

All Data is Not the Same: Know the Difference Between Public Data and Personal Data

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**Government Information Day 2016
December 9, 2016**

Let's Dispel Some Myths

Privacy \neq Secrecy

Privacy is *not* about having something to hide

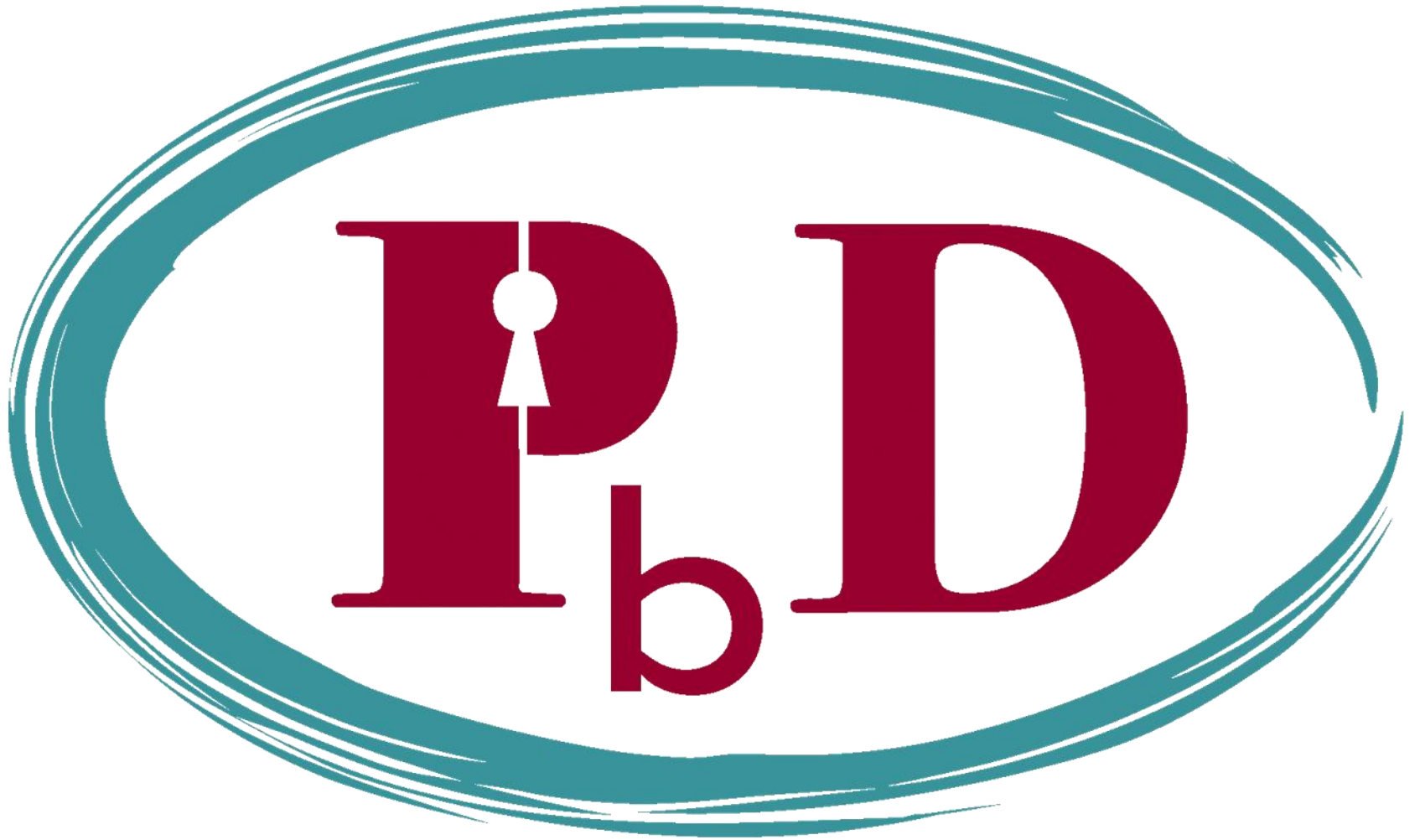
Privacy = Control

Privacy = Personal Control

- **User control is critical**
- **Freedom of choice**
- **Informational self-determination**

Context is key!

