

PRIVACY INTERNATIONAL

A Guide for Policy Engagement
on Data Protection

PART 8:

Annex: Resources

Reference Documents

Privacy International

Explainers

Video: What is data protection? Video <https://www.privacyinternational.org/video/1623/video-what-data-protection>

Explainer: What is data protection? <https://www.privacyinternational.org/explainer/41/101-data-protection>

What is GDPR?: <https://privacyinternational.org/topics/general-data-protection-regulation-gdpr>

Educational resources

Online course: Right to Privacy: Introduction and Principles <https://advocacyassembly.org/en/courses/28/#/chapter/1/lesson/1>

Online course: Right to Privacy: Data and Surveillance <https://advocacyassembly.org/en/courses/22/#/chapter/1/lesson/1>

Online course: The Risks of Data-Intensive Systems <https://advocacyassembly.org/en/courses/41/#/chapter/1/lesson/1>

Advocacy and policy analysis

What we do: Modernise Data Protection Law <https://privacyinternational.org/what-we-do/modernise-data-protection-law>

Topics: Data Protection <https://privacyinternational.org/topics/data-protection>
National and international legal and policy analysis <https://privacyinternational.org/how-we-fight/advocacy-and-policy>

Research and investigations

State of Privacy: <https://privacyinternational.org/type-resource/state-privacy>

Invisible Manipulation - 10 ways our data is being used against us: <https://privacyinternational.org/feature/1064/invisible-manipulation-10-ways-our-data-being-used-against-us>

Other Organisations/Bodies

Specialised organisations and networks

European Digital Rights (EDRI): <https://edri.org>

Trans Atlantic Consumer Dialogue: <https://tacd.org>

Consumer International: <https://www.consumersinternational.org>

International Association of Privacy Professionals (IAPP): <https://iapp.org/resources/>
IEEE <https://www.ieee.org/publications/index.html>

European Union Fundamental Rights Agency

Theme - Information society, privacy and data protection:
<http://fra.europa.eu/en/theme/information-society-privacy-and-data-protection>

Handbook on European data protection law, June 2018:
<http://fra.europa.eu/en/publication/2018/handbook-european-data-protection-law>

United Nations

Economic and Social Council, Human Rights and Scientific and Technological Developments, Note by the Secretary-General, E/CN.4/1233, 16 December 1976:
https://digitallibrary.un.org/record/559884/files/E_CN.4_1233-EN.pdf

General Assembly UN Guidelines on the regulation of computerized personal data files: <http://www.un.org/documents/ga/res/45/a45r095.htm>

The Right to Privacy in the Digital Age: <https://www.ohchr.org/EN/Issues/DigitalAge/Pages/DigitalAgeIndex.aspx>

Legal analysis

DLA Piper, Compare data protection laws around the world and Handbook: <https://www.dlapiperdataprotection.com>

National, regional and international regulatory bodies

Council of Europe: <http://www.coe.int/en/web/data-protection/home>

Data protection in the European Union: <http://ec.europa.eu/justice/data-protection/>

Article 29 Working Party (now dissolved and replaced by the European Data Protection Board): http://ec.europa.eu/newsroom/article29/news.cfm?item_type=1358

Organisations of American States: http://www.oas.org/dil/data_protection.htm

Association francophone des autorités de protection des données personnelles (AFAPDP): <https://www.afapdp.org/documents>

International Conference of Data Protection and Privacy Commissioners: <https://icdppc.org/document-archive/>

Red Iberoamericana de Protección de Datos (RIPD): <http://www.redipd.es/documentacion/index-ides-idphp.php>

Asia Pacific Privacy Authorities (APPA): <http://www.appaforum.org/resources/>

Academia

Brussels Privacy Hub, Vrije Universiteit Brussels: <https://www.brusselsprivacyhub.eu/index.html>

International Data Privacy Law (DIPL), Oxford University Press: <https://academic.oup.com/idpl>

Graham Greenleaf, University of New South Wales, Faculty of Law, Australia: https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=57970

Avenues for Engagement

There are a variety of opportunities for civil society organisations interested in engaging in promotion and protection of the right to privacy of individuals and the protection of their data. This is not an exhaustive list, but below are various avenues for engagement at the national and international level which we hope will encourage more civil society organisations from across disciplines to engage in policy developments and legal processes on data protection.

National

Civil society organisations

Civil society organisations must have a seat at the table to ensure that policy-making processes are open, inclusive and transparent. It is important that more diverse organisations can join the campaign for privacy and data protection. Civil society organisations whose mandate is to promote and advocate for the protection of fundamental rights play a crucial role in undertaking independent research, investigation as well as policy and legal analysis of current and proposed practices and policies on data protection. These collaborative efforts play a crucial role in informing and educating relevant actors to ensure the highest privacy and security standards and measures are adopted and enforced, and public and private institutions comply with their national and human right obligations.

