



**PARIS WORKSHOP ON**  
**PRIVACY-BY-DESIGN (PbD)**  
**PUTTING TECHNOLOGY AT THE SERVICE OF PRIVACY**  
**ISSUES, LIMITS AND PROSPECTS**

**Workshop commissioned by the Agence Nationale de la Recherche (ANR)**

**REGISTRATION by email at: [aceyhan@msh-paris.fr](mailto:aceyhan@msh-paris.fr)**

**Date: 23 March 2012**

**Venue:** Le Ponant de Paris (amphithéâtre Sagem) 27 rue Leblanc, Paris 15

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**Scientific committee:** Peter Burgess (Peace Research Institute of Oslo - PRIO), Anne Camilleri (Sciences Po Rennes), Ayse Ceyhan (Sciences Po Paris /MSH), Bernadette Dorizzi (INT), Gérard Dubey (INT), Guy Fontaine (Ineo/Suez), Laurent Olmedo (CEA), Jean-Marc Suchier (Morpho),

**Key words :** technology, design, privacy, protection of personal data, EU data protection framework revision, information society, surveillance society, datamining, dataveillance, web.2.0, data economy, globalization of techno-legal norms of protection, certification, labelization, controls, controllers.

## Objectives

The aim of this workshop is to examine the principle of "privacy-by-Design" (PbD), which emphasizes the need to take into account the respect for individuals' privacy and the protection of their data from the very inception of ICTs and security and surveillance technologies as well as social networks.

To date, personal data constitute the essential component of information and surveillance societies as well as the digital economy. Such data are at the heart of electronic identification (eID) solutions, social networks and all monitoring and tracing devices whose main feature is to be more and more intelligent. However, their intensive deployment generates serious breaches of privacy rules. This problem is exacerbated by the widespread use of personal information and data in the relational web which generates not only new services and economic opportunities but also new risks. In addition to their mobilization on the web, personal data serve as strategic means in the area of security and justice. Stored and processed in multiple databases and exchanged between different security agencies, they are part of those crucial tools deployed for the fight against terrorism and organized crime.

PbD<sup>1</sup> is defined as a principle that any technology displaying personal data must incorporate from its inception and comply with the protection rules all along its life cycle. Its purpose is to prevent all risk of data misuse by including a protection device from the very design of solutions and services. Optional at the beginning, it is about to become the main techno-legal layer for fully ensuring the protection of personal data and individuals' privacy. Originally developed in Canada by the Ontario Information and Privacy Commissioner, it is about to become an ultimate principle to be included in all ICTs and security technologies such as surveillance systems where personal data are collected and processed. In the EU the Commissioner responsible for Justice, the European Data Protection Supervisor (EDPS) and the G29 are calling for the integration of this principle in the European legislation. Ultimately PbD is favored as a principle to be displayed in any institution and public or private organization where the processing of personal data constitutes a critical strategic and functional means.

While proponents provide with arguments to justify the introduction of PbD in technology solutions, the exact meaning of this concept, its effectiveness, cost and juridical translation, the methodology enabling to integrate it effectively into technology systems, as well as its individual and societal impacts are not clearly addressed. It is therefore essential to examine these topics in detail in order to assess the contribution of this concept/principle to privacy and data protection both in terms of effectiveness and societal, ethical and juridical impacts in a context where the increase and globalization of new technologies have necessitated the revision of the European framework on personal data. Indeed, the European Commission plans to make PbD approach mandatory for all products / services and systems using this type of data. The current revision of the Directive 95/46 EC led to the redesign of the European data protection framework which is now based on two legal documents: a general regulation on data protection (*General Data Protection Regulation*) and a directive on the protection of data used in the area of police and criminal Justice (*Police and Criminal justice Data Protection Directive*). In the new framework, the EU Commission plans to make

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<sup>1</sup> PbD is translated in French as "the consideration of privacy from the conception"

"mandatory" the PbD approach for all products / services and systems using this type of data. The question is to know how it will be applied and monitored in all business and governmental sectors and whether it will be effectively expanded to the area of police and criminal justice.

This international multidisciplinary workshop will bring together researchers in political science, law, sociology, philosophy, economy with engineers, computer scientists, corporate representatives as well as representatives of data protection authorities.

### **PRELIMINARY PROGRAMME**

**8:30: Reception of the attendants**

**9:00: Keynote address:** François Murgadella (ANR), Michel Wieviorka (FMSH)

**9:20-9:30: Introduction** Ayse Ceyhan (MSH/Sc Po), Jean-Marc Suchier (Morpho)

**9:30-11:15 Roundtable 1: From societal developments to the production of a technological norm of privacy.**

Question of the integration of such a subjective, contextual and evolving concept as privacy in technology solutions. Different approaches to privacy and methods to include them in technological solutions. Historical background of the PbD and its principles. Developments in Canada and logics at work in transforming PbD into a privacy standard. Recent EU data protection framework reform and its scope. Compliance or conflict between technological rationality, legal frameworks and individual and societal needs. Issues in the context of intelligent systems. Ambient Law and linkages between legal, sociological and technological normativity. Question of trust. PbD a technological illusion or a plausible horizon?

