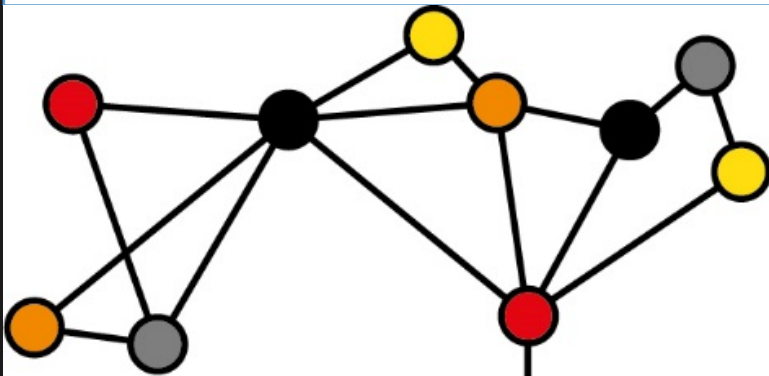


● ● ● STIFTUNG
● DATENSCHUTZ
● ● ● *DatenTag*



DATENPORTABILITÄT
IN DER PRAXIS

A new right requires guidance

Article 29 working party
guidelines on data portability

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Independant Public Authority for personal data protection

- Protect personal data
- Accompany innovations
- Preserve civil liberties

WP29

Since February 2014, the CNIL's Chair has presided over WP29, the working party which brings together the 28 European data protection authorities. In particular, the working party develops the guidelines which unify and clarify the interpretation of the regulation's essential provisions.

ADVISING AND REGULATING

3 078

ADOPTED DECISIONS
AND DELIBERATIONS
OF WHICH:

190

AUTHORISATIONS

145

REQUESTS
FOR AN OPINION

1 976

TRANSFER
AUTHORISATIONS

54 000

SIMPLIFIED
FORMALITIES

ACCOMPANYING COMPLIANCE

102 629

FORMALITY FILES

97

PRIVACY SEALS
DELIVERED

14 734

DECLARATIONS
PROCESSED REGARDING
VIDEO SURVEILLANCE
SYSTEMS

316

BIOMETRIC SYSTEM
AUTHORISATIONS

7 370

DECLARATIONS
PROCESSED REGARDING
GEOLOCATION DEVICES

17 725

ORGANISATIONS
HAVE APPOINTED
A DATA PROTECTION
OFFICER

PROTECTING CITIZENS

7 703

COMPLAINTS, OF WHICH:

33%

relate to prospecting

4 379

REQUESTS FOR
ACCESS to police files,
surveillance files,
FICOBA, etc.

410

COMPLAINTS
following the refusal
of a request
to be de-listed
by search engines

7 909

INSPECTIONS
CARRIED OUT

INVESTIGATING

430

INVESTIGATIONS

100

online investigations

94

INVESTIGATIONS
REGARDING VIDEO
SURVEILLANCE

RENDERING ORDERS AND ISSUING SANCTIONS

82

ORDERS RENDERED

13

SANCTIONS ISSUED:

9 WARNINGS

4 FINANCIAL
SANCTIONS

THE CNIL WORKFORCE

195

JOBS

63%
female

37%
male



Missions

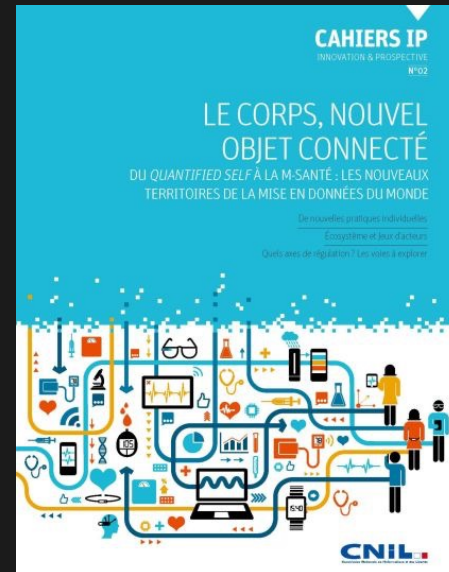
- Inform & Advise
 - Guidelines, tutorials, recommendations
 - data protection officers trainings
 - certifications, ...
- Control & sanctions
 - Prior formalities (authorizations, ...)
 - Controls on site and on line
 - Sanctions (financial, ...)



