

The logo for Information Integrity Solutions features a dark green square with a vertical orange bar on the left side. The text "INFORMATION INTEGRITY SOLUTIONS" is written in white, bold, uppercase letters on the green background.

**INFORMATION
INTEGRITY
SOLUTIONS**



**DATA PROTECTION
CONFERENCE**
FROM COMPLIANCE TO ACCOUNTABILITY

Cross Border Privacy Rules

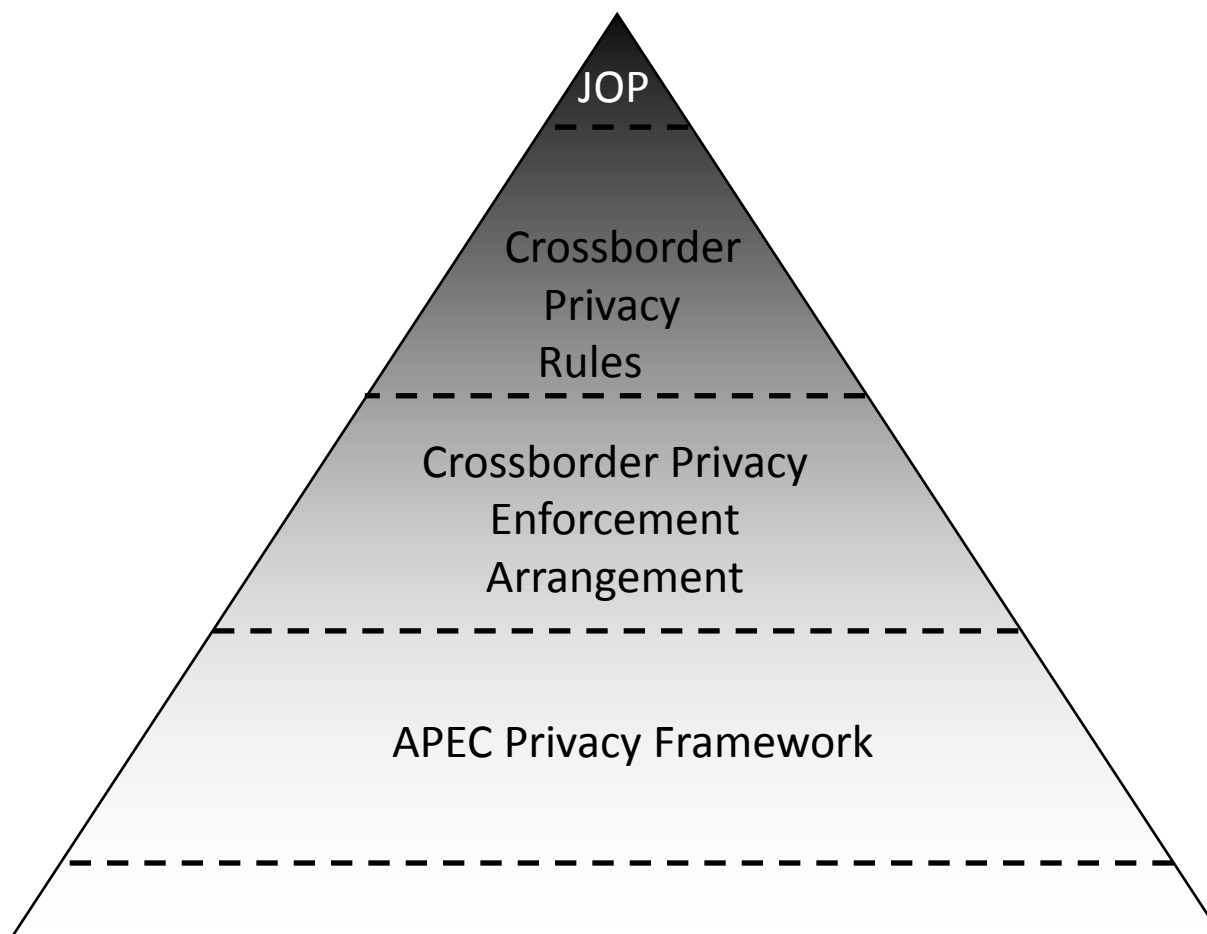
Annelies Moens, Head of Sales and Operations, IIS
ALB Data Protection Conference
Kuala Lumpur, 7 May 2015

Overview

- What is CBPR and BCR?
- Benefits of CBPR
- CBPR's three main certification requirements for economies
- Scope of coverage – could be narrow or could be broad
- Type of questions and analysis for CBPR
- Companies that have signed up to CBPR to whatever extent they have been able
- More information

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What is CBPR?



