



Workshop: Data Protection within International Organizations

*International Organization for Migration
& the European Data Protection Supervisor*

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Opening speech

Giovanni Buttarelli

Ladies and gentlemen,

I am really pleased to be here in Geneva again, a mere 15 months since we last met, and I would like to thank our hosts, IOM, for their hospitality and excellent organisation.

Last year in February, we gathered not far from here, as the guests of the International Committee of the Red Cross.

Since then a lot has happened within the field of data protection. As a representative for the EU institutions, I am obviously referring to what has been described as a “Copernican revolution”, a game-changer, and a paradigm shift (among other things), namely the adoption of the new General Regulation on Data Protection. This new EU legal framework for data protection will enter into force in just over one year from now and it has probably been one of the most negotiated EU laws ever, with three years of difficult negotiation rounds until it was finally adopted in Spring last year.

In May 2018, the GDPR will be law in the EU – 28 Member States (at least for the time being!) with a population of 508 million – and also in the EEA, including Norway, Iceland and Liechtenstein. But it will not only affect people and companies within the EU; the impact of the GDPR will be global. The adoption of the GDPR is a giant leap forward for digital rights and represents one of the EU’s greatest achievements in recent years.

In my view, the biggest policy and legal innovation in the GDPR is the notion of accountability. That notion, now transcribed into the GDPR, requires controllers to comply and to demonstrate compliance with the new rules. From now on, public authorities and companies will be assumed to have put in place whatever measures are needed to comply, and to be ready to demonstrate such compliance. How they do it is

largely a question for them. BUT they will face penalties if they are found to have done nothing.

The notion of accountability taken together with two other factors:

- enhanced powers of independent authorities and
- a required cooperation between those authorities;

create a robust regime for safeguarding digital rights. And since the notion of accountability will soon expand outside the EU, it is of relevance also for International Organisations. I have already noted in this regard that many International Organisations have taken steps, for some of them many years ago, to be accountable in the way they process personal data. The role of DPOs, on which we will come back later on during this workshop, is an essential sign of your proactivity.

Although the GDPR represents a significant step forward for the EU privacy and data protection framework, it remains incomplete without a complementary and effective legal tool to protect the confidentiality of our communications. New rules on ePrivacy are thus essential if we are to protect the confidentiality of our communications and reinforce the right to privacy. The EDPS has recently issued an Opinion on the European Commission's proposal for an ePrivacy Regulation, and while we support and welcome the proposal, we voiced the need for a smarter, clearer and stronger Regulation in this field.

These are busy days for the EDPS also from an in-house perspective. As you may know, since 1 May the EDPS is responsible for the data protection supervision of Europol. In this particular monitoring exercise, we are fully aware of the need to strike the right balance between security and privacy, taking into account the specificities of data processing in the police and justice area. We have thoroughly prepared for this task and we are ready to open a new chapter on supervision; reinforcing safeguards in a practical and modern way in line with the new challenges for law enforcement. We are also currently preparing for the transition following the ongoing revision of our own data protection regulation, which governs the processing of personal data carried out by the EU institutions and bodies, and which is also the EDPS' founding regulation. The Commission's proposal aims to align "our" regulation, with the GDPR and once adopted, it should enter into force simultaneously with the GDPR. Accountability is coming also to the EU institutions and it is part of our job to ensure that they are ready.

Another area where we are currently concentrating our efforts, and which has a worldwide dimension, is ethics. As you have probably noticed, digital ethics have become fashionable and they are now an essential theme in the data protection and privacy area. Given that data infuses every aspect of society and private life we believe that it is important to discuss the positive and negative consequences of the digital revolution - for society as a whole and for individuals. The EDPS has therefore initiated an international debate on the ethical dimension of data protection. We have set up an external advisory group on ethics and in a few days we will organise a workshop on data driven life together with that group in Brussels.

Because the risks are there and they are real. Technology should not dictate our values and rights. We need to protect our ethical values and rights to privacy and data protection. These rights have one thing in common: their global dimension. You are in the best position to assess this global impact, considering your major role in relation to flows of data and persons, be it for refugees, migrants, persons under warrant, or in relation to health and disease issues. This is why it is of utmost importance to participate in a global dialogue in order to find effective and comprehensive solutions to the challenges posed by instant communication of data in an interconnected world. The appointment of a UN Special Rapporteur for Privacy - who addressed this public by video-link at our last meeting - stands as evidence of the need to have a universal response to current challenges for data protection and privacy. Transfers of personal data occur every day in all corners of the world. Another signal of the need to think inclusive and work on a global scale is the possibility for International Organisations involved in data protection to participate (as observers) to the International Conference of data protection and privacy Commissioners, as well as - and this has been confirmed two weeks ago in Limassol, to the Spring Conference organised by European authorities. As representatives of International Organisations with the whole world as your work place, you know this better than anyone. Global challenges must be met by global solutions.

Together with the UN Special Rapporteur for Privacy, we will host a side event to the International Conference in Hong Kong on Prospects for Global Privacy in September this year. We need to think about the impact of technology on dignity and individual freedom and this event will be an excellent opportunity to gather experts from all over the world to take stock of where we are and where we should be going.

I said at last year's workshop that International Organisations must keep pace with these developments, in particular since they are often not subject to national data protection legislation. International Organisations, because they are on the front line of the challenges and uncertainty of globalisation, should show leadership in improving data protection standards. You have certainly demonstrated that you do!

This workshop on data protection within International Organisations therefore fits nicely into this global landscape. The first in the series was organised back in 2005 together with the Council of Europe and the OECD, with the aim of raising awareness and providing guidance to International Organisations in the field of data protection. Since then we have, together with you, held another four workshops; we have developed a tool-kit; discussed practical aspects, such as the role of the Data Protection Officer and concrete ways to establish a data protection regime and channels for international cooperation. We have also addressed monitoring of compliance, international transfers and more conceptual themes, such as balancing the fundamental right to data protection with security and freedom of expression. We have shared best practices on security breaches and cloud computing. And at the last meeting we formalised the general good practices discussed these past 12 years through a report which acknowledges that these practices are converging and shows the need to take privacy and data protection seriously in the interconnected world.

Now let's return to the present and the 6th workshop. We have a full agenda ahead of us. Today we start off as usual with a presentation on recent data protection developments, followed by a session on data protection issues in cloud computing.

Challenges that arise in relation to the processing of personal health data concern many of you and that is the theme for our last session for the day. Tomorrow morning we continue our work and focus on two different aspects of the GDPR: the role of the Data Protection Officer and data transfers to International Organisations.

But it would be sad if it were all work and no play, wouldn't it? Therefore, I have the pleasure of inviting you all to a cocktail reception tonight. At the end of today's discussions we will walk together to Domaine des Penthes to enjoy what I'm sure will be a pleasant moment and a great opportunity to continue discussions, but above all to admire the stunning view of Lake Geneva!

Let the workshop begin!