

Mexico and Convention 108 Conference 7/8 November 2018

The European vision of data protection

Introduction

Thank you President for your warm welcome here in Mexico.

The UK warmly congratulates Mexico on accession to C108 and we look forward to working closely at the Convention Committee meetings in Strasbourg. It is an important moment for the future of C108 to have Mexico on board.

In my speech today, I will provide the UK perspective on data protection as well as the European vision. As many of you will know the UK is currently preparing to leave the European Union and I would also like to explain the UK's ongoing commitment to a high standard of data protection once we have left the EU and how we will remain strong partners.

Convention 108

The Information Commissioner was delighted that the UK was amongst the first signatories of the modernised Convention 108 in October of this year. As the only legally binding international instrument on data protection this modernised version is a key milestone for global data privacy regulation. It is very encouraging to see the growing interest in, and support for, C108, particularly from Latin America, and in Africa. Without compromising on high standards of data protection or individual

rights, C108 provides a strong bridge between many DP systems around the world.

Convention 108 has played a key role in the development of data protection legislation in the UK from the time of the first Data Protection Act in 1984. It informed the development of the key principles and rights that UK citizens have enjoyed for over 30 years, strengthened by the arrival of the EU Data Protection Directive in 1995 and the GDPR in 2016. The UK's new Data Protection Act, passed in 2018, of course focussed on implementing GDPR but also ensures implementation of the modernised convention. For example, it ensures that complaint provisions reflect the Article 18 requirements of C108. The new DPA also draws on the convention in areas not covered by GDPR because they are outside EU competence. For example Part IV of the DPA, covering data processing by the UK intelligence services is based on C108.

Technology

Both GDPR and the modernised Convention 108 tackle the key challenges for data protection in the 21st century – the growth of online services with personal data as the core business model and digital public services. The risks associated with the growth of big data and AI have to be addressed by legislation that requires effective transparency, control and accountability. We also welcome the explicit coverage of genetic and biometric data in the modernised convention; as we move to a new area of AI in health-care – personalised medicine and the quantified self – this



Information Commissioner's Office

focus is vital. We also welcome the new guidance on AI that is being developed by the Committee for C108.

Brexit

The UK is planning to leave the EU but its commitment to continuing a high standard of data protection is firm. It is clear that the UK public would expect this to continue. The risks and challenges of protecting personal data remain the same whether the UK is part of the EU or outside. A high standard of data protection is crucial for international data flows, consumer trust and participation in the global digital economy.

The UK Government has committed to maintain GDPR as UK law after we exit the EU and, as noted earlier, the UK has already signed the modernised convention. After exiting the EU the UK Information Commissioner will seek to retain a strong working relationship with our fellow EU DPAs in the European Data Protection Board. We hope to continue participation in the Board, though the form of this is still to be agreed. UK will also seek a deep economic partnership with the EU, which will include adequacy status. We will also strengthen our relationship with C108 countries and seek new global partnerships, because data has no borders.

Enforcement co-operation

Robust enforcement is vital to effectively uphold the data protection rights of the public and this will often have an international dimension. The



Information Commissioner's Office

ICO's recent investigation into Cambridge Analytica and Facebook has led to co-operation and information sharing with many authorities around the world.

The ICO looks forward to seeking deeper regulatory co-operation. Cooperation is vital when our resources in DPAs will always be stretched. When global corporations can afford to employ 100s of experts in AI and data science, DPAs must work closely together to develop guidance and good practice, and share expertise.

There is more work to be done to enable effective co-operation – we have now a good baseline for co-operation within global networks such as the Global Privacy Enforcement Network (known as GPEN) and the International Conference of Data Protection and Privacy Commissioners, including the conference enforcement co-operation arrangement which assists DPAs in setting up bi-lateral arrangements. The ICO has agreed MOUs with FTC in the US and the OPC in the Canada. We welcome the provisions in C108 that encourage and enable regulatory co-operation, information sharing and mutual assistance.

ICDPPC

Last month in Brussels, the ICO was delighted to take on the role of Chairing the International Conference of Data Protection and Privacy Commissioners. Our Commissioner set out a vision of a 'decade of data protection', where data protection and privacy by design become mainstream aspects of the digital economy, enabling all sections of



Information Commissioner's Office

society to benefit from this new economy, safeguarding democratic governance and protecting vulnerable groups, including children.

We are also delighted that the Mexican Data Protection Authority will host the Conference in 2020 and will join the Executive Committee as an observer.

Conclusion

We look forward to working with our fellow C108 signatories to encourage more countries to join. We look forward to working with others in this common endeavour.