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The Global Changing Privacy Landscape

Annelies Moens
Head of Sales and Operations, IIS
President, iappANZ

Exploring the Changing Privacy Landscape and Impending Regulations
Norton Rose, 2 May 2012

At a Glance

Since November 2010...

- Accelerating global regulatory developments
 - Asia Pacific
 - Europe
 - USA
- Accelerating technological developments
 - Do not track & Big data
 - Facial recognition & location technology

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Australia

Still moving, but at a glacial pace:

- Exposure Draft provisions and Senate Committee reports for the APPs and credit reporting
- Cyber White Paper 2012
- National trusted identities framework

Asia-Pacific

- New Zealand:
 - Credit reporting privacy code — April 2012
 - Review of Privacy Act — Law Commission's recommendations
- APEC: finalisation of the Cross-Border Privacy Rules system
- South-East Asia: a flurry of activity in many jurisdictions, adoption of privacy laws

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Asia

Country	Law	In Force	Coverage
Taiwan	Personal Data Protection Act, 2010	No, sometime in 2012	Public and private sectors
Malaysia	Personal Data Protection Act, 2010	No, sometime in 2012	Private sector, in commercial transactions
Vietnam	Law on Protection of Consumer's Rights, 2011	Yes	Private sector, in commercial transactions
South Korea	Personal Data Protection Act, 2011	Yes	Public and private sectors
Singapore	Personal Data Protection Bill to be introduced in 2012	No	Private sector
Philippines	Data Privacy Act, 2011	No, sometime in 2012	Public and private sectors
India	Information Technology Act, 2000 and IT Rules, 2011	Yes	Private sector

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European Union

Draft Regulation for the protection of individuals and their personal data

- One law for the entire EU
- Substantial changes:

Consent	Extraterritorial application
Accountability of processors	Significant penalties
Mandatory privacy officers	The right 'to be forgotten'
Data breach notification	The right of 'portability'

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United States

Blueprint for protecting consumer data privacy and promoting innovation in the digital economy

- Consumer Privacy Bill of Rights
- Development of opt-in, enforceable Codes of Conduct for companies

Federal Trade Commission's report on protecting consumer privacy

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Other Privacy Challenges and Developments

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Do Not Track

Currently, standard practice for individuals' online activities to be tracked for later use

- Digital Advertising Alliance to develop a browser-based Do Not Track system in 2012
- World Wide Web Consortium (W3C) exploring meaning of "do not track" — counterpoint to Digital Advertising Alliance proposal

Big Data

Big Data: the extrapolation and exploitation of voluminous, often unstructured data sets

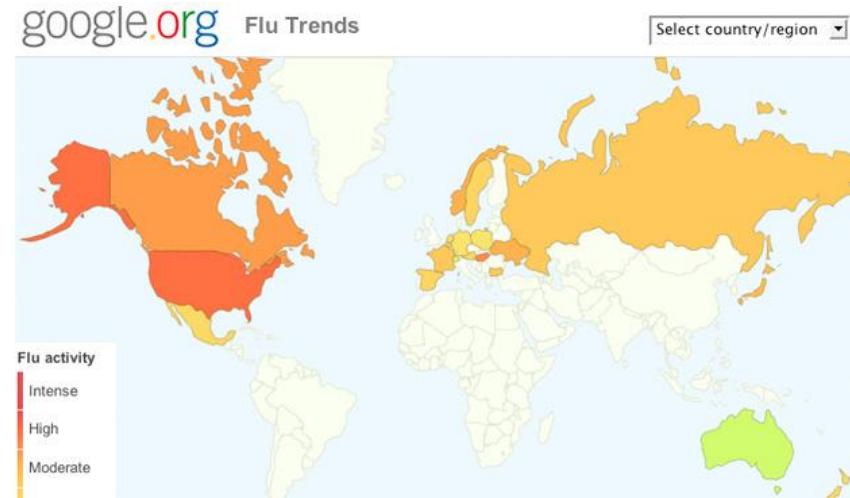
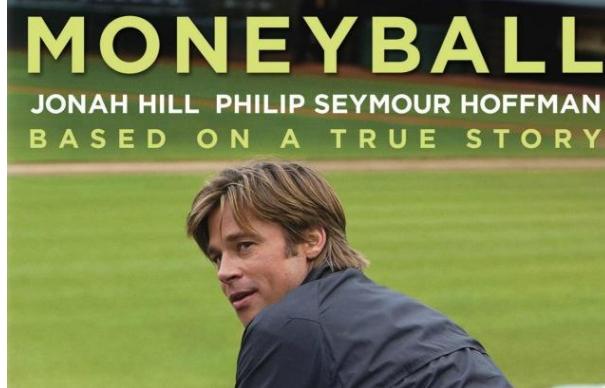
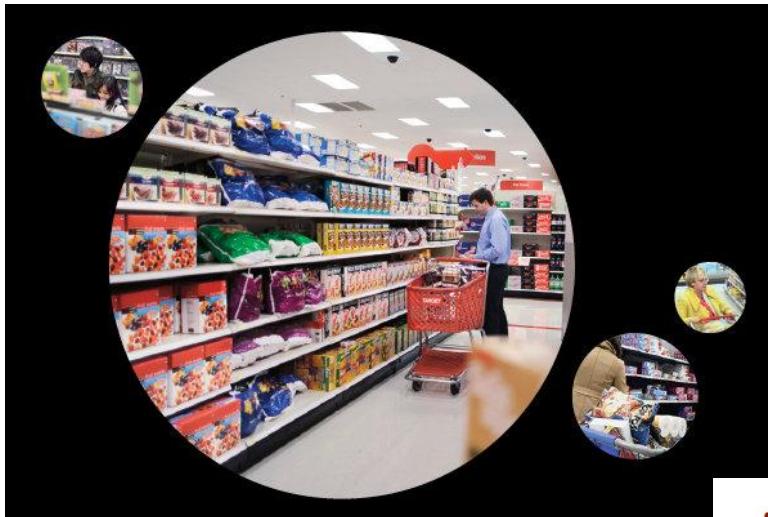
- 90% of the data in the world was created in the last 2 years (IBM, Bringing smarter computing to big data, 2011)

