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**IAPP
EUROPE
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2013**

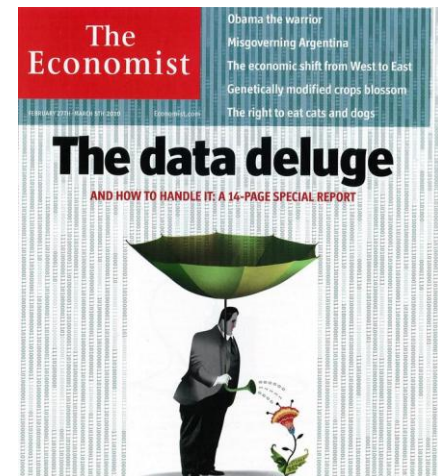
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BCR and CBPR: Towards a truly global framework for personal data transfers

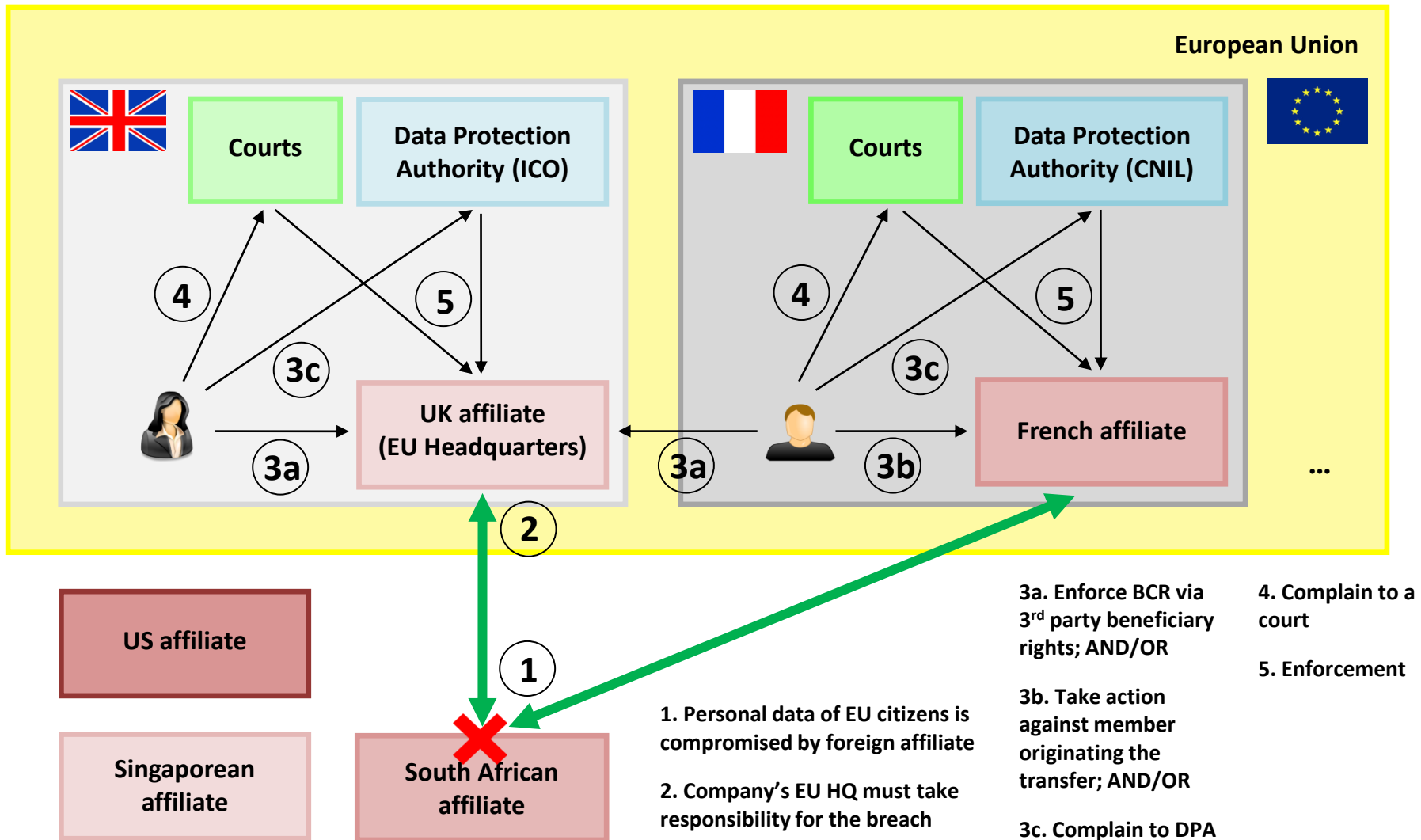
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IAPP Europe Data Protection Congress
Brussels, 12 December 2013**