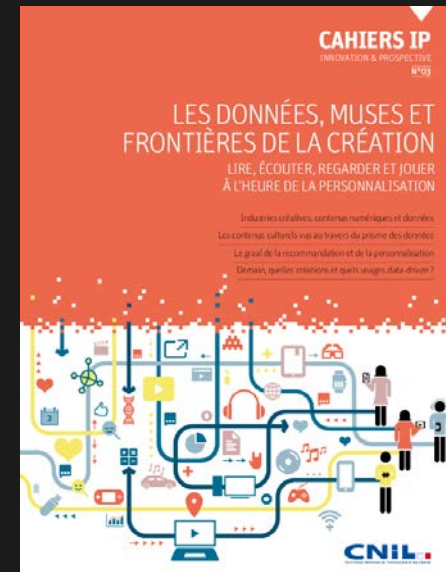
Explore / Exchange / Experiment



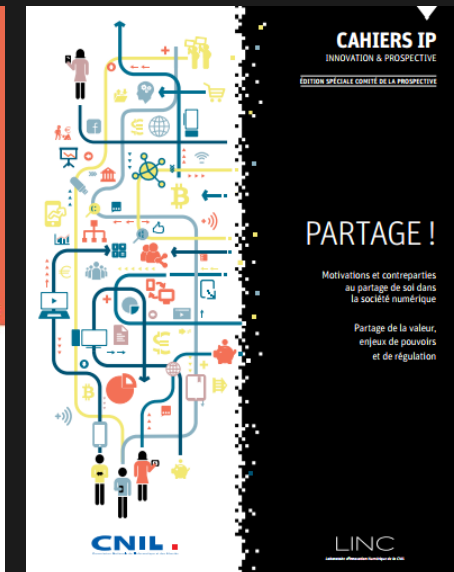
Privacy towards 2020



The body as a new connected object



Data, muses and frontiers of cultural creation



Share !

Cahiers IP

A collection of publications around data ethics and digital trends



@LINCnil

<https://linc.cnil.fr>

A media to share our analysis,
ou points of view and tell the
stories of our experiments

150 articles in 18 month
(video, itw,)

#Drones
#AI
#SmartCity
#AutonomousCar

#Blockchain
#Robot
#Algorithms
#Ethics
#Design

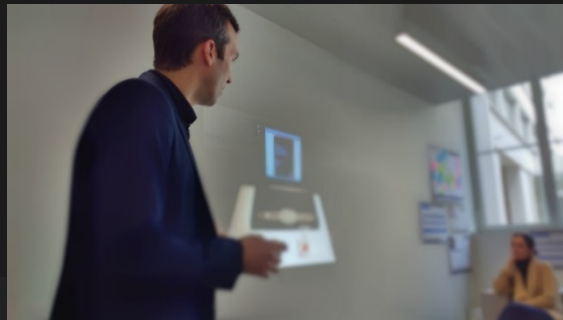
LINC



Exchange and open CNIL to the world

Espace LINC

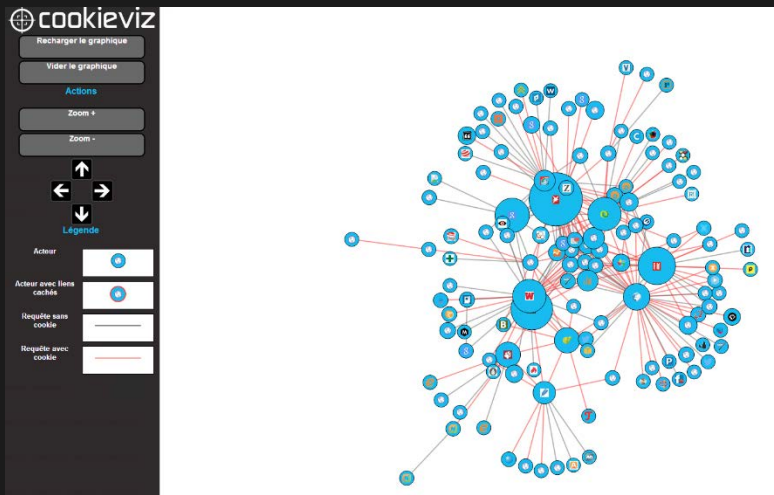
- Conferences
- Workshops
- Demos



LINC

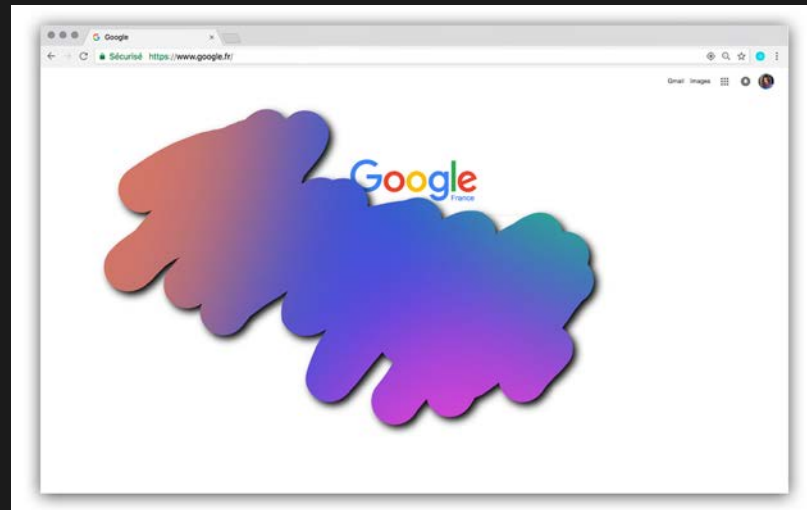
@LINCNil

CNIL.
COMMISSION NATIONALE
INFORMATIQUE & LIBERTÉS



Cookieviz

Visualization tool to measure the impact of cookies and other trackers during your own browsing.



