

The Need for Boundaries: Respecting Consumer Privacy in Our Data Practices

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Privacy by Design (PbD)

Dr Ann Cavoukian, former Ontario Privacy & Information Commissioner

1. **Proactive**, not reactive – preventative, not remedial.
2. Privacy as the **default** setting.
3. Privacy embedded into the design – “**baked in**” from the beginning.
4. **Full functionality** – positive-sum, not zero-sum.
5. End-to-end security – full **life-cycle** protection.
6. Visibility and **transparency** – keep it open.
7. Respect for user privacy – keep it **user-centric**.

India – Puttaswamy and beyond

K Puttaswamy v Union of India (24 August 2017)

Landmark case – Supreme Court of India held for the first time there is a **fundamental right to privacy** under the Constitution of India.

The Government of India has since appointed a **Committee of Experts** to make recommendations for appropriate data protection regulation in India.

The Committee released a **White Paper** seeking submissions on 230 questions.

Submissions have been received.

Data protection legislation is expected within the year.

EU General Data Protection Regulation includes



New consent requirements



Major fines – up to 4% global t/o



Right to have data deleted



Applies to some *outside* the EU



Right to object to profiling



Strong limits on data exports

Example of Possible GDPR-style Consent

Source: PageFair



DURATION

ARTICLE 13, PARA 2, A.

**UNAMBIGUOUS, SPECIFIC
AFFIRMATIVE ACTION. NOT
YES BY DEFAULT.**

ARTICLE 4, PARA 1), AND RECITAL 32.

**CONTACT DETAILS OF THE
DATA CONTROLLER, AND
LIST OF CATEGORIES OF
PROCESSOR.**

ARTICLE 13, PARA 1, A, AND RECITAL 42.

Help keep Example.com profitable

Let these companies combine your browsing habits for 6 months with data they already have collected about you to improve their profile of you, including by inferring insights, to show you relevant advertising. (This profile may include your income bracket, age and gender, habits, social media influence, ethnicity, sexual orientation, religion, political leaning, etc.).

OFF

Item 1 of 9 [Next](#)

Viewing 2 of 251 partners

Axiom GmbH Martin Behaim Strasse 12, 63263 Neu-Isenburg, Germany	View details
Google Ltd. Gordon House, Barrow	View details

[Learn about your data rights here.](#)

**PURPOSE OF PROCESSING,
AND NOTIFICATION OF
PROFILING.**

ARTICLE 4, PARAGRAPH 1), AND ARTICLE
13, PARA 1, C, AND PARA 2, F.

**GRANULAR OPT-IN FOR
SEVERAL PURPOSES**

RECITAL 32, AND ARTICLE 29 WORKING
PARTY GUIDANCE NOVEMBER 2017

**DETAILS OF RIGHTS TO
COMPLAIN TO SUPERVISORY
AUTHORITY, AND TO ACCESS,
CORRECT, AND TRANSFER
DATA, ETC.**

ARTICLE 13, PARA 2, B, C, AND D.

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Accessible reading on data privacy

Privacy by Design summary:

https://www.cdpd.vic.gov.au/images/content/pdf/CPDP_Privacy_by_Design_Background_paper_Oct_2014.pdf

Malavika Raghavan, “The Privacy Judgment and Financial Inclusion in India”:

<http://www.epw.in/journal/2017/51/privacy-after-puttaswamy-judgment/privacy-judgment-and-financial-inclusion-india>

Katharine Kemp, “Big Data, Financial Inclusion and Privacy for the Poor”:

<https://www.dvara.com/blog/2017/08/22/big-data-financial-inclusion-and-privacy-for-the-poor/>

Bruce Schneier, *Data and Goliath: The Hidden Battles to Collect Your Data and Control Your World* (WW Norton & Co, 2015)

Daniel J Solove, “Privacy and Data Security Harms”

<https://concurringopinions.com/archives/2014/08/privacy-and-data-security-harms.html>