

INTERNATIONAL CONFERENCE OF DATA PROTECTION AND PRIVACY COMMISSIONERS

2011/GA/R/001
Agenda Item IV: (b)

Promotion of the International Standards

State of Play

**33rd International Conference of Data Protection
and Privacy Commissioners**
November 1, 2011
Mexico City



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Of Data Protection
and Privacy Commissioners**

Privacy: The Global Age
2-3 November 2011 Mexico City

PROMOTION OF THE INTERNATIONAL STANDARDS
STATE OF PLAY

Background

During the last conference in Jerusalem, a resolution was passed asking for the organization of an intergovernmental conference with a view to develop a binding international instrument on privacy and the protection of personal data.

Although the organization of an intergovernmental conference proposed by the CNIL has not been possible in 2011 and won't be in 2012, several actions of promotion of the joint proposal for international standards have been accomplished in 2011.

1. Actions 2010-2011

a) G8 in Deauville, France. May, 2011

At the end of 2010, French President Nicolas Sarkozy decided to put the Internet at the top of the agenda of the French Presidency of the G8/G20 in 2011. The CNIL worked closely with the French Ministry of Foreign Affairs to prepare the final declaration of the G8 summit in Deauville last May.

The document expressed a strong political commitment of the G8 members concerning the protection of personal data and individual privacy. All the G8 members¹, recognized through this document the necessity to develop common approaches based on human rights. This approach is completely in line with the Jerusalem declaration.

¹ Canada, France, Germany, Italy, Japan, Russia, United-Kingdom, United States.

The effective protection of personal data and individual privacy on the Internet is essential to earn users' trust. It is a matter for all stakeholders: the users who need to be better aware of their responsibility when placing personal data on the Internet, the service providers who store and process this data, and governments and regulators who must ensure the effectiveness of this protection. We encourage the development of common approaches taking into account national legal frameworks, based on fundamental rights and that protect personal data, whilst allowing the legal transfer of data.

The G8 declaration is a major step in the promotion of international standards. It gives a strong political base for future developments which could lead at some point to a resolution by the G20.

b) Internet Governance Forum (IGF) in Nairobi, Kenya. September, 2011.

The CNIL also participated to the "Internet Governance Forum" which took place in Nairobi (September 26th-30th).

On Monday 26th, the CNIL has been invited to attend as an observer to the High Level Ministerial Meeting organized by the government of Kenya and the International Telecommunications Union (ITU). One of the sessions of this high level meeting has been dedicated to "cyber security and privacy".

On Tuesday 27th, the CNIL participated as panelist in the workshop 105 moderated by the Council of Europe: "Strengthening the protection of cross-border internet personal data". In line with the Jerusalem resolution, this intervention has been the occasion to promote the Joint Proposal for international standards and the necessity to give them a concrete legal outcome in a global binding treaty.

Using the multi-stakeholder and open nature of the IGF, it could be contemplated that the Conference organizes a workshop during the next edition of the IGF in Azerbaijan at the autumn 2012.

c) APEC in San Francisco, USA. September, 2011.

The CNIL represented the Conference at APEC meeting in San Francisco and analyzed with great interest the new Cross Border Privacy Rules system. This project will have to be followed up, especially the interoperability with other existing frameworks such as EU Binding Corporate Rules.

2. Follow up

In line with the Jerusalem resolution, the Conference will continue to promote the Joint Proposal for International Standards in all relevant international fora (e.g. OECD, Council of Europe, APEC) and its efforts to organize an intergovernmental conference for developing a binding international instrument. In this regards, it could be envisaged to convey government's representatives at the next Conference meeting in 2012 in order to engage a dialogue in that perspective.