Through our work with the Privacy International Network we have engaged for over a decade to advocate for the adoption of data protection laws across the world. Find out more about the Privacy International Network: <https://privacyinternational.org/partners>.

Independent supervisory authorities

Where they are in place, independent supervisory authorities, often known as national data protection and/or privacy authorities, have the mandate and responsibility of giving effect to and ensure compliance with the data protection legislation. As the debate evolves on data protection engagement with these authorities is essential to ensure their understanding of the new challenges posed by new technologies and systems as well as the implications for the protection and promotion of fundamental rights. Through public consultations organised by the authority as it develops new policies, guidelines and standards, there are opportunities for CSOs to share their concerns and recommendations.

Legal community, judiciary and legal institutions

One avenue for engagement is awareness-raising and training amongst the legal community, both with lawyers and judges, which is essential to ensure a well-informed and well-equipped judiciary that is increasingly required to consider cases of privacy violations and situations involving more advanced technologies

and innovations. Secondly, strategic litigation provides a unique opportunity to challenge existing laws and practices, and to call for reform to ensure that laws are in line and interpreted with respect to national, regional and international human rights standards. The norms set and strengthened by courts provide strong advocacy opportunities in ensuring they are implemented in accordance with the law but also as means of raising-awareness amongst society as to their rights.

National human right institutions

In countries where governments and courts are failing to uphold the rule of law, national human right institutions (NHRIs) play an important role as guardians and watchdogs of human rights. As we highlighted in our guide, data protection is tightly linked to the promotion and protection of the right to privacy. The right to privacy is multi-faceted, but a fundamental aspect of it, increasingly relevant to people's lives, is the protection of individuals' data. Therefore, engagement with NHRIs is essential to ensure that interferences with and violations of data protection and the right to privacy are researched, documented and acted upon. This requires raising awareness on the challenges faced by the development and use of new technologies if they are deployed in a legal void with poor or no regulatory mechanisms and/or human rights considerations. CSOs provide an important source of information to these institutions in order to guide investigations and monitoring strategies, and to set their priorities.

Sectorial regulatory bodies

Many countries have a variety of regulatory bodies which oversee the effect implementation of sectorial laws and/or policies which may include (or lack) privacy and data protection provisions. For example, telecommunications regulators, who are playing increasingly important roles in areas around communications surveillance and spectrum management of tactical surveillance techniques. Increasingly electoral commissions as well as welfare and social affairs agencies are becoming proponents of the deepening of databases and invasiveness of identity systems. CSOs can play helpful roles in increasing their understanding of the new challenges posed by new technologies and systems.

Ministries and legislative bodies

A variety of Ministries and legislative bodies are developing laws and policies around technology policy every day that have significant implications for the governance of personal data and the protection of fundamental rights. However, often a lack of appropriate laws to protect privacy and therefore no governance framework for them to consider. In many countries, this legal void means there are no, or few guarantees for protection, and avenues for redress are non-existent or inefficient. Through providing expertise informed by capacitation and having conducted their own research, civil society plays an important role in presenting and consolidating information on the practical human rights implications of current policies to government ministries, agencies, and Parliamentary committees and bodies responsible for drafting and reforming laws.

*Regional and international***United Nations bodies**

Some human right bodies have the mandate capacity to monitor and provide recommendations and redress. Particularly giving their open and consultative approaches, they provide an important space for civil society to engage and convey their concerns, and challenges they face at the national level as result of national but also regional and international policies and practices, and advocate for change in their respective countries. They are various opportunities to raise issues related data protection and privacy in some of UN treaty bodies as well as human right monitoring and reporting mechanisms as outlined in Privacy International's Guide "How To Talk About Privacy at the UN? <https://privacyinternational.org/feature/1030/brief-guide-how-talk-about-privacy-un>.

Consultative Committee (T-PD) of the Convention 108 Of the Council of Europe

Established by Convention 108, the Consultative Committee (T-PD) consists of representatives of Parties to the Modernised Convention for the Protection of Individuals with Regard to the Processing of Personal Data complemented by observers from other States (members or non-members) and international organisations, and is responsible for interpreting the provisions and for improving the implementation of the Convention. The Consultative Committee of Convention 108 is also responsible for drafting reports, guide lines and guiding principles on such topics as, the contractual clauses governing data protection during the transfer of personal data to third parties not bound by an adequate level of data protection or data protection with regard to biometrics. To find out more visit: <https://www.coe.int/en/web/data-protection/consultative-committee-tpd>.

International Conference of Data Protection Commissioners (ICDPPC)

The International Conference of Data Protection and Privacy Commissioners (ICDPPC) was established in 1979 with the vision of an environment in which privacy and data protection authorities around the world are able effectively to fulfil their mandates, both individually and in concert, through diffusion of knowledge and supportive connections. Organised annually, the Conference has set itself four high level priorities to allow actions to be focused and more effective: 1) strengthening our connections, 2) working with partners; 3) advancing global privacy in a digital age; and 4) completing conference capacity building and assessing our effectiveness. As the second strategic plan these priorities are aimed at enhancing the Conference's capacity for action. The Conference adopts various resolutions and issues declarations which present the key outcomes of the conference and outline upcoming project to be undertaken by the Secretariat as well as national data protection authorities. To find out more visit: <https://icdppc.org>.

