

32nd International Conference of Data Protection and Privacy Commissioners

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DRAFT Resolution on Privacy by Design

Proposer:

Dr. Ann Cavoukian
Information and Privacy Commissioner of Ontario, Canada

Co-sponsors:

Jennifer Stoddart
Privacy Commissioner of Canada

Dr. Alexander Dix
Commissioner for Data Protection & Freedom of Information, Berlin, Germany

Igor Němec
President, Office for Personal Data Protection, Czech Republic

Dr. Viljar Peep
Director General, Estonian Data Protection Inspectorate

Marie Shroff
Privacy Commissioner, New Zealand

Knowing that with technological advances come new challenges to privacy and to the ability of individuals to exercise their information rights effectively;

Accepting that existing regulation and policy alone are not sufficient fully to safeguard privacy;

Understanding that a more robust approach is required to address the ever-growing and systemic effects of Information and Communication Technologies (ICT), and of large-scale networked infrastructure;

Recognizing that embedding privacy as the default into the design, operation and management of ICT and systems, across the entire information life cycle, is necessary to fully protect privacy;

Offering Privacy by Design as a holistic concept that may be applied to operations throughout an organization, end-to-end, including its information technology, business practices, processes, physical design and networked infrastructure;

The 32nd International Conference of Data Protection and Privacy Commissioners gathered at Jerusalem therefore resolves to:

1. Recognize Privacy by Design as an essential component of fundamental privacy protection;
2. Encourage the adoption of Privacy by Design's Foundational Principles, such as those set out below as guidance to establishing privacy as an organization's default mode of operation;
3. Invite Data Protection and Privacy Commissioners/Authorities to:
 - a. promote Privacy by Design, as widely as possible through distribution of materials, education and personal advocacy;
 - b. foster the incorporation of the Privacy by Design Foundational Principles in the formulation of privacy policy and legislation within their respective jurisdictions;
 - c. proactively encourage research on Privacy by Design;
 - d. consider adding Privacy by Design to the agendas of events taking place on International Data Privacy Day (January 28);
 - e. report back to the 33rd International Data Protection and Privacy Commissioners Conference, where appropriate, on Privacy by Design activities and initiatives undertaken within their jurisdictions with a view to sharing best practices.

Privacy by Design: The Foundational Principles

- Proactive not Reactive; Preventative not Remedial
- Privacy as the Default
- Privacy Embedded into Design
- Full Functionality: Positive-Sum, not Zero-Sum
- End-to-End Lifecycle Protection
- Visibility and Transparency
- Respect for User Privacy

Explanatory Note

The right to control the collection, use and disclosure of information about oneself is an essential foundation upon which free societies are built. Technological advances have brought new challenges to this right and individuals' ability to exercise it effectively. Regulation and policy are no longer sufficient to safeguard privacy. With the increasing complexity and interconnectedness of information technologies, nothing short of building privacy directly into system design and processes can suffice.

The concept of "Privacy by Design" was developed to address the ever-growing and systemic effects of Information and Communication Technologies (ICT), and of large-scale networked infrastructure, in a comprehensive manner. Privacy by Design refers to the philosophy and approach of embedding privacy into the design, operation and management of information technologies and systems, across the entire information life cycle.

Privacy by Design's Foundational Principles set out how to proactively make privacy the default mode of operation across an organization, while maintaining full functionality - a positive-sum, not zero-sum, approach to privacy protection.