Context

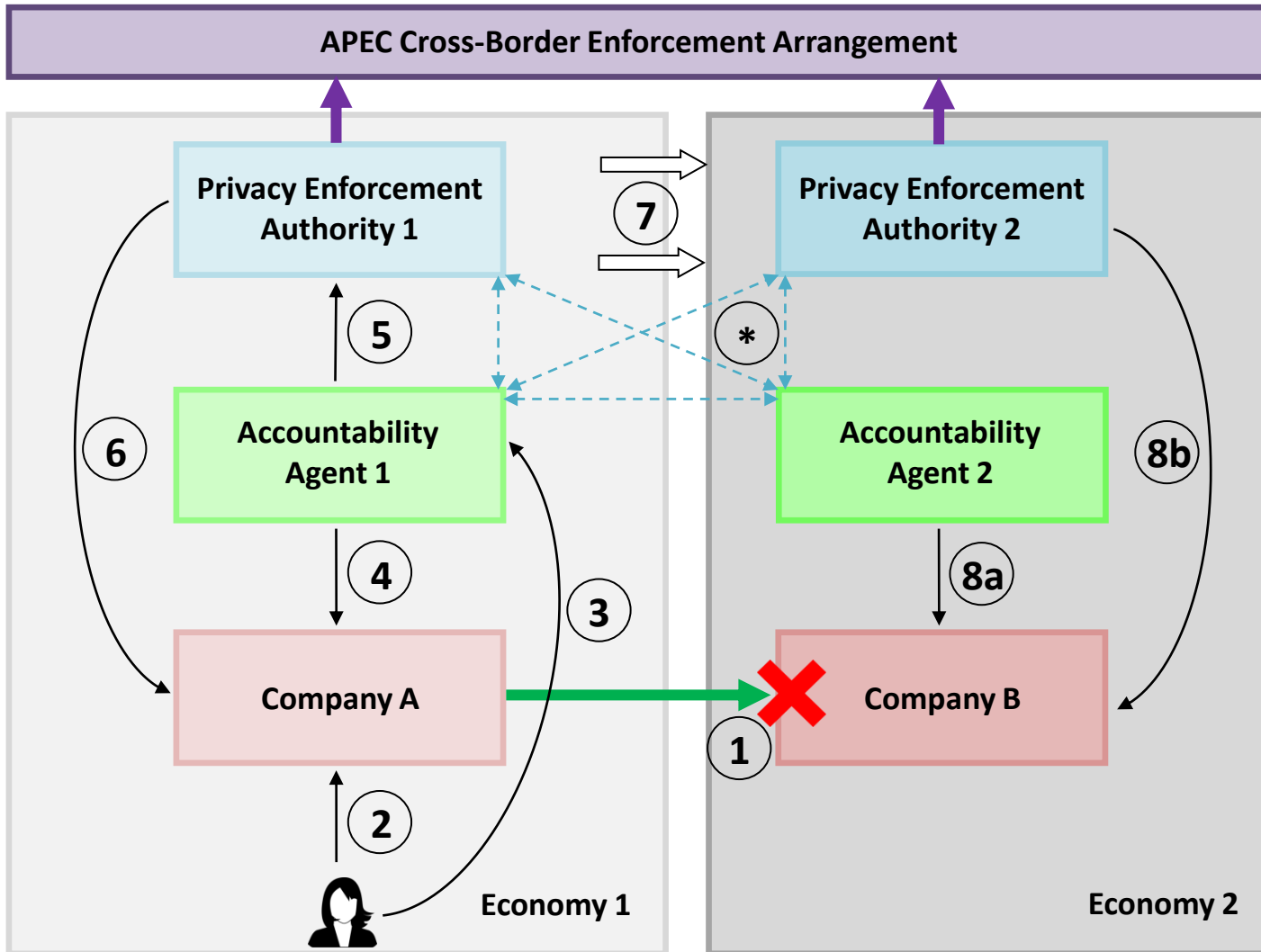
- Privacy laws are proliferating
 - 1970s – 8; 1980s – 13; 1990s – 21; 2000s – 35; 2010 to now – 22 and counting...
- Data flows are accelerating
 - Global internet traffic increased from 100 gb/s in 2002 to 12,000 gb/s in 2012
- Protecting personal data requires international cooperation
 - EU – Largest economic entity in the world
 - APEC – 40% of world's population, 54% of world's GDP, 40% of world trade



