



Global Convergence of Privacy Laws & GDPR Best Practices



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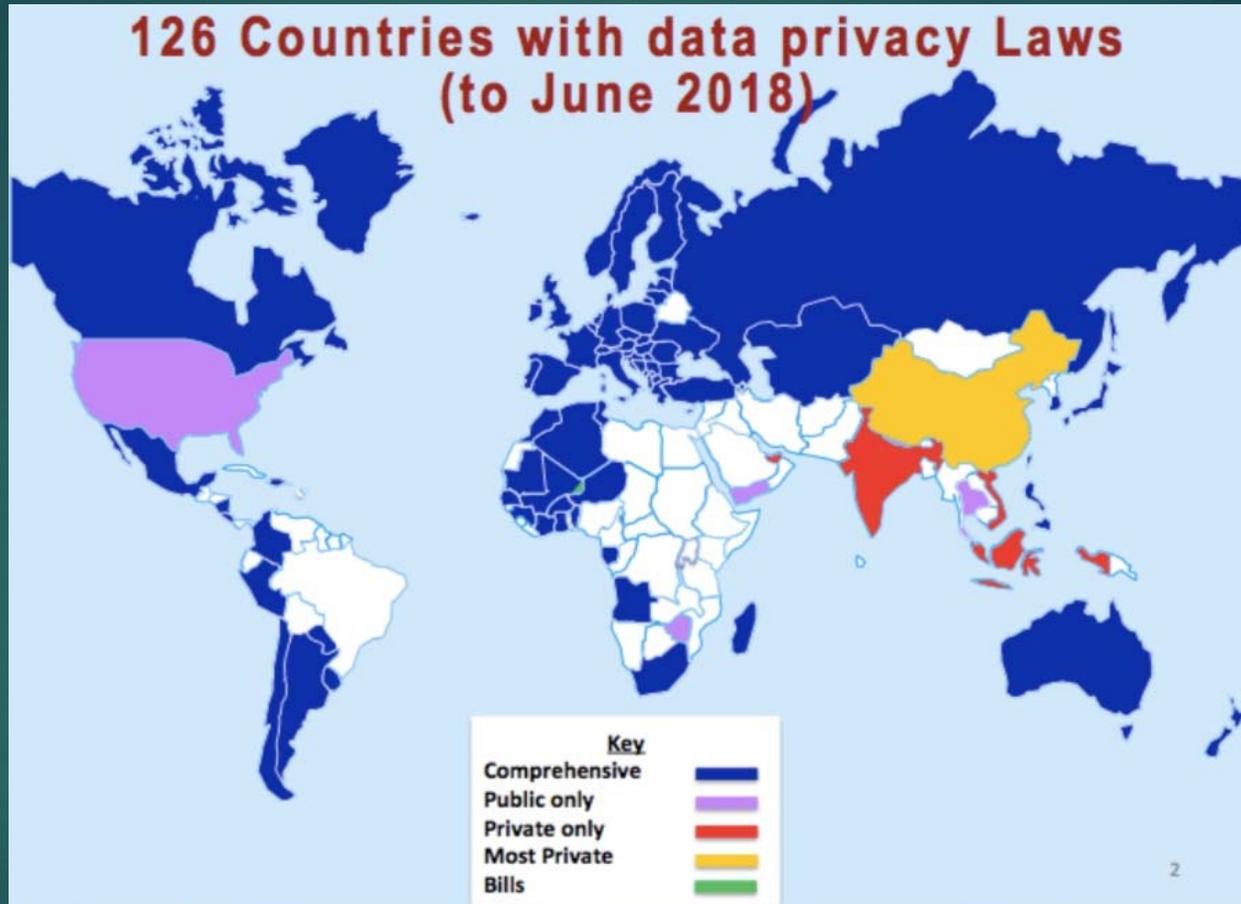
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1. Global Convergence of Privacy Laws



126 Countries with data privacy Laws (to June 2018)



Global Convergence of Privacy Laws

- ▶ 1970: First privacy law in Hessen Lander, Germany
- ▶ 1980: Convention 108 of the Council of Europe and OECD Privacy Guidelines setting 10 core privacy elements
- ▶ Today +126 countries have laws that meet the « 10 privacy standards ». High level of convergence
- ▶ All 47 countries of Council of Europe have such laws
- ▶ About 5 privacy laws per year were enacted in the past decade
- ▶ 1995: EU Directive, higher standards, further convergence
- ▶ 2016: GDPR the « gold standard » of data protection. Early adopters (i.e. 2017 updated law in Benin)
- ▶ « GDPR lite » or « Global Data Protection Convention108 »

Global Convergence of Privacy Laws - Risks



- ▶ The « lower standard » APEC and CBPRs frozen in 1980 (20 US companies certified)
 - ▶ The US approach: regional agreements on lower standards, FTAs with prohibitions on data export restrictions
 - ▶ The data localisation approach/element
 - ▶ Data sovereignty
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UN Observatory of Privacy Laws

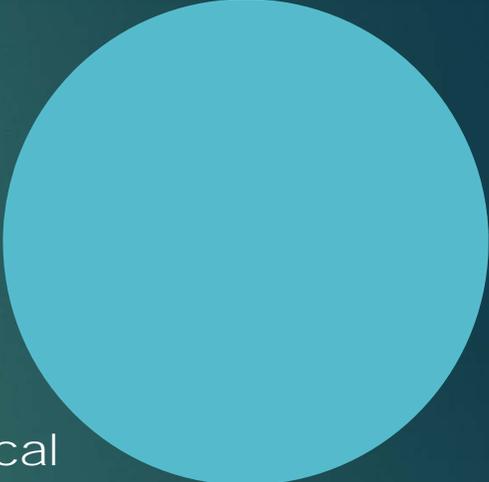


https://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/eCom-Data-Protection-Laws.aspx

58% of countries have comprehensive privacy laws

Privacy high up on the list of the digital economy's most critical consumer issues

10% of the world's nations have privacy laws in the works, including some of the largest digital economies like Brazil



2. GDPR Best Practices



Accountability

- ▶ Investment in resources
- ▶ Training
- ▶ Privacy by design
- ▶ Technical and organisational measures
- ▶ Documented effort
- ▶ Continuous effort
- ▶ Transparency to regulators



The DPO Registry



The heart of the privacy programme

- ▶ Data mapping
 - ▶ DPIAs
 - ▶ Budget
 - ▶ List of third party providers, status, transfer mechanisms
 - ▶ Data incidents
 - ▶ Data processing activities and legal bases
 - ▶
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The Legal Basis – Art 6

- ▶ Consent
- ▶ Performance of a contract
- ▶ Compliance with legal obligation
- ▶ Protection of vital interests of a natural person
- ▶ Public interest or official authority
- ▶ Legitimate interest (balancing of rights)



Legislation in Evolution



- ▶ GDPR Multi-stakeholder Expert Group – EU Commission
- ▶ EDPB Guidelines
- ▶ Jurisprudence (GDPR Enforcement Tracker)

Examples:

- Planet 49 (cookies)
- Fashion ID (joint controllers)

Thank you!

