

## ***Monitoring Report – 24/05/2019 (No. 15 of 2019)***

***The efamro monitoring report covers selected legal and regulatory developments and events in data protection of particular interest to the European research sector.***

*One year on from application of the GDPR, a new Eurobarometer survey shows that more than two-thirds of EU citizens today have heard of the GDPR. Additionally, nearly six in ten people know that there is a data protection authority in their country.*

*The Swedish Data Protection Authority said that since GDPR came into force on 25 May 2018, it has received 3,000 complaints and 3,500 reports of privacy breaches. Most of the complaints concerned video surveillance and direct marketing.*

*Timing of the adoption of a new e-Privacy Regulation is still uncertain. Trilogue negotiations between the European Parliament, Commission and the Council have not started as the Council still needs reach a common position and Member States are voicing several reservations over key issues.*

*Russian Law on digital rights 'will come into force in October 2019 introducing the concept of "digital rights" into Russian legislation.*

*The Australian Association of Market and Social Research Organisations (AMSRO) is reviewing political polling methods after all the polls incorrectly forecast the election result.*

## Data protection

### ***EU Commission – GDPR One Year On***

On 25 May 2019, the General Data Protection Regulation will celebrate its first year of entry into application. To mark the occasion, Andrus **Ansip** , Vice-President for the Digital Single Market and Věra **Jourová** , Commissioner for Justice, Consumers and Gender Equality, issued the following statement:

“25 May marks the anniversary of Europe's new data protection rules, the General Data Protection Regulation, also widely known as the GDPR. [...] The main aim of the rules has been to empower people and help them to gain more control over their personal data. [...] Also, companies now benefit from one set of rules applying throughout our Union. They have put their house in order when it comes to data, which led to increased data security and a trust-based relationship with their clients. The GDPR gave authorities teeth to tackle breaches. For example, one year on, the newly established European Data Protection Board has registered over 400 cross-border cases around Europe. [...] New figures show that nearly six in ten people know that there is a data protection authority in their country. This is a significant increase from four in ten people back in 2015. The data protection authorities have an essential role to play in making GDPR deliver on the ground. [...] The GDPR has changed the landscape in Europe and beyond. But compliance is a dynamic process and does not happen overnight. Our key priority for months to come is to ensure proper and equal implementation in the Member States. ”

The full statement can be found [online](#) .

A factsheet with key figures on GDPR is available [here](#)

A factsheet with results of the special Eurobarometer on data protection [here](#) .

### ***Sweden – Privacy Breach Reports***

The Swedish Data Protection Authority said that since GDPR came into force on 25 May 2018, it has received 3,000 complaints and 3,500 reports of privacy breaches. Most of the complaints concerned video surveillance and direct marketing. It said six out of ten of the reported privacy breaches were caused by human agency.

The authority said in its first national data integrity report that three out of four Swedes are worried about how their personal information is used. It added that only half of Swedish businesses and authorities keep working systematically on data protection.

Eight out of ten Swedes are familiar with GDPR and know that it provides them with more rights. One in six people has taken advantage of these rights, such as by asking a company to delete their information. Three out of four private and public organisations consider that implementing GDPR has gone well.

Source: Telecomper

URL: [https://www.telecompaper.com/news/swedish-data-protection-authority-receives-3500-privacy-breach-reports-since-start-of-gdpr--1293480?mkt\\_tok=eyJpIjoiWVRScU1tWTNZVGxsWXpSaCIsInQiOiJWQ05KT2E2N1E3cjJRUXRSQSt5eG9cLodURG5ucmlsRjhXRnY2VWo3clZjWHYyS3ljeFlpOHdRNo1JaHdlRzNwNDILUU9YYlpDOXRBbo9sM1wvUlZcLoVwOEdmd1VqVoxjb2FENkMxbog2eGVVY01TcDRzSTV3WjhqQVcoUk1leU\\_tF\\_WiJ9](https://www.telecompaper.com/news/swedish-data-protection-authority-receives-3500-privacy-breach-reports-since-start-of-gdpr--1293480?mkt_tok=eyJpIjoiWVRScU1tWTNZVGxsWXpSaCIsInQiOiJWQ05KT2E2N1E3cjJRUXRSQSt5eG9cLodURG5ucmlsRjhXRnY2VWo3clZjWHYyS3ljeFlpOHdRNo1JaHdlRzNwNDILUU9YYlpDOXRBbo9sM1wvUlZcLoVwOEdmd1VqVoxjb2FENkMxbog2eGVVY01TcDRzSTV3WjhqQVcoUk1leU_tF_WiJ9)

### ***ePrivacy – Progress Report***

The Romanian Presidency of the Council of the European Union has released a progress report on the proposed ePrivacy Regulation. It addresses the "state of play" in the Council, including discussions by the Working Party on Telecommunications and Information Society and at the Council on the way the ePrivacy proposal would interact with new technologies noting that the Presidency has introduced clarifications to the recitals which seek to deal with these concerns in particular 13, 20a and 21, addressing situations of multiple end-users and the question of consent.. Additionally, the report highlights that discussions covered issues involving the prevention, detection and reporting of child abuse imagery, as well as how ePrivacy would interact with existing and future data retention regimes and the provisions related to supervisory authorities.

