



**European  
Commission**

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# Malcolm Crompton

## *APEC Privacy Framework: review, impact, & progress*

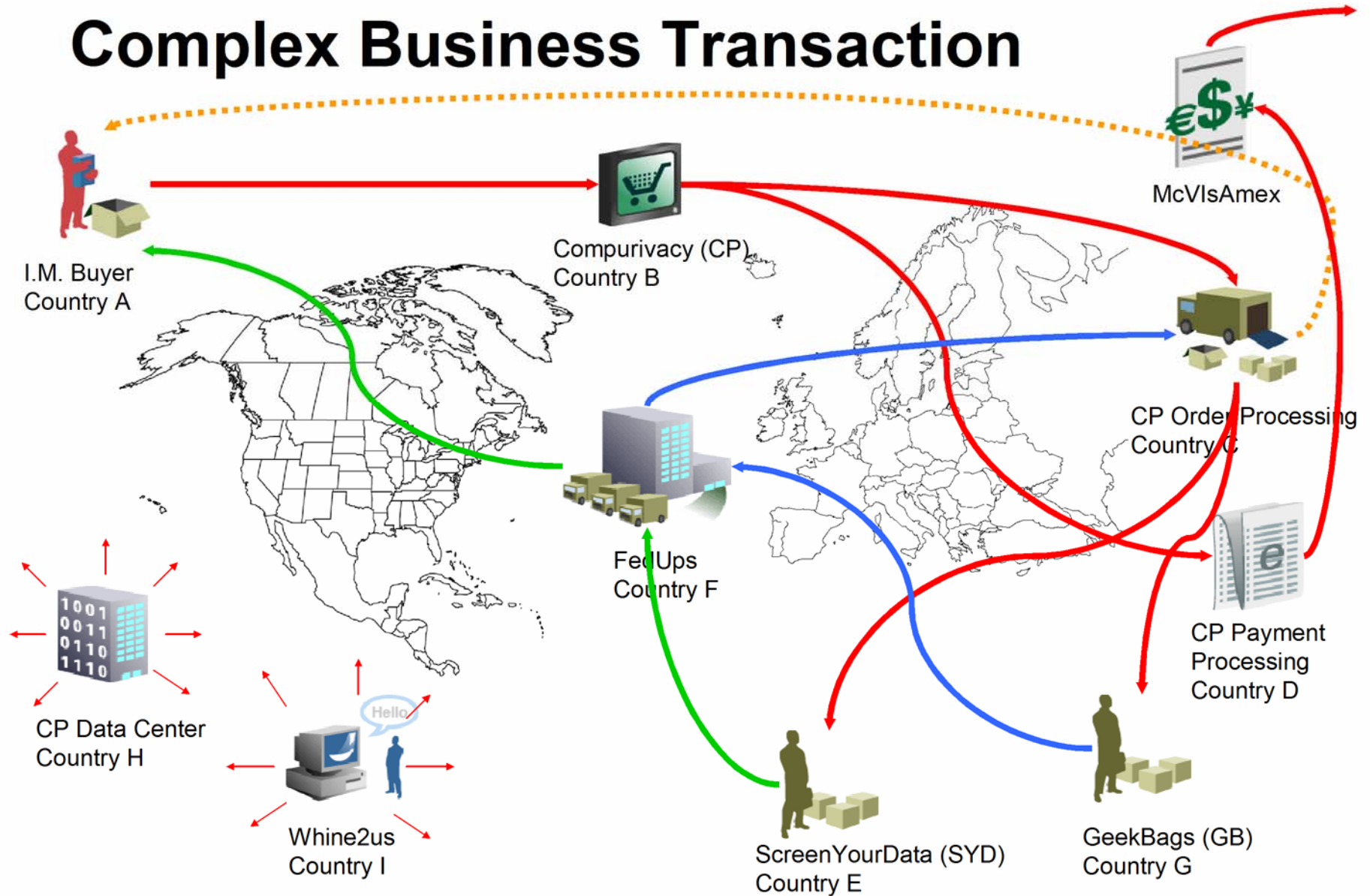
European Conference “International  
Transfer of Personal Data”

