

Repairing the Existing Trust Deficit: Make Privacy Work for You!

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Let's Dispel The 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!

Privacy is Essential to Freedom: A Necessary Condition for Societal Prosperity and Well-Being

- Innovation, creativity, and the resultant prosperity of a society requires freedom;
- Privacy is the essence of freedom: Without privacy, individual human rights, property rights and civil liberties – the conceptual engines of innovation and creativity, could not exist in a meaningful manner;
- **Surveillance is the antithesis of privacy:** A negative consequence of surveillance is the usurpation of a person's limited cognitive bandwidth, away from innovation and creativity.

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 40 Languages!

- | | | |
|---------------------|-----------------------|-----------------------|
| 1. <i>English</i> | 15. <i>Ukrainian</i> | 29. <i>Danish</i> |
| 2. <i>French</i> | 16. <i>Korean</i> | 30. <i>Hungarian</i> |
| 3. <i>German</i> | 17. <i>Russian</i> | 31. <i>Norwegian</i> |
| 4. <i>Spanish</i> | 18. <i>Romanian</i> | 32. <i>Serbian</i> |
| 5. <i>Italian</i> | 19. <i>Portuguese</i> | 33. <i>Lithuanian</i> |
| 6. <i>Czech</i> | 20. <i>Maltese</i> | 34. <i>Farsi</i> |
| 7. <i>Dutch</i> | 21. <i>Greek</i> | 35. <i>Finnish</i> |
| 8. <i>Estonian</i> | 22. <i>Macedonian</i> | 36. <i>Albanian</i> |
| 9. <i>Hebrew</i> | 23. <i>Bulgarian</i> | 37. <i>Catalan</i> |
| 10. <i>Hindi</i> | 24. <i>Croatian</i> | 38. <i>Georgian</i> |
| 11. <i>Chinese</i> | 25. <i>Polish</i> | 39. <i>Urdu</i> |
| 12. <i>Japanese</i> | 26. <i>Turkish</i> | 40. <i>Tamil</i> |
| 13. <i>Arabic</i> | 27. <i>Malaysian</i> | 41. <i>Afrikaans</i> |
| 14. <i>Armenian</i> | 28. <i>Indonesian</i> | (pending) |