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What is BCR?

- Similar to CBPR, but different
- BCR is designed to facilitate the flow of personal information within the same corporate structure globally – in contrast to CBPR which is designed to facilitate the flow of personal information between different companies, but solely within the APEC member economies

Benefits of CBPR

- Companies that are certified have suggested the following benefits:
 - Provides rigour as regular auditing required
 - Public relations
 - Reduction or removal of excessive separate contracts pertaining to data transfer
 - Increased trade
 - Sharing of risk

CBPR's 3 main certification requirements for economies

1. Need a privacy enforcement authority that has joined the cross border privacy enforcement arrangement – APEC has full list of participants
2. Intention to recognise accountability agent – policy question for government to consider
3. Enforceable – APEC CBPR procedural and intake documents participating organizations need to adopt can be enforced

Scope of coverage

- Could be narrow or broad
- A couple of examples:
 - IBM – limits the data set to which CBPR applies – in its global privacy policy it states “The TRUSTe program covers only information that is collected through www.ibm.com and does not cover information that may be collected through downloadable software, SaaS offerings, or mobile applications”
 - Merck – limits the countries to which CBPR applies

Types of questions and analysis for CBPR

1. Do you provide clear and easily accessible statements about your practices and policies that govern the personal information described above (a privacy statement)? Where YES, provide a copy of all applicable privacy statements and/or hyperlinks to the same.
6. Do you limit your personal information collection (whether directly or through the use of third parties acting on your behalf) to information that is relevant to fulfill the purpose(s) for which it is collected or other compatible or related purposes?
8. Do you limit the use of the personal information you collect (whether directly or through the use of third parties acting on your behalf) as identified in your privacy statement and/or in the notice provided at the time of collection to those purposes for which the information was collected or for other compatible or related purposes? If necessary, provide a description in the space below.
20. What mechanisms are in place so that choices, where appropriate, can be honored in an effective and expeditious manner? Provide a description in the space below or in an attachment if necessary. Describe below.
25. Do you require personal information processors, agents, or other service providers who act on your behalf to inform you when they become aware of information that is inaccurate, incomplete, or out-of-date?

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Companies that have signed up to CBPR in whole or part

Apple	Merck (BCR as well)
Box	Rimini St
Hp (BCR as well)	Workday
IBM	Yodlee
Lynda.com	Ziff Davis
Jeld-Wen	

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More information

- Cross-border privacy rules system website <http://www.cbprs.org/>
- Documents to assess against for CBPR:

For economies: <http://www.apec.org/~media/Files/Groups/ECSG/CBPR/CBPR-TemplateNoticeOfIntent.pdf>

For organisations: <http://www.apec.org/~media/Files/Groups/ECSG/CBPR/CBPR-Intake-Questionnaire.pdf>

- Australia – Phase 1 – CBPR – Impediment Analysis – IIS presented at APEC in Beijing August 2014:
http://mddb.apec.org/Documents/2014/ECSG/DPS2/14_ecsg_dps2_004.pdf.
- Referential – Article 29 Working Group – Comparing BCR and CBPR (March 2014):
http://www.apec.org/~media/Files/Groups/ECSG/20140307_Referential-BCR-CBPR-regs.pdf

More information

- Success through stewardship – Best practice in cross border data flows (January 2015) – IIS presented draft at APEC Business Advisory Council in Seattle July 2014:
http://www.iispartners.com/downloads/IIS_Success_through_stewardship_Best_practice_in_cross_border_data_flows.pdf
- East meets West: striving to interoperable frameworks? IIS paper published in Data Protection Law & Policy (May 2014):
<http://www.iispartners.com/downloads/IIS%20Crompton%20Shao%20DPLP%20May%202014%20-%20BCR%20CBPR.pdf>
- Towards a truly global framework for personal information transfers (September 2013):
<http://www.iispartners.com/downloads/IIS%20CBPR-BCR%20report%20FINAL.pdf>

Questions?

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