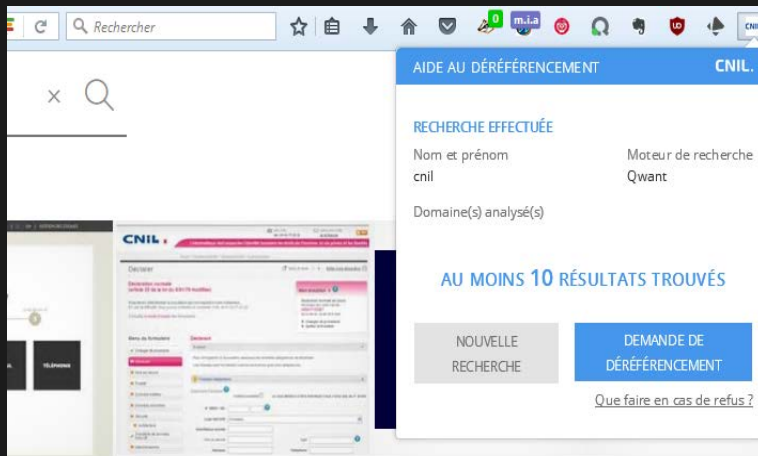
L'Oracle du Net

*An Interaction Design Project made "in residence LINC" by Victoria Duchatelle
A add-on for Chrome allowing users to explore the ways in which algorithms handle them.*

A purple infographic titled 'Les smartphones et leurs apps sous le microscope de la CNIL et d'Inria'. It features the logos of Mobilitics, CNIL, and Inria. The central text states that over 30 million French people use smartphones and/or tablets daily. To the left, a smartphone is surrounded by icons representing various app functions like messaging, music, shopping, and social media. A large question mark is visible in the bottom right corner of the infographic.

Mobilitics

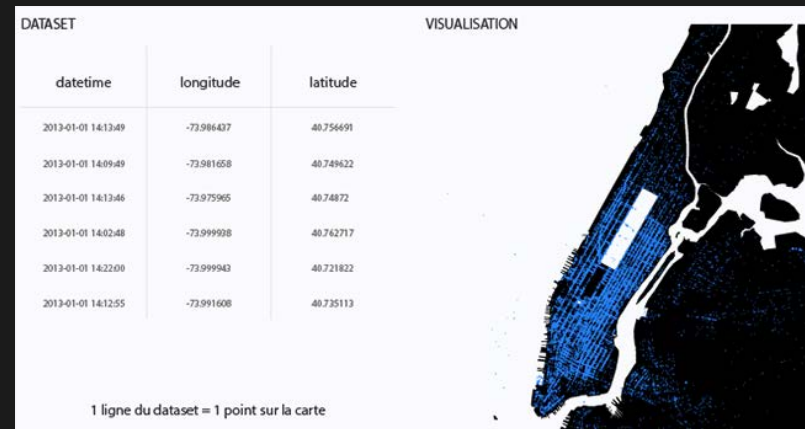
Understand the ecosystem of smartphones and lift the veil on these "black boxes" that are our smartphones.



[tool] Check your delisting (RTBF)

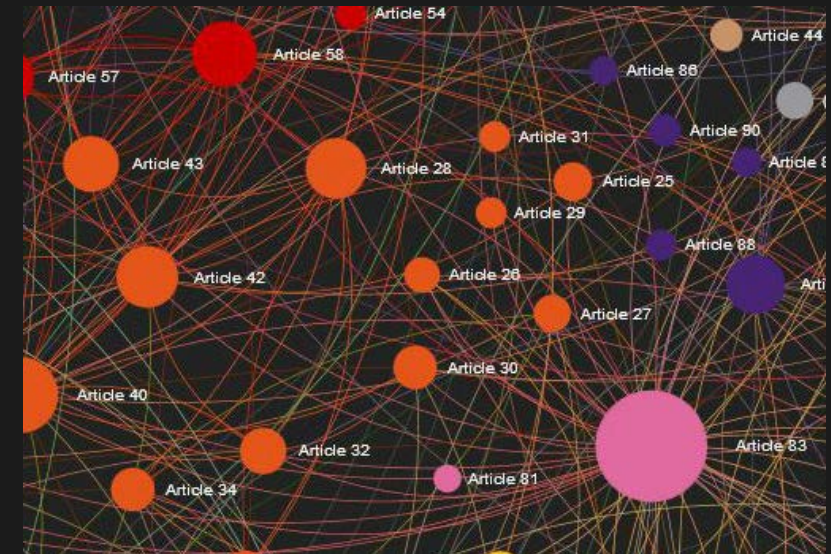
How to monitor the progress and effectiveness of a right to be delisted request ?

A tedious process if done by hand, but for which LINC has developed an open source browser add-on to automatize.



[Cabanon] Can anonymised data still be useful?

Does anonymisation make a dataset worthless? The datavisualisations of our use case scenarios show that it does not necessarily jeopardise the quality of the results.