Privacy implications — piecing together profiles of individuals from the underlying data

- Can be used in a variety of innovative and surprising ways

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Big Data



TARGETING SHOPPING HABITS

Have retailers become so good at tracking consumers' shopping habits that they're spooking their own customers?

The New York Times reported Target has studied shopping habits to the extent that it can not only tell if a female customer is pregnant, but can also estimate her due date. It then uses this information to send tailored emails and coupons that encourage repeat visits.

It is so accurate that Target knew a Minneapolis teen was pregnant – sending her ads and coupons for baby products – well before her father found out the news. Creepy.

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Facial Recognition

A serious privacy issue due to growing sophistication of software, ubiquity of cameras, surveillance and tremendous quantities of uploaded images (Facebook, YouTube)

- Dynamic message displays — advertising
- Changes in expectation of privacy — anyone can identify you — we are all 'celebrities'

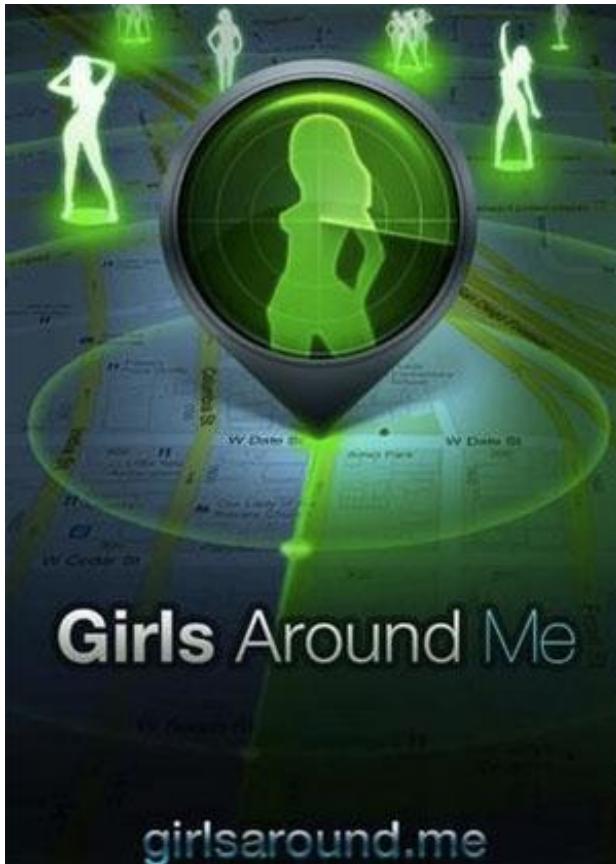
Location Technology

Has become mainstream through the proliferation of mobile technology, such as smartphones

- Active 'checking in'
- Passive 'location aware' services

Privacy implications — when our whereabouts are knowable (and predictable), so are many of our interests and behaviours

Location Technology



Forbes, *Girls Around Me App Is a Reminder To Be Aware What You Share:*

<http://www.forbes.com/sites/larrymagid/2012/04/09/girls-around-me-app-is-a-reminder-to-be-aware-what-you-share/>

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Conclusion

The global privacy landscape is more dynamic and fraught than ever before

- Privacy laws accelerating and far-reaching
- New technologies with real privacy risks

Taking advantage of the opportunities will mean respecting the privacy of personal information and building trust with individuals

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Questions?

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Annelies Moens

Head of Sales and Operations
BSc, LLB (Hons), MBA

53 Balfour Street
Chippendale NSW 2008

Ph: **+61 2 8303 2417**
Au. M: **+61 413 969 753**
Int. M: **+372 5437 1881**
Fax: **+61 2 9319 5754**

amoens@iispartners.com
www.iispartners.com