*Brussels  
23-24 October 2006*



**Why is 'Privacy' on the  
APEC agenda?**

# Complex Business Transaction

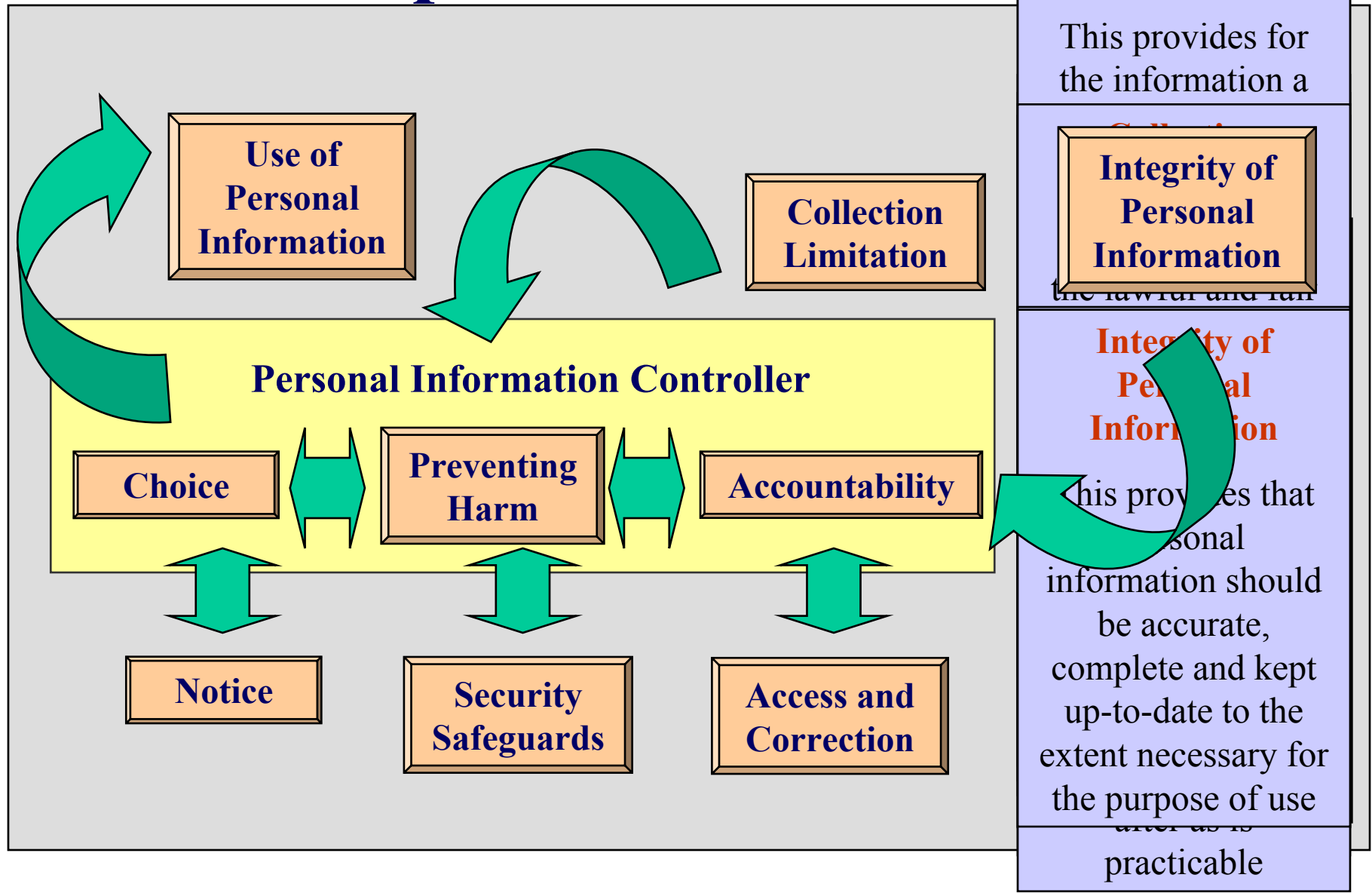


## What is the problem?

- Complex business transactions makes privacy compliance more difficult
- Many laws, many regulators
  - Hard for anybody to see the whole
- Effective resolution of complaints
  - Cost to business; cost to consumer
- Hard to Justify privacy regime for a small economy
  - International trade argument very strong

# The APEC Privacy Framework

# APEC Privacy Principles: Relationship



## Nine APEC privacy principles

1. Preventing Harm – privacy protections should focus on preventing harm and misuse
2. Notice – clear & easily accessible
3. Collection Limitation – collect what's relevant in a lawful & fair manner
4. Uses of Personal Information – for expected and compatible purposes, with consent, or where necessary
5. Choice – where appropriate, provide clear, accessible mechanism to exercise choice

## Nine APEC privacy principles

6. Integrity – personal information should appropriately accurate, complete and up-to-date
7. Security – appropriate safeguards to protect against unauthorized access, use, modification or disclosure
8. Access & Correction – important (but not absolute) rights
9. Accountability – controllers are accountable for compliance with all Principles and must use reasonable steps to ensure that recipients of personal information also comply