GDPR DataViz

Linc looked into the core of Cnil's activity by designing a datavisualization of the GDPR.

More rights for your personal data!

1 Data to take away!

I can get back the data I provided to an organisation or online-service and transmit those to other ones (social networks, Internet service provider, online streaming supplier, etc.)



2 Better transparency

I know what is done with my data and it's easier for me to exercise my rights.



3 Child protection

Online services must obtain the parents' consent before registering any child under 16 or less if provided by national laws.



4 One-stop-shop

In case of problems with how my data is handled, I can contact my national data protection authority, whatever the country where the organisation is processing my data.



5 Bigger sanctions

5 Bigger sanctions

When infringing the regulation, the organisation at fault can be fined up to 20 000 000 € or 4% of its annual worldwide turnover.



Illustration : Martin Vidberg

The European data protection regulation

After 4 years of discussions at the European Union level, a final draft of the data protection regulation has been released. It is expected to help Europe face the challenges of the digital age. The regulation will strengthen the citizens' rights and provide them with real control over their personal data. It will offer an unified framework for companies and simplify the prior notification. The regulation will be formally ratified in early 2016 and will come into force in 2018 in all the Eu countries.

6 Right to be forgotten

I can ask search engines to delist a web page that affects my privacy negatively or ask a website to erase an information, under certain circumstances.



ARTICLE 29
Data Protection Working Party



Right to data portability

2 misconceptions around GDPR data portability

- Seeing it as a mere extension of right of access
« right of access under stéroïds »
- Confuse it with other competition / consumer laws related portability (as the one for phone number)

Ein 1200 Seiten-pdf bekam Max von Facebook
A 1200 pages pdf Max got from Facebook



taz. die tageszeitung

OPEN DATA CITY

europe-v-facebook.org



The right to data portability in a nutshell

- Basically, portability is about making the personal data "usable" directly by the individual or under his control and at his initiative beyond the control of the controller who collected it.
- It therefore offers people the opportunity to recover (part of) their "data" for their own purposes.
- Technically the concept of portability refers to being able to transfer data from one information system to another easily.
- Beyond the empowerment of the individual, portability must:
Allow to avoid the effects of "lock in" (enclosure) of the consumers in a service to the detriment of the competing services and thus to facilitate the change of service provider ("switching")
Encourage innovation by enabling data reuse in a new context without going through file interconnection.

Why does it matter?



For data subjects

- Make the individual an actor of the use of data, not a simple "product"
- Reduce his/her dependency to data holders
- Allow him/her to switch service providers
- Enable him/her to adopt decentralized systems, even to self-host data and services.



For data controllers

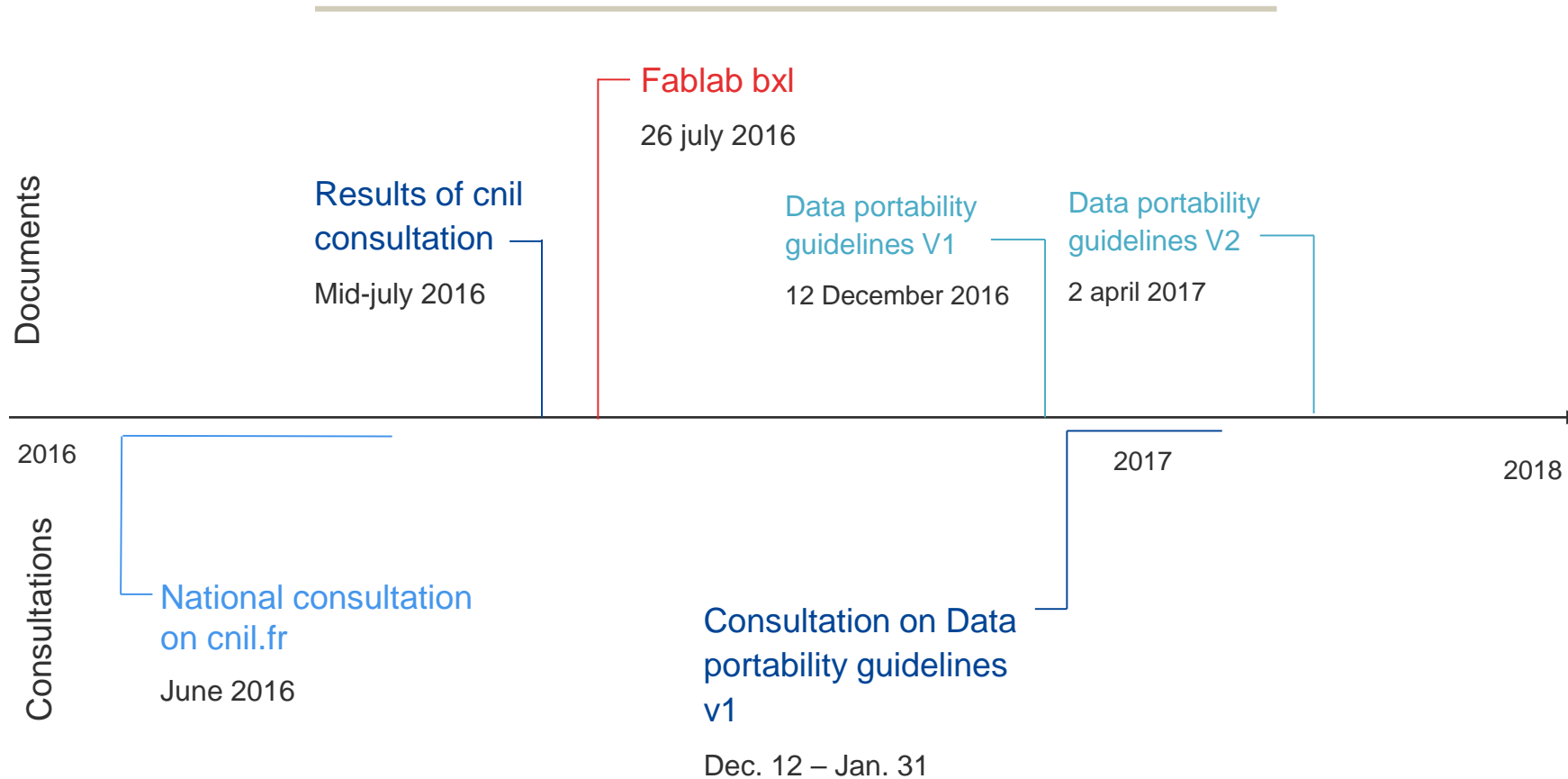
- Foster new services based on personal data without requiring them to collect them indirectly (via data broker...)
- Allow for the creation of a viable ecosystem of personal decentralized solutions (personal cloud, PIMS, ...)
- Promote competition between similar services



