



EUROPEAN COMMISSION

Internal Market DG

SERVICES, INTELLECTUAL AND INDUSTRIAL PROPERTY, MEDIA AND DATA PROTECTION
Media and data protection

Terms of reference of the technical workshop on Privacy-Enhancing Technologies organised by DG Internal Market on the 4th of July in Brussels

Introduction

The concept of Privacy Enhancing Technologies aims at organising/engineering the design of information and communication systems and technologies with a view to minimising the collection and use of personal data and hindering any unlawful forms of processing by, for instance, making it technically impossible for unauthorised persons to access personal data, so as to prevent the possible destruction, alteration or disclosure of these data. The practical implementation of this concept requires organisational as well as technical solutions.

The driving principles behind the concept of PET are embodied in Directive 95/46/EC (the data protection directive).

- Article 6.1 of the Directive embodies the principle of data minimisation in its letter c) by stating that the processing of personal data should be limited to data that are adequate, relevant and not excessive. This idea is reinforced by its letter e) that adds that data should only be kept in a form that permits identification of data subject for no longer that is necessary for the purposes for which the data were collected or for which they are further processed.

- Article 17 of the Directive requires that controllers implement security measures which are appropriate to the risks presented for personal data in storage or transmission, with a view to protecting personal data against accidental loss, alteration, unauthorised access, in particular where the processing involves the transmission of data over a network, and against all other unlawful forms of processing.

- Recital 46 of the preamble to the Directive stresses the fact that the protection of the rights and freedoms of the individuals with regard to the processing of personal data requires that appropriate technical and organisation measures be taken, both at the time of the design of the processing system and at the time of the processing itself.

The message of the first implementation report on Directive 95/46/EC

The use of PETs is already an integral part of the Directive but the Commission realises that it is necessary to take additional measures to promote the use of these technologies. This has been one of the conclusions of the first implementation report on Directive 95/46/EC adopted by the Commission on the 15th of May 2003. (The full text of the report is available at:

http://europa.eu.int/comm/internal_market/privacy/lawreport_en.htm)

This report, as it was announced by Commissioner Bolkestein at the international conference in Brussels last autumn, states the intention of the Commission to take a more determined effort to encourage and promote the use and further development of these technologies.

The Commission considers that the use of appropriate technological measures is an essential complement to legal means and should be an integral part in any efforts to achieve a sufficient level of privacy protection.

Technological products should be in all cases developed in compliance with the applicable data protection rules. But being in compliance is only the first step. The aim should be to have products that are not only privacy-compliant and privacy-friendly but if possible also privacy-enhancing.

As a first step the report announces the organisation of a technical workshop in 2003 in order to increase awareness regarding PETs and to offer an opportunity to discuss in depth the measures that could be taken to promote the development and use of PETs, such as for instance the role that seals, certification systems or Privacy Impact Assessment systems could play in Europe.

After the technical workshop, and taking on board the input received, the Commission will make further proposals for the promotion of privacy-enhancing technologies at European level. These proposals will pay special attention to the need to encourage governments and public sector institutions to set a good example by using PETs in their own processing operations, for instance in e-government applications.

The nature of the workshop

The intention of the Commission is to hold a small workshop of technical nature that should bring together the main experts and involved actors in the field and allow an interactive discussion that could lead to operational conclusions for future actions at different levels (EC, governments, DPAs, industry, consumers...).

The programme is organised around a number of questions, the key-issues, and for each question three main players have been invited to make a short statement of max. 10 minutes. After that the discussion will be opened. In order to facilitate the discussion the chairman (EC) will propose a number of questions to be addressed at the beginning of each session.

In order to enable and encourage the discussion, the workshop should remain as small as possible. We have therefore chosen for a closed workshop only for invited people and with clear limitations of participation: no more than one person per organisation will be able to participate.

What do we expect from the participants?

Those invited to this workshop are expected to actively contribute to the discussion and, if they so wish, to the preparation of the workshop. Written statements, contributions or relevant materials can be sent in advance to the European Commission, that will prepare an information package for the participants.

Programme

9:00 Registration and coffee

9:30 to 9:45: Introduction by Guido Berardis, Director, European Commission

9:45 to 11:15 Session 1: What are PETs?

Several PET strategies are commonly known: 1. PET in the classical sense: technologies that aim at accomplishing the largest possible use of truly anonymous data.

2. Technologies aiming at the promotion of lawful processing, taking into account all the principles of the Directive and aiming at preventing all possible forms of unlawful processing.

3. A combination of both strategies.

Statements: Herbert Burkert (University of St.Gallen), Stephanie Perrin (Digital Discretion), John Borking (consultant, former commissioner at the Dutch DPA)

11:15 to 11:45: Coffee break

11:45 to 13h Session 2: the role of industry

Why industry is not being more active in this field? Which incentives are needed? Can integrated solutions and products be put in place? How do we get both designers and manufacturers on board?

Statements: Caspar Bowden (Microsoft), Michael Waidner (IBM), Stephan Engberg (Open Business Innovation)

13h to 14:30 Lunch buffet

14:30 to 15:30 Session 3: the role of the public sector in general and of the Data protection authorities in particular

Which role should play the public sector (and in particular the governments) and the DPAs here? Are the initiatives taken by some DPAs successful? Is awareness work sufficient or is more action required? Are e-government applications for instance making use of PETs?

Statements: Marit Hansen (DPA Kiel), Peter Hustinx (chairman Dutch DPA), Guy Hérigès (Government of Ontario, invited)

15:30 to 16:30 Session 4: the role of other parties

Do consumers know what PETs are and do they use them? If not, what is the reason: are PET too expensive, not easy to recognise, not easy to use....? What is the reason for the lack of demand? Is the lack of integration of PETs the problem? Which other actors could play a role here? For instance, ICT associations, Internet Service Providers, big portals, big companies for their own networks, researchers, lawyers and consultants in their advice to clients....

- Statements: Anne Carblanc (OECD), Kåre Klein Emtoft (Danish Consumer Board), Jason Albert (Covington and Burling)

16:30 to 17:30 Final debate