EU Binding Corporate Rules



APEC Cross-Border Privacy Rules system



1. Personal information is transferred to Company B and a privacy breach occurs

2. Complain directly to Company A

3. If no resolution, complain to AA 1

4. Enforcement by AA 1

5. If no resolution, escalate to PEA 1

6. Enforcement by PEA 1

7. If no resolution in Economy 1, refer complaint to AA 2 and/or PEA 2 in Economy 2

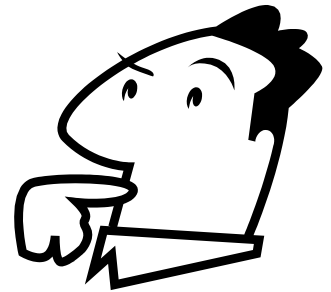
8a. Enforcement by AA 2

8b. Enforcement by PEA 2

* Cooperation where appropriate and possible

BCR-CBPR comparison

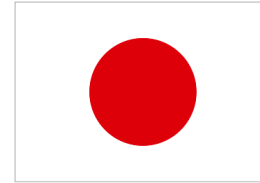
- Participation requirements for companies are substantially similar
 - Internal policies and procedures to implement the rules
 - Ensure that protections are able to be enforced externally
- Scope of operation is different
 - BCR – intra-company transfers (corporate structure)
 - CBPR – transfers between participating Economies (geography)
- Base level of protection is broadly similar, subject to some exceptions
 - BCR – EU Data Protection Directive has additional principles relating to retention limitation, automatic processing and sensitive data
 - CBPR – Individual Economies may have higher domestic requirements



What's next

➤ Ongoing implementation

- EU – more companies adopting BCR
- APEC – more players joining the CBPR system



➤ Deeper engagement between the EU's WP29 and the APEC Data Privacy Subgroup

➤ The goal: global framework for the safe and efficient transfer of personal data across borders

➤ Watch this space...



Building trust and innovative privacy solutions

Resources

- European Parliament and Council, [Directive 95/46/EC](#) (EU Data Protection Directive)
- Article 29 Working Party, [Applying Article 26\(2\) of the EU Data Protection Directive to BCRs for International Data Transfers](#), WP 74
- Article 29 Working Party, [Model Checklist Application for Approval of BCRs](#), WP 108
- Article 29 Working Party, [Table with elements and principles to be found in BCRs](#), WP 153
- Article 29 Working Party, [Explanatory Document on the Processor BCRs](#), WP 204
- APEC, [APEC Privacy Framework](#)
- APEC Committee on Trade and Investment, [APEC Cross-Border Privacy Enforcement Arrangement \(CPEA\)](#)
- APEC Committee on Trade and Investment, [APEC Cross-Border Privacy Rules System: Policies, Rules and Guidelines](#)
- APEC Committee on Trade and Investment, [Accountability Agent APEC Recognition Application](#)
- APEC Committee on Trade and Investment, [APEC Cross-Border Privacy Rules System Program Requirements](#)

Questions?

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