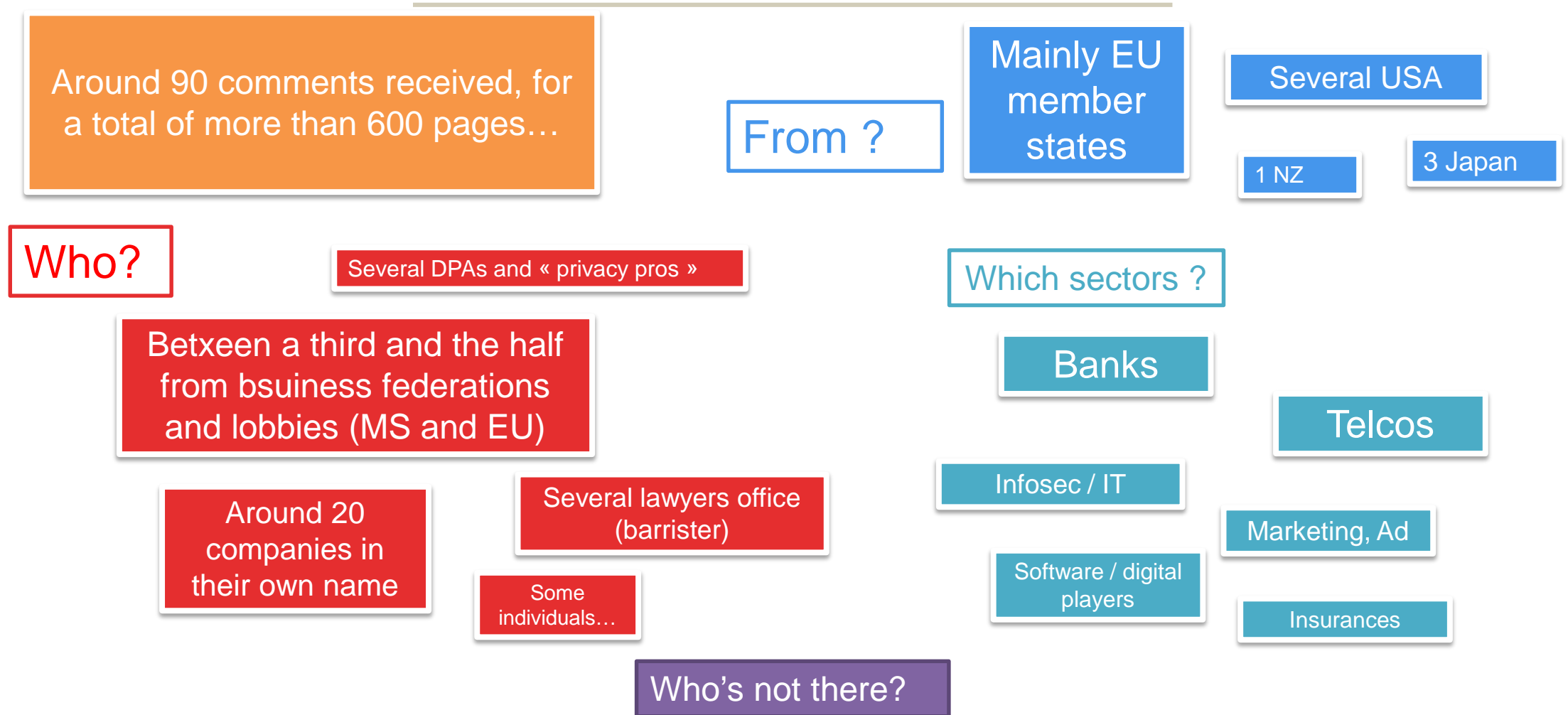
For DPAs

- Complementing the range of data subjects rights by a right having a different purpose than mere information / protection
- Embody the principle of informational self-determination concretely
- Give practical examples showing that the only solution for doing services with very high added value is not necessarily the centralization / concentration of personal data (the big data)

