

Securing Personal Data in the Global Economy
16-17 March 2008
U.S. FTC, 601 New Jersey Avenue NW, Washington DC

The United States Federal Trade Commission, along with co-organizers APEC and OECD, will hold an international conference on March 16-17, 2009 on the trans-border aspects of data security. This conference, first discussed at an OECD brainstorming session to identify current global privacy challenges, will bring together regulators and civil enforcers, consumer advocates, industry representatives, technology experts, and academics from around the world to address these issues. The conference will focus in particular on business organization's data security practices in a global economy, rather than on the law enforcement and criminal law dimensions of the issue.

The conference will address how countries regulate and companies manage data security, particularly in a multi-national context. The workshop will address legal requirements in data security, business practices, breach responses, and jurisdictional and choice of law issues. One goal of the conference is to help stakeholders understand how and where data actually flows, and to identify ways to protect it as it moves around the world. Conference participants will also discuss the current legal situation and its effects on individuals and business, and identify next steps.

Participants will focus on the common ground that basic, fundamental data security brings to the international discussion, including best practices. The purpose of this workshop is to share experiences, gather input from business in how we can improve current rules and map them to the real world, and hear from civil society/consumer groups how well existing regimes are protecting consumers.

The format of the conference will be oriented around moderated panel discussions. Audience participation will be welcomed as well.

Day 1

8:30-8:45 Welcome by OECD and APEC representatives

8:45-9:00 Keynote Address

9:00-10:30 Session 1: Defining the Issues with a Case Study

Data security on its own is a challenge for an organization and the system as a whole. International issues complicate the matter further. But before any solutions can be drafted, the problems must first be identified. Our panelists will do that through a two part case study:

Part 1: A European subsidiary of a US company sends personal data to US headquarters under the Safe Harbor agreement. The US company outsources processing of the data to another economy. What considerations apply?

Part 2: At some point in the process, there is a data leak. As in many instances, it

cannot be precisely determined when and where the data was lost. How do we define sensitive data? Does anything have heightened sensitivity, or is all personal data equally sensitive? Which laws apply, and which country/ies can pursue an investigation?

10:30-10:45	Break
10:45-12:15	<p>Session 2: Data Security and the Law</p> <p>A panel setting out the panoply of data security legal regimes across the globe. Discussion of rulemaking processes, implementation, enforcement, and how/when/if laws and rules are revised. The panelists should review the areas of similarity and common ground, and also brainstorm ways to draft rules that are both technology neutral but concrete enough to be meaningful.</p>
12:15-1:30	Lunch
1:30-3:00	<p>Session 3: Data Security Practices in Industry</p> <p>While the law sets a bar for security, industry must implement it in a practical way. For instance, the FTC requires a “reasonable” level of security through, for example, the Safeguards Rule, and what is reasonable depends on the type of information held, the size of the business, and other factors. What is state of the art within industry? How do developers of data security tools stay current? And what can the regulators learn from industry?</p>
3:00-3:15	Break
3:15-4:45	<p>Session 4: Data Breach and Response Best Practices</p> <p>How do organizations respond to data breaches? And how should they? A number of countries are considering adopting data breach notification legislation, following the lead of the most of the US states. Has notification been good for consumers, and has it raised the priority for data security within companies?</p>
4:45-5:00	Wrap Up
Day 2	
8:45-9:00	Keynote Address
9:15-10:30	<p>Session 5: Data Flows and Cross-Border Conflicts</p> <p>Governments are aware that multi-national corporations face difficult, sometimes impossible compliance obligations. Many organizations are seeking a solution to the problem, working to create systems that allow data transfer internationally under a single standard that protects consumers without unduly hindering the global information economy.</p>
10:30-10:45	Break

10:45-12:00 Session 6: What Have We Accomplished and What's Next?
A wrap-up panel summarizing what we have learned in the previous sessions, identifying topics for future discussion, and discussing how to develop solutions.

12:00-12:15	Final Remarks