Getting Into It

• Fast acceleration from mainframe computers (1960s) to the Internet of Everything has changed the very nature of how privacy principles are put into play

• The first laws assumed individuals would police data governance through choices

• Today, accountability needs to complement choice to assure data is used and individuals are protected
Why Accountability

• Accountability is the mechanism for assuring data stewardship
• It is driven by the purpose of the law, in a living manner
• It provides structure for privacy programs of all sizes
History of Accountability

• 1980 – OECD Privacy Guidelines
• 2000 – Canada Private Sector Privacy Legislation
• 2004 – APEC Privacy Framework
• 2009 – Essential Elements of Accountability (Global Accountability Dialogue)
• 2010 – EU Working Part 29 accountability opinion
• 2012 – Canadian guidance on accountability
• 2014 – Hong Kong guidance
• 2015 – Colombia guidance
• 2016 – EU General Data Protection Regulation
Essential Elements of Accountability

1. Corporate commitment to internal policies (codes of conduct) that link to external criteria – data protection law

2. Mechanisms to put those policies into effect, including identifying risk to individuals and mitigating those risks (privacy-by-design)

3. Internal monitoring to assure mechanisms work

4. Individual participation – transparency; consent (where effective)

5. Standing ready to demonstrate to a regulator on request and remediation where necessary