Article 29 working party guidelines process



WP 29 consultation (December 2016 – February 2017)



2 rights (and a half)

1. A right to receive data
2. right to transmit those data to another controller *without hindrance*
(and a right to direct transmission from RT1 to RT2 where technically feasible)

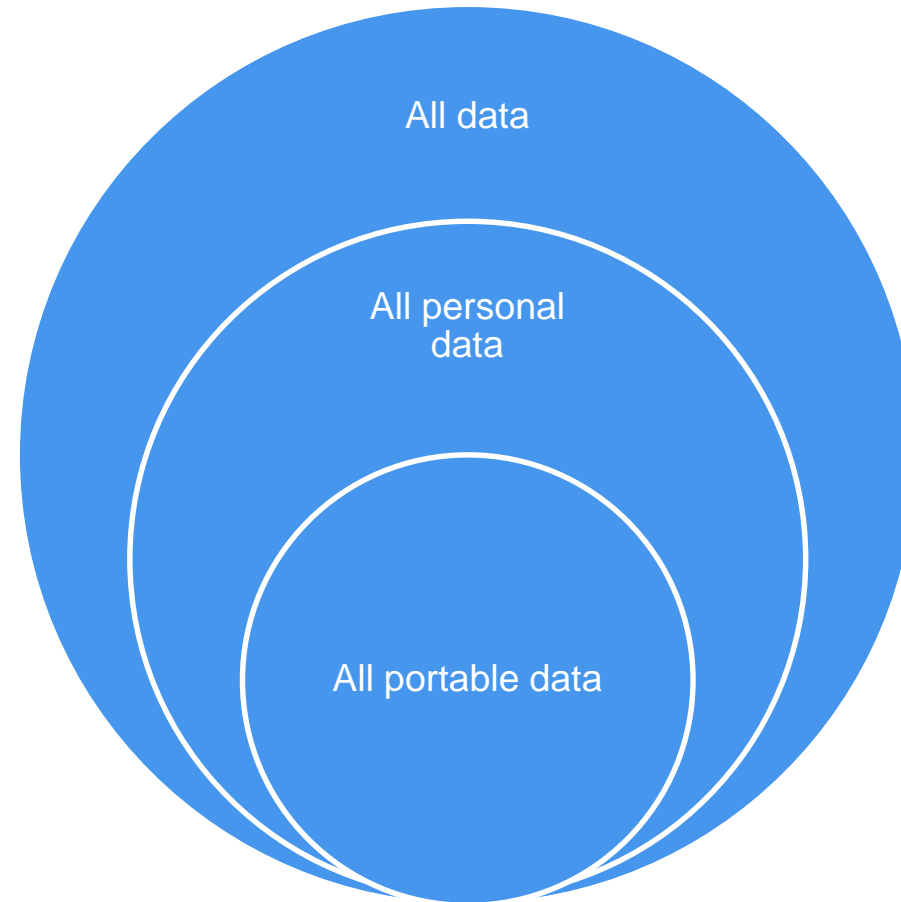
Portable data scope is limited

- A subset of a data processor data

What personal data must be included?