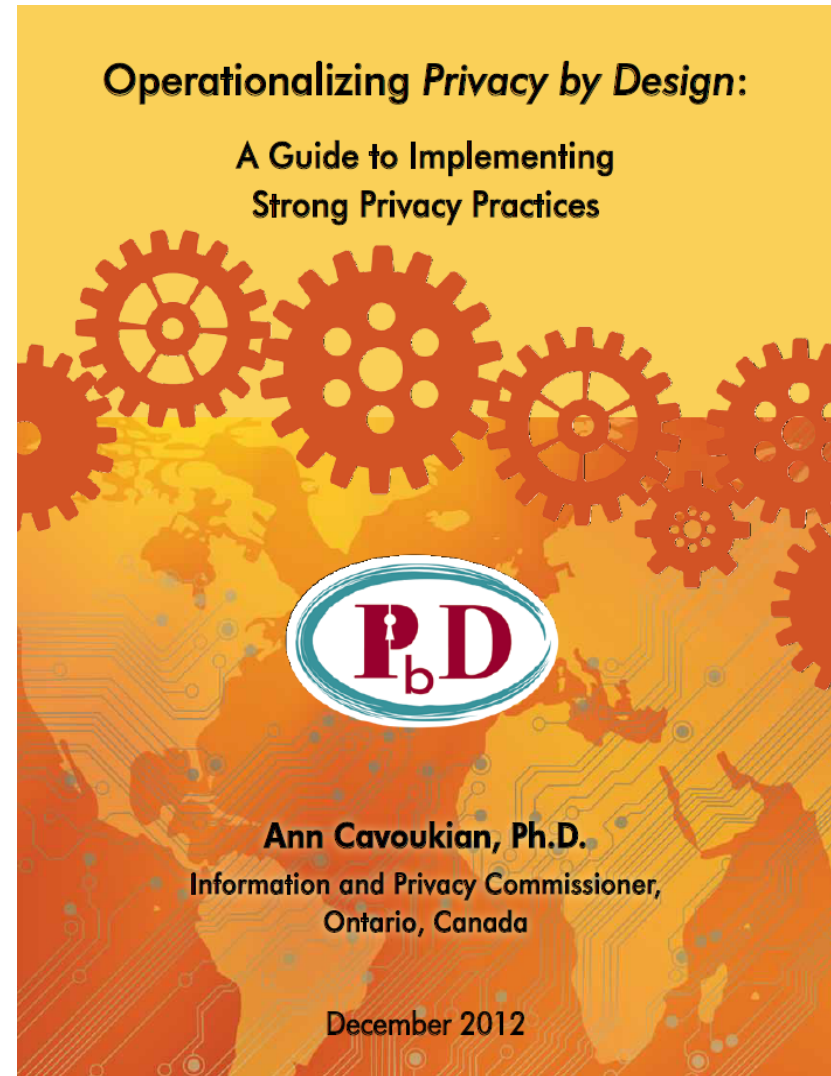
Operationalizing *Privacy by Design*

11 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;
- Privacy Protective Surveillance;
- SmartData.

<http://www.ryerson.ca/pbdce/papers/>

<http://www.ontla.on.ca/library/repository/mon/26012/320221.pdf>



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

Privacy Commissioner of Canada: Annual Report

“Organizations must also be more transparent and accountable for their privacy practices. Because they know their business best, it is only right that we expect them to find effective ways, within their own specific context, to protect the privacy of their clients, **notably by integrating approaches such as Privacy by Design.**”

September 21, 2017

https://www.priv.gc.ca/en/opc-actions-and-decisions/ar_index/201617/ar_201617/#heading-0-0-3-1

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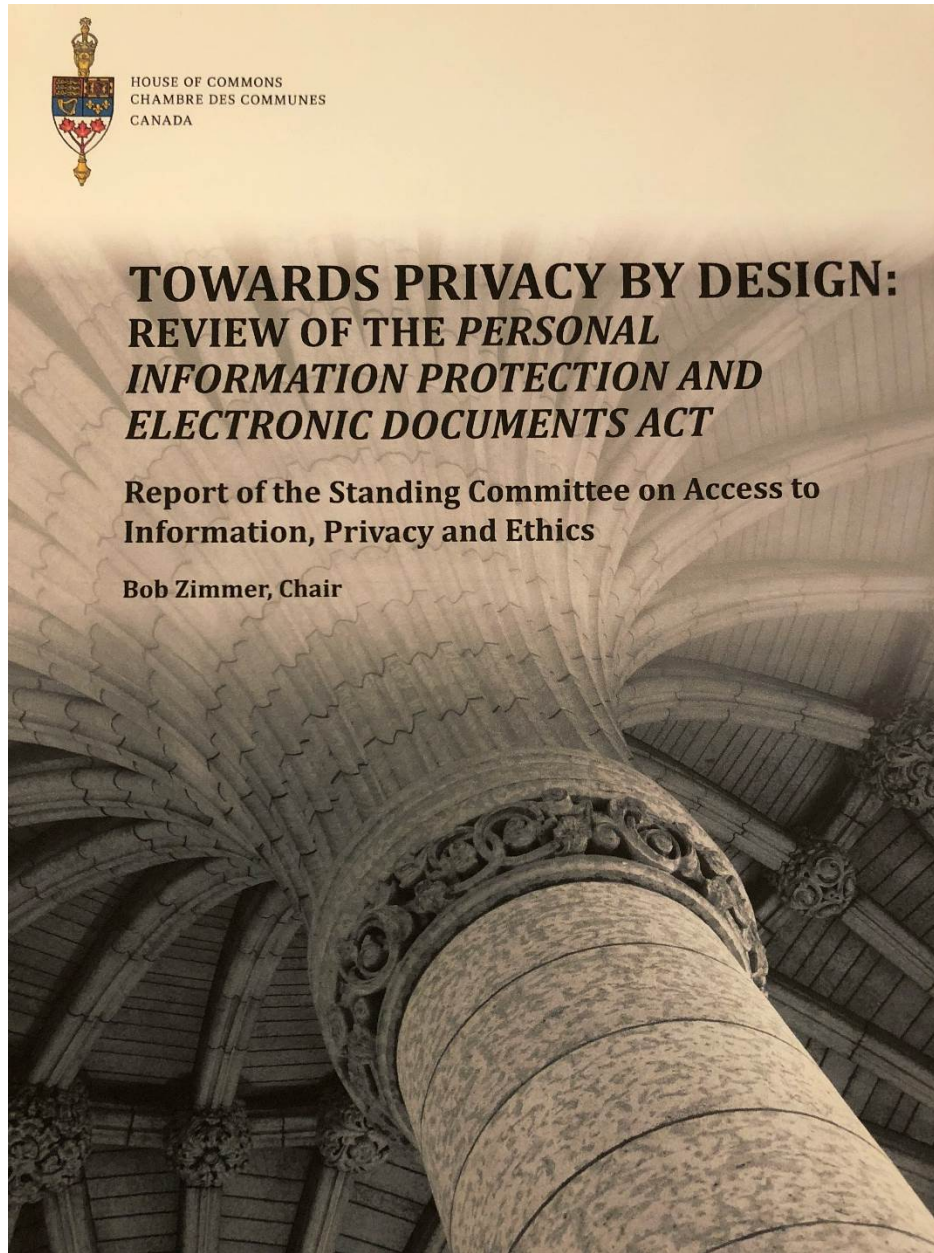


HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

TOWARDS PRIVACY BY DESIGN: REVIEW OF THE *PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT*

**Report of the Standing Committee on Access to
Information, Privacy and Ethics**

Bob Zimmer, Chair



42nd Parliament, First Session
February, 2018

<https://www.ourcommons.ca/Content/Committee/421/ETHI/Reports/RP9690701/ethirp12/ethirp12-e.pdf>

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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**.



<http://www.ryerson.ca/pbdce/papers/>

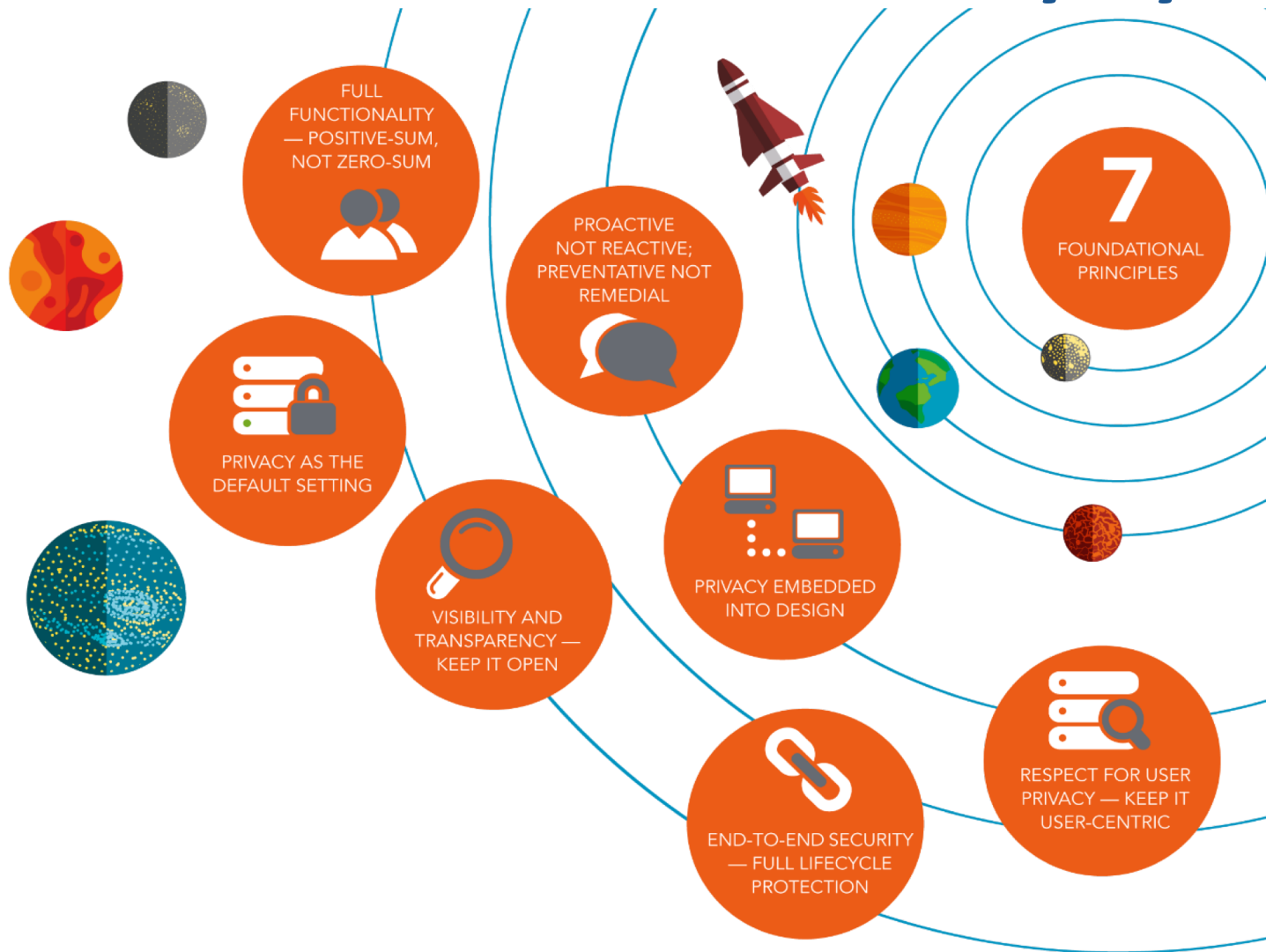
<http://www.ontla.on.ca/library/repository/mon/24005/301946.pdf>

