Resolution
on
Development of International Standards

Resolution

The development of privacy-related standards for the use and deployment of new and existing technologies has been the subject of considerable debate and discussion within both the international standards community and the international data protection and privacy community for the past several years. Standards have been the subject of specific discussions at previous International Conferences, including the 25th, 26th, and 28th International Conferences, held in Sydney, Australia, Wroclaw, Poland and London, United Kingdom respectively.

These discussions reflect a growing recognition within the data protection and privacy community that data protection and privacy legislation, while essential to ensuring the protection of personal information, is not, by itself, sufficient. International standards also have a role to play as a mechanism for assisting parties to establish and demonstrate compliance with legal requirements of a data protection and privacy nature.

Developing privacy-related standards for the use and deployment of new and existing technologies should not be seen as detracting from the central role of the respective national Data Protection and Privacy Commissions. Standards are one way of applying technical and organizational specifications which can translate legal requirements into concrete practices – to date, interpretation of legislation in the context of technology standards has been done largely without the active involvement of the data protection and privacy community. In order to ensure consistent interpretation and compliance, this situation must change.

With the creation of Working Group 5 (Identity Management and Privacy Technologies) within Sub-Committee 27 (Information Technology Security), the International Organization for Standardization (ISO) has signalled its intention to push ahead with the development of privacy related standards. The Working Group has issued a call for liaison to the International Conference of Data Protection and Privacy Commissioners (hereafter "Conference"), noting specifically "mutual interests in the area of data protection and privacy within both organizations and the Working Group's goal to harmonize aspects for identity management, biometrics and privacy in the context of information technology with a set of international standards".

While the development of privacy-related standards[1] under the auspices of a security-oriented group is not an ideal solution for the data protection and privacy community, it is the structure that ISO has adopted, at least for the time being. Responding to this approach from the standards community by becoming more actively involved in the standards development

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[1] Standards currently under development by the new ISO Working Group include ISO 29101 – A Privacy Reference Architecture (best practices for consistent technical implementation of privacy principles); ISO 29100 – A Privacy Framework (defining privacy requirements for processing of personal information in any information system in any jurisdiction); and ISO 24760 – A Framework for Identity Management (framework for secure, reliable and privacy compliant management of identity information).

process is an essential step in order to ensure the development of privacy-respecting standards.

It is also a natural extension to the work that the Conference is already doing in consultation with privacy stakeholders from other jurisdictions at the international level – for example, with the Organization for Economic Cooperation and Development and the Asia-Pacific Economic Cooperation group – to address privacy issues arising from trans-border data flows. Simply put, it is in the best interest of both the Conference and the standards community for the members of the Conference to develop a more cooperative, collaborative approach to standards development.

Therefore, the Conference adopts the following Resolutions:

1. The Conference wishes to support the development of effective and universally accepted international privacy standards and will make available to ISO its expertise for the development of such standards;

2. The Conference calls on its members to become more actively involved in the ISO standards development process via their respective national standards development organizations;

3. Given the resource limitations that many members face, the Conference calls on its members to consider how they might best pool their knowledge and expertise in order to make that knowledge and expertise available to ISO;

4. The Conference calls on its members to consider how they might best coordinate their contributions to the standards development process to ensure that these contributions are consistent across the Conference membership;

5. The Conference calls on its members to consider potential mechanisms for effecting liaison with ISO on behalf of the Conference; and

6. The Conference calls on its members to actively promote participation in the ISO standards development process by other non-DPA stakeholders (such as academics, non-government organizations and research centers) and to encourage them to participate through their respective national standards bodies.