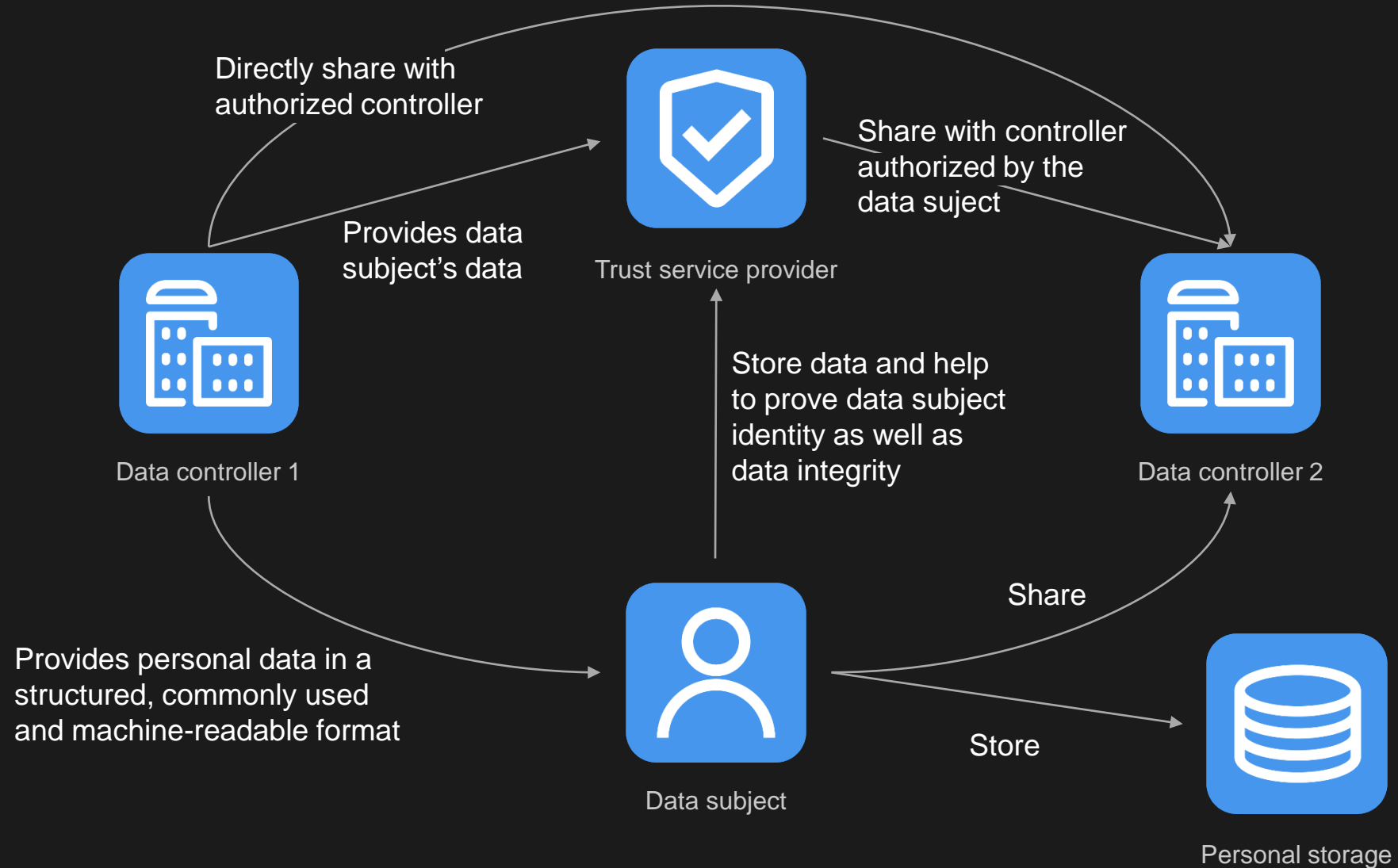
- Data actively and knowingly provided by the data subject
- Observed data provided by the data subject by virtue of the use of the service or the device

≠ inferred data and derived data are created by the data controller on the basis of the data "provided by the data subject"

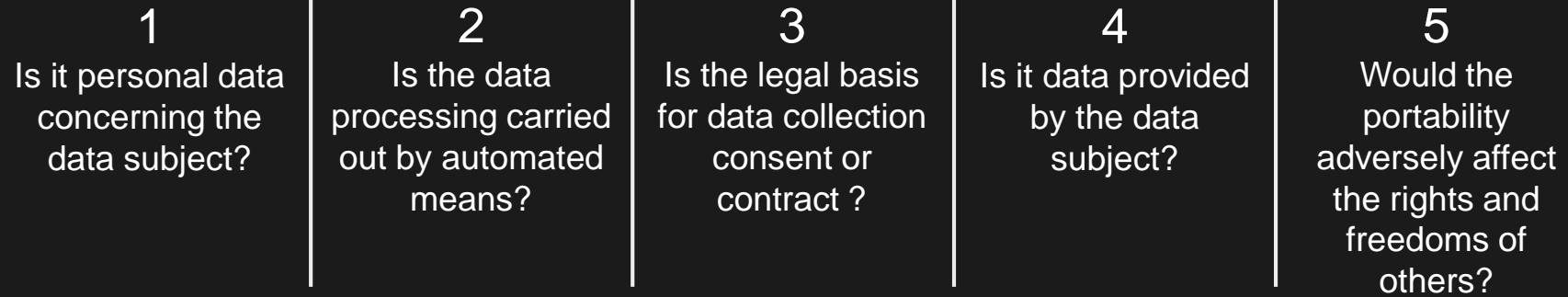


- **Consent**
- **Contract**
- ~~Legal obligation~~
- ~~Protection of vital interests~~
- ~~Public interest mission~~
- ~~Legitimate interest~~