Hitchhiker's Guide to Privacy by Design



https://www.protegrity.com/protegrity_gdpr_hitchhikers_guide_privacy_design/

Hitchhiker's Guide to Privacy by Design



https://www.protegrity.com/protegrity_gdpr_hitchhikers_guide_privacy_design/

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

Privacy: The Business Case

***Privacy is
Good for Business!***

The Bottom Line

Privacy should be viewed as a
business issue, not a
compliance issue

*Think strategically and transform privacy into a
competitive business advantage*

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**

First “Privacy Marketplace” at the International Consumer Electronics Show in Vegas

*“ Privacy is a hot issue right now. It’s on everyone’s radar ... Consumers asking about privacy – that was the big takeaway. These companies in the privacy marketplace, in large part aren’t advocates. They’re **entrepreneurs** looking to capitalize on market opportunity. They expect a larger privacy marketplace next year **and for brands to incorporate “privacy” into their marketing...** Anyone, everyone, can understand the need for privacy.”*

Victor Cocchia
CEO, Vysk

Speaking at CES: Jan, 2015

Guard Your Reputation

**“Trust takes years to build,
seconds to destroy, and forever
to repair.”**

**... And trust among the public is at
an all-time low today**

Edward Snowden's Revelations

- Edward Snowden's revelations have had profound implications for privacy, human rights, freedom, Internet governance, Internet commerce, international relations, and national security;
- Governments have largely concealed the size, scope, or purpose of their security programs, and in the process, undermined citizen trust in government;
- Transparency in law-making is essential to the health of any democracy, particularly with respect to intrusive state powers;
- Efforts to weaken encryption standards, as well as to co-opt communications service providers not only threaten an open and secure Internet, it has also set a chill at the heart of the North American Internet economy.

Pew Research Internet Project

- **Public Perceptions of Privacy and Security in the Post-Snowden Era: November 2014**
 - There is widespread concern about surveillance by both government and business:
 - **91% of adults agree that consumers have lost control over their personal information;**
 - 80% of social network users are concerned about third parties accessing their data;
 - 80% of adults agree that Americans should be concerned about government surveillance;

Pew Research Internet Project

There exists a Mismatch between Behavior and Attitude:

- Six out of ten adults say they would like to do more to protect their privacy;
- 55% are willing to share some information in order to be able to use a service for free;
- **Context is very Important: users will change their levels of disclosure based on the context.**

<http://www.pewinternet.org/2014/11/12/public-privacy-perceptions/>

The Online “Privacy Lie” Is Unraveling

Joseph Turow and Michael Hennessy, University of Pennsylvania
Nora Draper, University of New Hampshire

“A large majority of web users are not at all happy ... they feel powerless to stop their data being harvested and used by marketers.”

91% disagree that “If companies give me a discount, it is a fair exchange for them to collect information about me without my knowing.”

