

Press Release

Strasbourg, October 17, 2008

Protecting privacy in a borderless world

The 30th International Data Protection Conference concluded on October 17, 2008 by stressing the need for binding data protection rules in a globalised world. Without such international rules for all players it will not be possible to tackle the privacy challenges of the future. Delegates called for increased international co-operation among data protection authorities and emphasised that data protection must play a more prominent role in the policies of public and private institutions. Individuals have to be provided with appropriate means for the protection of their privacy.

The event jointly organised by the French and German Data Protection Authorities to celebrate the 30th anniversary of their institutions was held under the auspices of French Presidency Sarkozy and attracted around 600 participants from all over the world.

Data protection cannot rely on self regulation alone. While self regulation might be an important tool to strengthen the rights of data subject, national laws emulating globally accepted data protection principles are essential to face the challenges of a borderless world. The data protection commissioners gathered at Strasbourg recalled the Montreux Declaration adopted at the int. conference 2005 and urged law makers worldwide to adopt rules or adapt their existing regulations to provide adequate answers to the data breaches and losses occurring these days. Personal Data should only be collected and processed if the purpose is clearly laid down and the persons concerned are properly informed of such processing. In light of recent scandals all over the world a strong independent supervision with tangible sanction powers is more necessary than ever.

One of the most important topics raised in Strasbourg was the protection of minors and their private sphere. Representatives from around 60 countries agreed that an education-based approach is the best way to teach youngsters how to surf the Internet in a privacy-friendly way while also respecting the rights of others. A respective resolution adopted by the commissioners at their closed session calls on website operators to adapt their privacy

policies to the needs of children by informing them in clear and simple language about the risks they might face when online. Children are in particular vulnerable as they are not aware of their rights and deserve, therefore, special protection.

Another important resolution summarising the debates during the open sessions focuses on social networks and their potential harm to users who are often unaware of the consequences the widespread dissemination of information related to them and to third persons in such networks might have. In particular, the commissioners point out that service providers have a special responsibility for the running of such services. Providers must inform users better by giving guidance on how to use personal information on the one hand and by restricting access to entire profiles. Opt-out for general profile data and opt-in for sensitive data should be offered in any case. Users need to know that for the time being only little protection exists against the copying of personal data they put into their profiles regardless whether these data concern themselves or others. It is now common practice that job recruiters search social networks when examining job applications.

The Conference also highlighted the importance of increased co-operation between the data protection community and the business sector. In a globalised world, essential guarantees for smooth and flexible data transfers are more needed than ever. Personal Information of customers and consumers is no freely available merchandise but should only be processed under strict conditions. Data protection must not be considered as an obstacle by the corporate world but should be conceived as an asset in business to consumer relations.

Therefore, and with all due respect to the Nobel Prize concept, the Conference supports the proposal presented by the French and German Data Protection Authorities to set up a working group being in charge of establishing the realization and details of an international data protection award and to submit a report at the latest at the 31st International Data Protection Conference to be held in Madrid next year.

More information on the International Conference can be found on
<http://www.privacyconference2008.org>.