APEC Privacy Framework and CBPRs: Ready for the Spotlight


Anick Fortin-Cousens, Director, Corporate Privacy Office & CPO for Canada, LA and MEA – IBM

Michael Rose –

Joshua Harris, Director of Policy, TRUSTe

Annelies Moens, Deputy Managing Director- Information Integrity Solutions
APEC at a Glance

- 21 member economies
- 41% world population
- 55% world GDP
- 43% world trade

APEC’s Main Objective

Enhance economic growth through open trade, investment facilitation and practical economic cooperation
Key Changes to APEC Privacy Framework

- Codify that the APEC CBPRs achieve call for APEC cross-border data transfer mechanism which ensures privacy protections

- Breach Notification

- Privacy Management Program
  - Operative privacy management programs “will provide a sound basis for a…controller to demonstrate that it is complying with…the Framework.”

- APEC Economy Privacy laws should:
  - Promote privacy strategies as a means to promote economic gain
  - Codify technical measures to protect privacy
  - Establish a competent privacy enforcement authority

- Domestic laws and the APEC Privacy Framework should promote interoperability with varying global and regional laws

- Privacy Framework endorsement at November CSOM 2016
Potential Benefits

- Three month study across signed up economies and Singapore from a business, government and regulator perspective

- Extent of value depends on each economy’s domestic law and laws (or lack thereof) in relation to cross-border data flows

- Government benefits (non-exhaustive list):
  - Advancement towards global trade and economic growth policy objectives
  - Tool to maintain free flow of data with privacy protection
  - Assurance

- Business benefits (non-exhaustive list):
  - One global compliance system
  - Interoperability
  - Trust

- Regulator benefits (non-exhaustive list):
  - Broaden set of actors, improved strategic resource allocation, raises the benchmark
More Information


Contact:
Annelies Moens, Deputy Managing Director, Information Integrity Solutions amoens@iispartners.com
Structure of the APEC Cross Border Privacy Rules (CBPR) System

- **ECONOMY “A”**
  - Designated APEC Government Delegate
  - Privacy Enforcement Authority
  - Accountability Agent

- **Letter of Intent to Participate in the CBPR System**
  - Confirm participation in the CPEA
  - Confirm intent to use of at least one APEC-recognised Accountability Agent
  - Describe laws and regulations that apply to CBPR system activities of an Accountability Agent
  - Complete APEC CBPR System Program Requirements Enforcement Map

- **Notification of Intent to Participate in the CPEA**
  - Confirm that agency meets definition of PEA
  - Letter from appropriate government official verifying agency’s authority status
  - Supply contact point
  - Provide statement of practices, policies and activities

- **Application for Accountability Agent through Nomination or Notification**
  - Information about location in a CBPR system participating Economy, or being subject to jurisdiction otherwise.
  - Description of how the Accountability Agent Recognition Criteria have been met.
  - Demonstration of how intake and review processes meet CBPR Program Requirements
  - Map (if not using APEC intake document and program requirements)

- **APEC Electronic Commerce Steering Group Chair**
  - Data Privacy Subgroup Chair
  - Joint Oversight Panel (JOP)
  - CPEA Administrators

- **APEC Member Economies**
Thank you!


Anick Fortin-Cousens – acousens@ca.ibm.com
Michael Rose – michael.rose@trade.gov
Joshua Harris-- jharris@truste.com
Annelies Moens -- amoens@iispartners.com