



# Accountability and Privacy-By-Design Go together Like Innovation and Productivity

Martin Abrams

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# OECD Global Privacy Dialogue

- ❑ The OECD held a global privacy dialogue 30 May 2008
- ❑ That dialogue isolated privacy research work that needed to be conducted in preparation for 30<sup>th</sup> anniversary of the OECD Guidelines
- ❑ A portion of that work was better defining the accountability principle
- ❑ The Centre agreed to take on that project

# Galway Project

- ❑ Accountability is OECD Principle eight
  - But not well defined by the commentary
- ❑ Increasingly seen as the mechanism to govern cross border data transfers
- ❑ Office of the Irish Commissioner and Centre brought together experts to discuss how accountability fits into privacy governance and define accountability's essential elements

# Galway Participants

Joseph Alhadeff

Rosa Barcelo

Jennifer Barrett

Marcus Belke

Bojana Bellamy

Daniel Burton

Emma Butler

Fred H. Cate

Maureen Cooney

Peter Cullen

Gary Davis

Elizabeth Denham

Michael Donohue

Lindsey Finch

Giusella Finocchiaro

Rafael Garcia Gozalo

Connie Graham

Billy Hawkes

David Hoffman

Jane Horvath

Gus Hosein

Peter Hustinx

Takayuki Kato

Christopher Kuner

Barbara Lawler

Artemi Rallo Lombarte

Rocco Panetta

Daniel Pradelles

Florence Raynal

Stéphanie Regnie

Manuela Siano

David Smith

Hugh Stevenson

Scott Taylor

Bridget Treacy

K. Krasnow Waterman

Armgard von Reden

Jonathan Weeks

Martin Abrams

Paula J. Bruening

# What Is Privacy Accountability?

- ❑ Best defined by the elements that follow
- ❑ In short:

an organization taking responsibility for assessing the risks to individuals related to personal information, and standing ready to be answerable for the policies, processes and practices necessary to do so

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# Five Essential Elements

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1. An organization's commitment to accountability and adoption of internal policies consistent with external criteria.
2. Mechanisms to put privacy policies into effect, including tools, training, and education.
3. Systems for internal ongoing oversight and assurance reviews and external verification.
4. Transparency and mechanisms for individual participation.
5. The means for remediation and external enforcement.

# To Be Accountable an Organization Must Be

- Responsible
- Answerable

# To Be Seen as Accountable

- The organization must demonstrate
  - The willingness to be accountable
  - The capacity to be accountable

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# As the Research Proceeded

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- It became clear that Privacy by Design is a clear formula for an accountable program

# PbD Seven Foundational Principles and Demonstrating Accountability

1. Proactive not Reactive; Prevention not Reactive
2. Privacy as the Default
3. Privacy Embedded into Design
4. Full Functionality – Positive-Sum, not Zero-Sum
5. End-to-End Lifecycle Protection
6. Visibility and Transparency
7. Respect for User Privacy

# Benchmark Companies Are Beginning to Build Privacy In

- Professor Paul Schwartz in “Managing Global Information Privacy: A Study of Cross-Border Data Flows in a Networked Environment”:

*“Companies are now putting internal policies in place, centered on forward looking rules of information management and training of personnel. Such policies are, at the very least, a necessary precondition for an effective accountability regime that develops a high level of privacy protection.”*

- There is a bright path forward for privacy governance

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For Questions

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HUNTON & WILLIAMS LLP

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Marty Abrams

mabrams@hunton.com