The Decade of Privacy by Design



Adoption of “Privacy by Design” as an International Standard

Landmark Resolution Passed to Preserve the Future of Privacy

By Anna Ohlden – October 29th 2010 - http://www.science20.com/newswire/landmark_resolution_passed_preserve_future_privacy

JERUSALEM, October 29, 2010 – A landmark Resolution by Ontario's Information and Privacy Commissioner, Dr. Ann Cavoukian, was approved by international Data Protection and Privacy Commissioners in Jerusalem today at their annual conference. The resolution recognizes Commissioner Cavoukian's concept of Privacy by Design - which ensures that privacy is embedded into new technologies and business practices, right from the outset - as an essential component of fundamental privacy protection.

Full Article:

http://www.science20.com/newswire/landmark_resolution_passed_preserve_future_privacy

Why We Need *Privacy by Design*

Most privacy breaches remain undetected – as regulators, we only see the tip of the iceberg

The majority of privacy breaches remain unchallenged, unregulated ... unknown

Regulatory compliance alone, is unsustainable as the sole model for ensuring the future of privacy

Privacy by Design: Proactive in 39 Languages!

1. *English*
 2. *French*
 3. *German*
 4. *Spanish*
 5. *Italian*
 6. *Czech*
 7. *Dutch*
 8. *Estonian*
 9. *Hebrew*
 10. *Hindi*
 11. *Chinese*
 12. *Japanese*
 13. *Arabic*
 14. *Armenian*
 15. *Ukrainian*
 16. *Korean*
 17. *Russian*
 18. *Romanian*
 19. *Portuguese*
 20. *Maltese*
 21. *Greek*
 22. *Macedonian*
 23. *Bulgarian*
 24. *Croatian*
 25. *Polish*
 26. *Turkish*
 27. *Malaysian*
 28. *Indonesian*
 29. *Danish*
 30. *Hungarian*
 31. *Norwegian*
 32. *Serbian*
 33. *Lithuanian*
 34. *Farsi*
 35. *Finnish*
 36. *Albanian*
 37. *Catalan*
 38. *Georgian*
 39. *Afrikaans*
- (pending)

Positive-Sum Model: *The Power of “And”*

*Change the paradigm
from a zero-sum to
a “positive-sum” model:
Create a win-win scenario,
not an either/or (vs.)
involving unnecessary trade-offs
and false dichotomies ...*

replace “vs.” with “and”

Privacy by Design: The 7 Foundational Principles

1. **Proactive** not **Reactive**:
Preventative, not Remedial;
2. Privacy as the **Default** setting;
3. Privacy **Embedded** into Design;
4. **Full** Functionality:
Positive-Sum, not Zero-Sum;
5. **End-to-End Security**:
Full Lifecycle Protection;
6. **Visibility and Transparency**:
Keep it **Open**;
7. **Respect for User Privacy**:
Keep it **User-Centric**.

