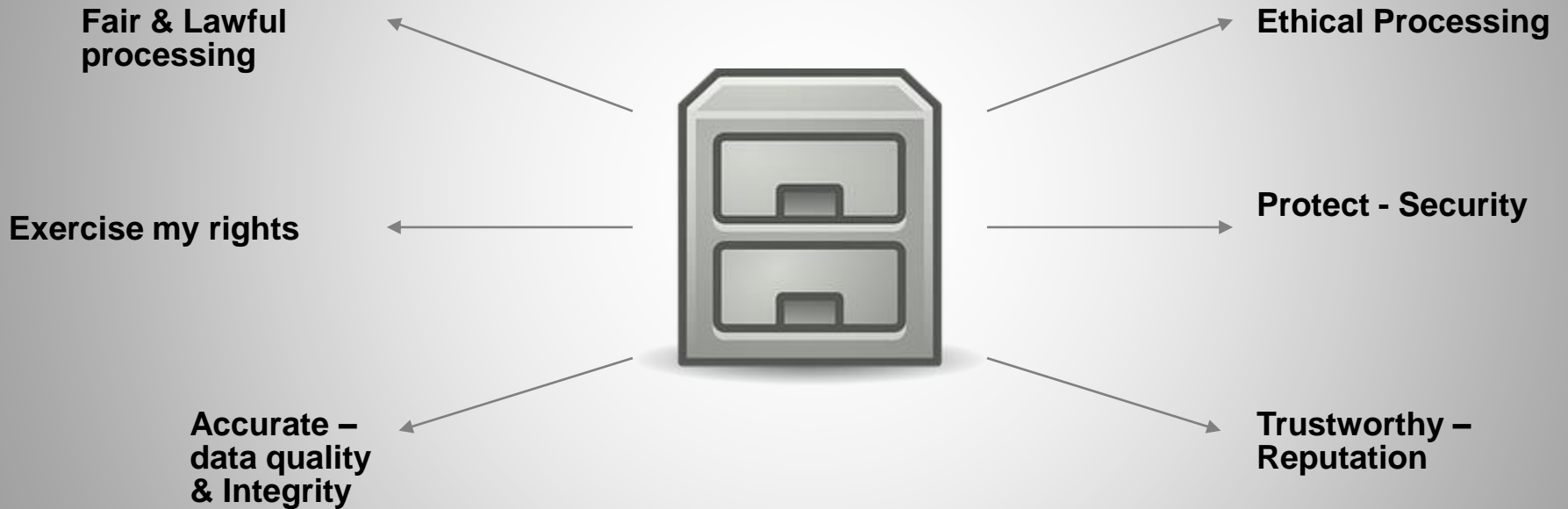
Privacy advocates warn the data could be misused

iCloud celebrity photo hack: Are we too quick to trust cloud storage?

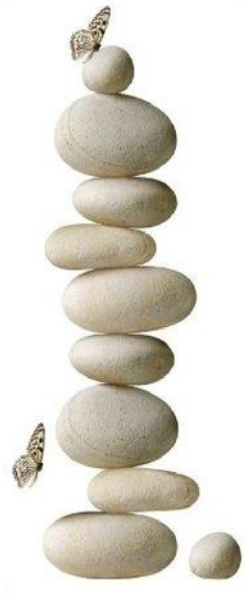
Telefoonboek van Defensie gelekt op internet

Trust

Compliance ≠ Trust



Trust is everything



**MOST THINGS STILL
REMAIN TO BE DONE.**

GLORIOUS FUTURE!

Question?