# The APEC Insight

# Insight in Principles 1 & 9

## Principle 1

- Proportionality: focus effort on where harm greatest

## Principle 9

- ‘Accountability follows the data’



# Implementation

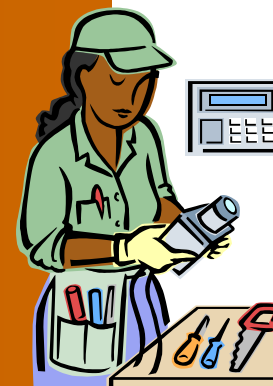
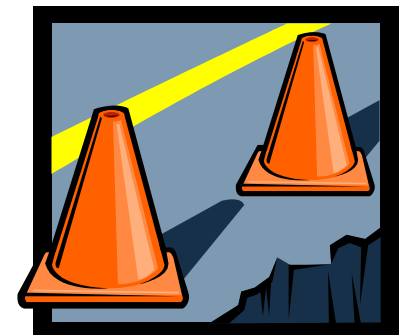
# Governance

‘Safety begins at home’

- those directly handling the data to respect and abide by that framework

Internal Privacy Governance Framework

- A high level policy
- Standard operating procedures
- Recommended measures & best practices
- Training ,communication & compliance tools
- Assurance functions



## Domestic

- 6 APEC Member Economies have broad based privacy law
- 1 has sectoral law
- 1 has voluntary framework
- At least 5 drafting a privacy framework

Consistency with APEC Privacy Framework varies

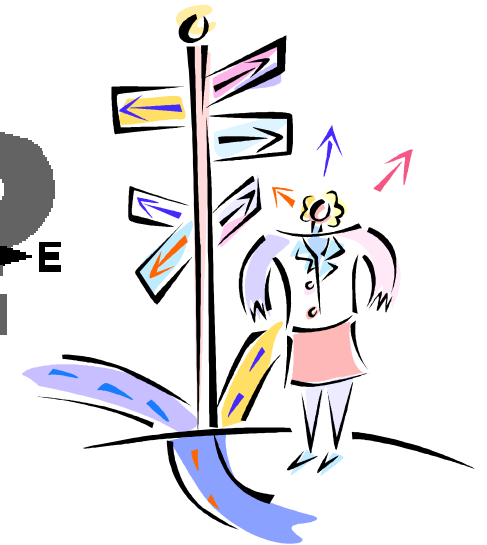
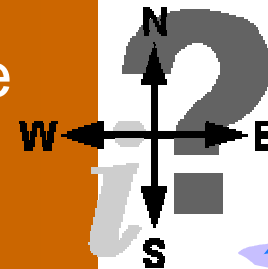
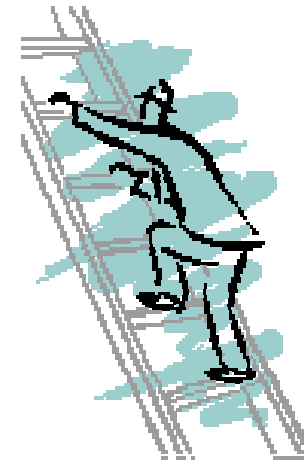


# International

APEC Member Economies have most to do here

## Options

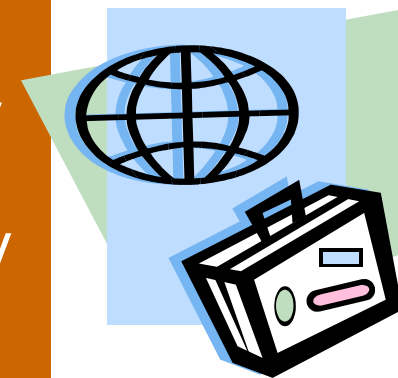
- ‘APEC Privacy Commission’
- NGO equivalent, either one or more
- Binding corporate rules
- Cooperative arrangements between existing privacy regulators



# International

## Part B:

- “44. Member Economies should ... facilitate cross-border cooperation in the enforcement of privacy laws
- “46. Member Economies will endeavor to support the development and recognition or acceptance of organizations’ cross-border privacy rules across the APEC region ... that ... adhere to the APEC Privacy Principles.”



## 2007: cross border focus

APEC annual cycle based on 2 significant meeting series

Privacy Working Group will hold two seminars

- January
- June

Aim to agree compliance pilots for transfers of personal data between APEC economies

- For implementing in 2008





**APEC has come a  
long way in 3 yrs**

**Now for more**

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