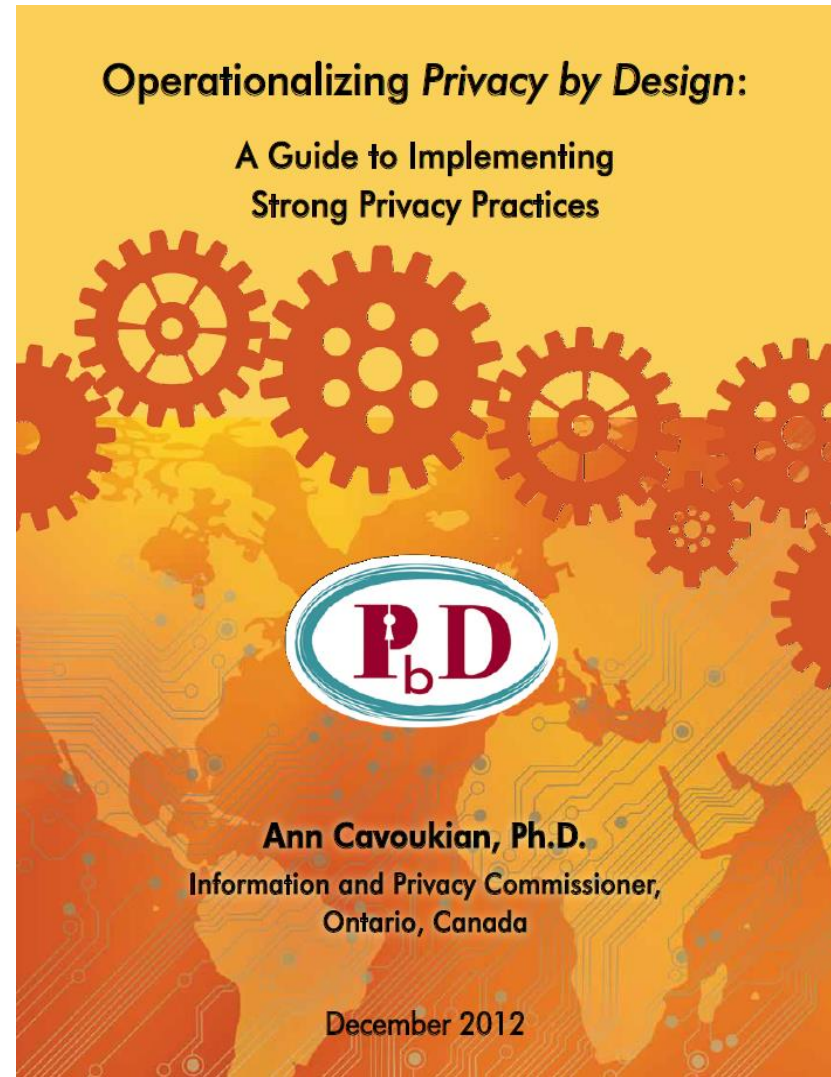


www.ipc.on.ca/images/Resources/7foundationalprinciples.pdf

Operationalizing *Privacy by Design*

9 *PbD* Application Areas

- CCTV/Surveillance cameras in mass transit systems;
- Biometrics used in casinos and gaming facilities;
- Smart Meters and the Smart Grid;
- Mobile Communications;
- Near Field Communications;
- RFIDs and sensor technologies;
- Redesigning IP Geolocation;
- Remote Home Health Care;
- Big Data and Data Analytics.



Cost of Taking the Reactive Approach to Privacy Breaches

Proactive



**Class-Action
Lawsuits**

**Damage to
One's Brand**



Reactive

**Loss of Consumer Confidence
and Trust**

Letter from JIPDEC – May 28, 2014

“Privacy by Design is considered one of the most important concepts by members of the Japanese Information Processing Development Center ...

We have heard from Japan’s private sector companies that we need to insist on the principle of Positive-Sum, not Zero-Sum and become enlightened with Privacy by Design.”

— Tamotsu Nomura,
Japan Information Processing Development Center,
May 28, 2014

GDPR

General Data Protection Regulation

- Strengthens and unifies data protection for individuals within the European Union
 - Gives citizens control over their personal data and simplifies regulations across the EU by unifying regulations
-
- Proposed – January 25th 2012
 - Passed - December 17, 2015
 - Adoption – Spring 2016
 - Enforcement – Spring 2018

E.U. General Data Protection Regulation

- The language of “Privacy/Data Protection by Design” and “Privacy as the Default” will now be appearing for the first time in a privacy statute, that was recently passed in the E.U.
 - Privacy by Design
 - Data Protection by Design
 - Privacy as the Default

The Similarities Between PbD and the GDPR

“Developed by former Ont. Information & Privacy Commissioner, Ann Cavoukian, Privacy by Design has had a large influence on security experts, policy makers, and regulators ... The EU likes PbD ... it’s referenced heavily in Article 25, and in many other places in the new regulation. **It’s not too much of a stretch to say that if you implement PbD, you’ve mastered the GDPR.**”

Information Age
September 24, 2015

All Data is Not the Same

- **Big Data, Yes**
- **Open Data, Yes**
- **Personal Data, No!**

What the Goal Should be:

Open Data,

Open Government

Push the Data Out!

Two Types of Information

1) General records →

Government information in relation to the business of the government.

2) Personally identifiable data →

Personal information which must be strongly protected by a variety of means: privacy laws, Privacy by Design, PIAs, etc.

Access by Design

Openness and Transparency

Identify entire classes of government records that may be made publicly available via open data websites

(Don't wait for FOI requests, push it out!)

Free up Government Data

- Remember, it's not the government's data alone;
- Government may have custody and control over the data, but it belongs to the citizens to whom it pertains, who should be granted ready access to non-personal data.

Transparency

“It’s the Public’s Business”

“We do not, and never will, accept the proposition that the business of the public is none of the public’s business.”

**— The Honourable Ian Scott,
July, 1985.**

Concluding Thoughts

- Privacy risks are best managed by proactively embedding the principles of *Privacy by Design* – prevent the harm from arising – avoid the data breach;
- Focus on prevention: It is much easier and far more cost-effective to build in privacy, up-front, rather than after-the-fact;
- Abandon zero-sum thinking – embrace doubly-enabling systems: Big Data **and** Big Privacy: Yes, we can;
- Get smart – lead with *Privacy – by Design*, not privacy by chance or, worse, *Privacy by Disaster!*

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