June 6, 2015

TechCrunch

<http://techcrunch.com/2015/06/06/the-online-privacy-lie-is-unraveling/>

The Tradeoff Fallacy:

How Marketers are misrepresenting American consumers:

(cont'd)

- 71% disagree that “It’s fair for an online or physical store to monitor what I’m doing online when I’m there, in exchange for letting me use the store’s wireless internet, or Wi-Fi without charge;
- 55% disagree that “Its okay if a store where I shop uses information it has about me to create a picture of me that improves the services they provide for me.”

https://www.asc.upenn.edu/sites/default/files/TradeoffFallacy_1.pdf

2014 Survey of Canadians on Privacy

Office of the Privacy Commissioner of Canada

- **90% of Canadians expressed concern about the protection of their privacy;**
- 78% feel at least somewhat likely that their privacy may be breached by someone using their Credit/Debit Card or stealing their identity;
- 70% of Canadians are concerned about the use of genetic testing for non-medical purposes;
- 73% feel they have less protection of their personal information than ten years ago;
- 60% have little expectation of privacy because there are so many ways it can be compromised.

Trends and Challenges:

Consumer Confidence

- People choose to give their business to firms with good “**data hygiene**” – new evidence suggests that consumers are seeking out companies that will protect their privacy.

— Forrester Research

Consumer Confidence *(Cont'd)*

- 62 % of respondents say they would “not at all be likely” to repeat a purchase from a company that had shared their personal information with a data broker;
- A growing awareness about companies’ uses of consumer data will lead consumers to expect simpler, much more graphical privacy policies – *“misuse and abuse of data will impact profitability;”*
- **Companies should respond by “stress-testing” their data operations, and turn their privacy policies into a marketing opportunity.**

— Forrester Research

Privacy and Marketing

“Privacy by Design Is a Starting Point That Leads to Long-Term Benefits”

Jessica Kernan
Advertising Age
Oct, 28 2014

“By adopting a privacy-by-design mentality, we can begin to transform ideas like these into best practices that have long-term benefits for both consumers and brands.
Let's lead the way.”

Jessica Kernan
Advertising Age
Oct, 28 2014

Three Key Points to Help Marketers:

1. Integrate data planning as an upstream design discipline;
2. Evolve from fine print to more transparent disclosure strategies;
3. Make Privacy a positive part of the brand experience.

Jessica Kernan
Advertising Age
Oct, 28 2014

“Privacy by Design – Ready for Takeoff”

“The passage of the EU’s GDPR ... is bringing PbD to top of mind as personal operations are adjusted to comply with new GDPR rules...In short, the GDPR has already given PbD new visibility and vigor. Positive-sum change is on its way – not just to Europe, but across the world.”

“Dr. Cavoukian is keeping up with change as well, having recently founded GPSbyDesign, A follow-up to PbD, now expanded to a global privacy and security focus. PrivacyCheq supports GPSbyDesign, and works to promote its acceptance.”

Privacy Elephant
November 4, 2016

Global Privacy and Security Experts Launch the International Council on Global Privacy and Security, by Design

New organization created to educate governments and businesses on how to develop policies and technologies where privacy, public safety and Big Data work together for positive-sum, win-win outcomes

Founding Members include:

- Darren Entwistle, CEO of TELUS Inc.
- Michael Chertoff, 2nd Secretary of U.S. Homeland Security
- Gilles de Kerchove, Director of E.U. Counter Terrorism
- Greg Wolfond, CEO of SecureKey
- Joseph Simitian, Supervisor of Santa Clara County, CA and Former Chair of the California State Senate Select Committee on Privacy

Press Release: <http://m.marketwired.com/press-release/-2167023.htm>

International Council on Global Privacy and Security, by Design

- Newly created extension of Privacy by Design, focusing on both Privacy and security!
- Essential need to abandon zero-sum, either/or propositions involving one interest vs. another: privacy vs. public safety;
- Change this to a doubly-enabling positive-sum approach, with both privacy AND public safety gaining in positive increments.

gpsbydesign.org

Privacy by Design: The Global Privacy Framework

Dr. Cavoukian is offering the definitive
Privacy by Design Online Course
at Ryerson University



Enrol today

Privacy by Design (CZLW 327)
Develop the skills necessary to embed privacy into the design of your organization's information technology infrastructure and business practices.

**Offered online by
Dr. Ann Cavoukian**

Ryerson University The Chang School of Continuing Education

Should you wish to sign up for the Fall 2018 registration list, visit:
<https://www.ryerson.ca/pbdce/privacy-by-design-chang-school-course/>

Concluding Thoughts

- Privacy and security 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 and security, up-front, rather than after-the-fact , reflecting the most ethical treatment of personal data;
- Abandon zero-sum thinking – embrace doubly-enabling systems: Privacy and Security; Privacy and Data Utility;
- Get smart – lead with *Privacy – by Design*, not privacy by chance or, worse, *Privacy by Disaster!*

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