Association francophone des autorités de protection des données personnelles (AFAPDP)

The AFAPDP was set-up on 2007. It brings together independent data protection authorities from 19 States which share a language, a legal legacy and shared values. The vision of the ADAPDP is to promote the adoption of measure to effectively and efficiently safeguard the right of persons to data protection. It aims to contribute to guarantee the fundamental rights of individuals which promotes a Francophone digital space based on trust suitable for economic development. It works to reinforce the capacity of members of the AFAPDP, to encourage researching and sharing best practices, to act as a hub of expertise, to collect and disseminate information about its members, and to cooperate with other organaisaitons to promote data protection and democracy. The AFAPDP meets annually for its general assembly and it also organises an annual conference, and field visits are conducted in member countries to explore a specific country and/or issues. To find out more visit: <https://www.afapdp.org>.

Red Iberoamericana de Protección de Datos (RIPD)

The Red Iberoamericana de Protección de Datos (RIPD, Ibero-American Data Protection Network) was established in 2003. The aim of the RIPD is to promote collaboration, dialogue and share information, promote policies, methodologies to ensure It currently consists of 22 Data Protection Authorities (DPAs) from Spain, Portugal, Mexico, and other countries in Central and South America and the Caribbean. Over the last decade, the organization has promoted the development of comprehensive data protection legislation and the introduction of data protection authorities throughout Latin America. The RIPD promotes dialogue and drives agenda-setting initiatives through the organisation of annual meetings, seminars, and workshops, as well as the production of standards and principles to support DPAs and other stakeholders engaging on data protection. To find out more visit: <http://www.redipd.es/index-ides-idphp.php>.

Asia Pacific Privacy Authorities (APPA)

APPA is a forum for data protection and privacy authorities in the Asia Pacific region. It gives the authorities in the region an opportunity to form partnerships, discuss best practices and to share information on emerging technology, trends and changes to privacy regulation. APPA members convene twice a year, discussing permanent agenda items like jurisdictional reports from each delegation and an initiative-sharing roundtable. At each forum, members discuss and focus on different topical issues. To find out more visit: <http://www.appaforum.org>.

The European Data Protection Board

The European Data Protection Board (EDPB) is an independent European body, which contributes to the consistent application of data protection rules throughout the European Union, and promotes cooperation between the EU's data protection authorities. The EDPB is established by the General Data Protection Regulation (GDPR), and is based in Brussels. It is composed of representatives of the national data protection authorities and the European Data Protection Supervisor. The EDPB

aims to ensure the consistent application in the European Union of the GDPR and of the European Law Enforcement Directive. The EDPB can adopt general guidance to clarify the terms of European data protection laws, giving stakeholders a consistent interpretation of their rights and obligations. They are also empowered by the GDPR to make binding decisions towards national supervisory authorities to ensure a consistent application. To find out more visit: https://edpb.europa.eu/edpb_en.

Central and Eastern Europe Data Protection Authorities

Founded in 2001, the Central and Eastern Europe Data Protection Authority links the national institutions responsible for personal data protection policy in 17 states in Central and Eastern Europe. It hosts an annual meeting and publishes recommendations and positions on the implementation of data protection laws. Its online platform is designed to support the activities for close co-operation and mutual help between these data protection authorities. To find out more visit: <http://www.ceecprivacy.org/main.php>.

Other Relevant Stakeholders

Industry

Economic actors have emerged as influential, powerful actors in the global economy. In many commercial sectors, including the mining and extractive industry, such actors have come under increased scrutiny, being imposed to conduct and implement human rights assessments, but this is yet to be mainstreamed across the industrial sector. Whilst ultimate responsibility does fall upon governments to guarantee citizens enjoy their fundamental human rights, which includes protecting them from the action of third parties, some of the responsibility does fall onto industry. Civil society can play a role in raising awareness about the right to privacy and the risks that emerge from commercial activities of industry. If reached out to effectively, industry could become an ally to ensure the protection of rights by ensuring they do not collude with and are not pressured into unlawful practices.

Technology community

This community includes individuals and groups that design new technologies but also security researchers and hackers. Whilst much of the debate lies with the poor governance and regulation of these technologies rather than the tech itself, this is a potential ally community which must be further engaged with. By working with the tech community, CSOs can identify and prescribe standards for promoting privacy by design approaches to innovation particularly to enable information governance.

Media

The media plays a crucial role in monitoring, investigating and information sharing. They are also often a great force as the watchdogs of democracy and good governance. Traditional forms of media remain a very strong source of information for the public particularly in countries where access to the internet is not as easily accessible and reliable.



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