In practice



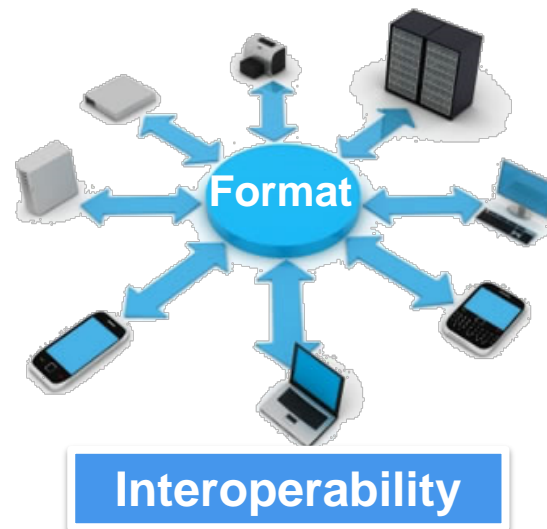
Eligible data



If yes to all, then the data are portable

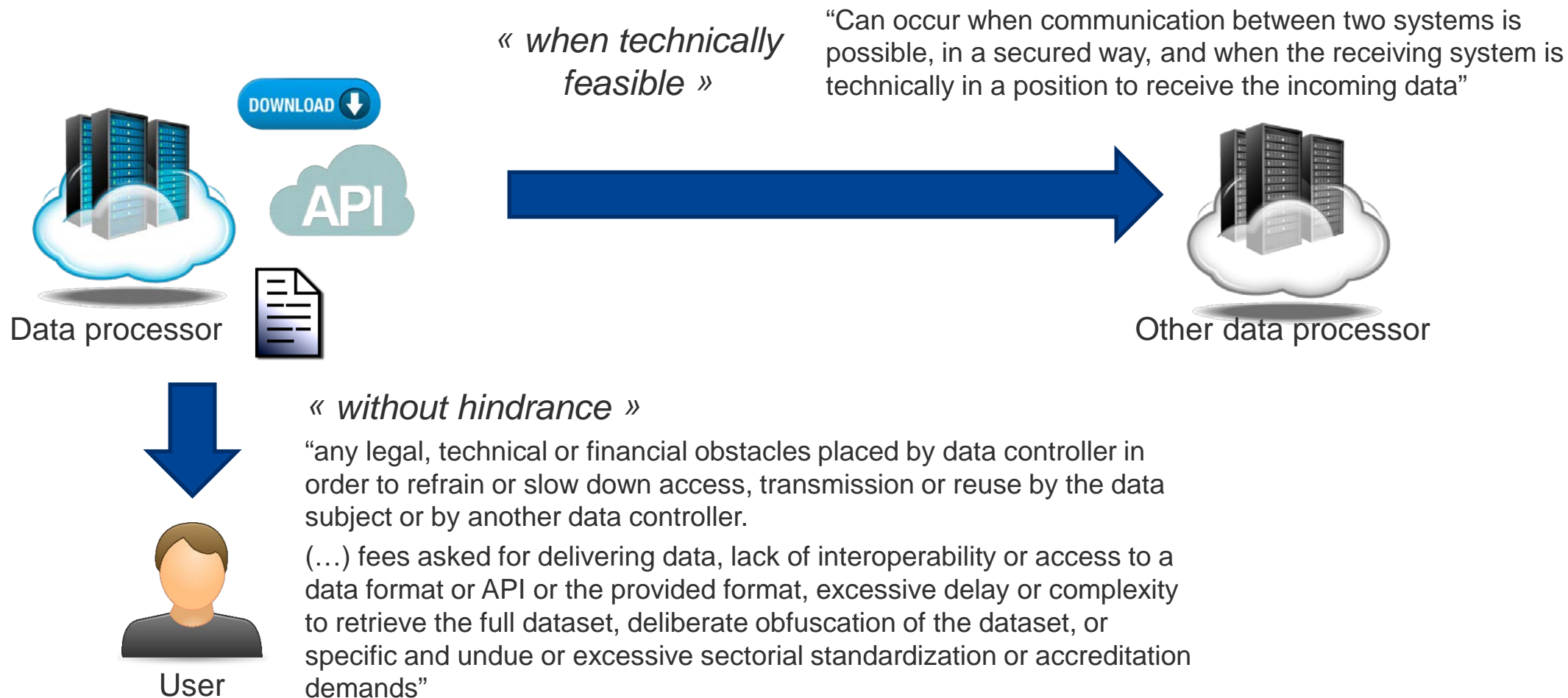
Structured, commonly used and machine readable » + interoperability

- data controllers should provide personal data using commonly used open formats (e.g. XML, JSON, CSV,...) along with useful metadata at the best possible level of granularity



WP29 strongly encourages cooperation between industry stakeholders and trade associations to work together on a common set of interoperable standards and formats to deliver the requirements of the right to data portability.

RT providing portable data



DPA as part of a self data / MyData community



GLOBAL NETWORK

DECLARATION

FOUNDERS

LOCAL HUBS

MEETINGS

CONTACT



SELFDATA LE PILOTE AUTRE

MYDATA GLOBAL NETWORK

MesInfos

« If I (an organization) can use your data,
you can too... however you please. » With this
particular idea in mind, Fing and its
partners launched the MesInfos pilot project
in 2012.

MyData is both an alternative vision and guiding technical principles for how we, as individuals, can have more control over the data trails we leave behind us in our everyday actions. The core idea is that we, you and I, should have an easy way to see where data about us goes, specify who can use it, and alter these decisions over time.

The MyData Global Network is a lightweight organisation to give structure and empower the movement that is growing from the international [meetups and conferences](#) and other interactions. [The founding members](#) are ambassadors for the movement and the action takes place in the [Local Hubs](#) around the world.