**Moderator:** Dana Diminescu (ENST/MSH)

**Speakers :**

- Adam Molnar (University of Victoria- Canada)
- Anne Cammilleri (Sciences Po Rennes/CERIC)
- Mireille Hildebrandt (Vrije Universitat Brussels / Erasmus University Netherlands)
- Ayse Ceyhan (Sciences Po Paris/MSH)
- Sophie Poirot-Delpech ( Paris I) and Gérard Dubey (Telecom Sud Paris)

**Discussant:** Dana Diminsecu (ENST/MSH)

**11:15–11:30 Break**

### **11:30-13:15: Roundtable 2: General principles to operating models: R & T and applications**

Methods for elaborating a technological development methodology taking into account the evolutions of privacy. State of the art of R & T: progresses and limitations. What design models for addressing objectives as different as anonymization, minimization, access control, authentication, etc.? Presentation and discussion of the models / methods developed by Microsoft and IBM. What is meant by “compliant technology”? What are the control means? Methods of standardization. AFNOR and ISO. Discussion about the benefits and limitations of ISO 9000 methodology. Impact on privacy assessment methods.

**Moderator:** Laurent Olmédo (CEA)

#### **Speakers:**

- Marc Mosse (Microsoft France)
- Didier Barbe (IBM) to be confirmed
- Bernadette Dorizzi (Telecom Sud Paris)
- Céline Verchère (CEA)

**Discussant:** Claire Lobet Maris (University of Namur)

### **Lunch break (13:15-14:15)**

#### **14:15h-14:45: Keynote speech**

Ann Cavoukian (Ontario Information and Privacy –IPC- Commissioner) (by video)  
Michelle Chibba Policy Director at IPC

#### **14:45-16:15: Roundtable 3: PbD between market and regulations: economic issues**

Impact of the dilemma between the free movement of personal data and data protection on privacy regulations. Definition of PbD approaches depending whether they are implemented by technology developers or technology providers such as phone companies and social networks: Is there a need to develop different economic approaches of privacy for producers, providers and vendors? Implementation of PbD in videosurveillance and relational Web. Impact on innovation and business models. How to ensure a balance between protection / interest / innovation and safety? What is the economic value of privacy with the introduction of PbD? Economic analysis of different types of regulation in the digital age and presentation of their shortcomings. Controlling compliance and implementation. Identification of controllers. Benefits and limitations of certification and labelization.

**Moderator:** Guy Fontaine (Ineo/Suez)

#### **Speakers:**

- Alain Rallet (Paris XI) and Fabrice Rochelandet (Paris XI)
- Philippe Mouttou (Thales)

- Daniel Le Métayer (INRIA)
- Claire Levallois-Barth (ENST)

**Discussant:** Robert Picard (CGIET Ministère des Finances)

**16:15–16:30: Break**

**16:30-18h15: Roundtable 4: Legal frameworks and the scope of PbD**

Definition of the new juridical issues/questions generated with the revision of the European legislation on data protection as well as the split of the legislation in two legal acts (General Regulation on data protection and Police and Criminal Justice Data Protection Directive). Implementation of PbD in these areas. Position of the EDPS. Conflict and / or complementarity with other legal frameworks such as E-privacy and electronic communications regulation. Transposition of PbD in national laws. Position of the CNIL and examples of implementation. Impact on the protection of vulnerable groups: children, youth and the elderly. PbD: a real enhancement of privacy protection or a marketing illusion?

**Moderator:** Jean-Marc Suchier (Morpho)

**Speakers:**

- Alexandra Guerin-François CNIL
- Nicolas Desrumaux (CERAPS Lille II)
- Laurène Graziani (Aix-Marseille/ CERIC)
- Anne Cammilleri (Sc Po Rennes/CERIC) et Rémy Prouvèze (Univ de Franche Comté/CERIC)

**Discussant:** Anne Cammilleri (Sciences Po Rennes/CERIC)

**18:15: Conclusions:** Peter Burgess (PRIO) and Jean-Marc Suchier (Morpho)

**18:35 Final note:** Ayse Ceyhan (MSH/Sc Po), François Murgadella (ANR), Jean-Marc Suchier (Morpho)

**18:40-19:30 : Cocktail**

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## ORGANISATION



**PARTNERS**



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