The EU Telecoms Ministers will meet on 7 June 2019, and the EU Council Presidency will move from Romania to Finland on 1 July 2019.

URL: <https://www.politico.eu/wp-content/uploads/2019/05/Progress-report-v2-May.pdf>

### ***Russia– Digital Rights***

CMS Law reports that on 1 October 2019, the so-called 'Law on digital rights', Federal Law No. 34-FZ dated 18 March 2019\*, will come into force. It introduces the concept of "digital rights" into Russian

legislation, simplifies requirements as to the form of electronic transactions and creates the basis for entering into smart contracts.

The Law only recognises rights expressly specified as digital in the legislation, though at present, it does not designate any such rights, nor does it set out any detailed requirements for their exercise. As for now, digital rights may be exercised (e.g. disposed of or encumbered) using automated IT systems. New legislation will establish rules under which IT systems used for exercising digital rights must operate.

Source: CMS

URL: [https://www.cms-lawnow.com/ealerts/2019/05/new-law-establishes-conditions-for-digital-rights-in-russia?cc\\_lang=en](https://www.cms-lawnow.com/ealerts/2019/05/new-law-establishes-conditions-for-digital-rights-in-russia?cc_lang=en)

### **Research methods**

#### ***Australia – Inquiry into Political Polling***

The Australian Association of Market and Social Research Organisations (AMSRO) announced that it would be conducting a review of political polling methods in Australia with a view to determining why all the election polls incorrectly called the outcome at Saturday's Federal election and how methods can be improved in the future. AMSRO will be approaching the media organisations and other clients who commission political polling to participate in the review and will also seek the involvement of companies who undertake their own polling.

Source: AMSRO

URL: <https://www.amsro.com.au/industry-launches-review-of-election-polling-methods/>

## Artificial Intelligence and ethics

### **OECD – Forty-two countries adopt new OECD Principles on Artificial Intelligence**

OECD and partner countries formally adopted the first set of intergovernmental policy guidelines on Artificial Intelligence (AI) today, agreeing to uphold international standards that aim to ensure AI systems are designed to be robust, safe, fair and trustworthy.

The OECD's 36 member countries, along with Argentina, Brazil, Colombia, Costa Rica, Peru and Romania, signed up to the **OECD Principles on Artificial Intelligence** at the Organisation's annual [Ministerial Council Meeting](#), taking place today and tomorrow in Paris and focused this year on "Harnessing the Digital Transition for Sustainable Development". Elaborated with guidance from an expert group formed by more than 50 members from governments, academia, business, civil society, international bodies, the tech community and trade unions, the Principles comprise five values-based principles for the responsible deployment of trustworthy AI and five recommendations for public policy and international co-operation. They aim to guide governments, organisations and individuals in designing and running AI systems in a way that puts people's best interests first and ensuring that D and operators are held accountable for their proper functioning.

"Artificial Intelligence is revolutionising the way we live and work, and offering extraordinary benefits for our societies and economies. Yet, it raises new challenges and is also fuelling anxieties and ethical concerns. This puts the onus on governments to ensure that AI systems are designed in a way that respects our values and laws, so people can trust that their safety and privacy will be paramount," said OECD Secretary-General Angel Gurría. "These Principles will be a global reference point for trustworthy AI so that we can harness its opportunities in a way that delivers the best outcomes for all." ( [Read the full speech](#) .)

The AI Principles have the backing of the European Commission, whose high-level expert group has produced Ethics Guidelines for Trustworthy AI, and they will be part of the discussion at the forthcoming G20 Leaders' Summit in Japan. The OECD's digital policy experts will build on the Principles in the months ahead to produce practical guidance for implementing them.

While not legally binding, existing OECD Principles in other policy areas have proved highly influential in setting international standards and helping governments to design national legislation. For example, the [OECD Privacy Guidelines](#), which set limits to the collection and use of personal data, underlie many privacy laws and frameworks in the United States, Europe and Asia. The G20-endorsed [OECD Principles of Corporate Governance](#) have become an international benchmark for policy makers, investors, companies and other stakeholders working on institutional and regulatory frameworks for corporate governance.

**[Download the AI Principles in full](#). In summary, they state that:**

1. AI should benefit people and the planet by driving inclusive growth, sustainable development and well-being.
2. AI systems should be designed in a way that respects the rule of law, human rights, democratic values and diversity, and they should include appropriate safeguards – for example, enabling human intervention where necessary – to ensure a fair and just society.
3. There should be transparency and responsible disclosure around AI systems to ensure that people understand when they are engaging with them and can challenge outcomes.
4. AI systems must function in a robust, secure and safe way throughout their lifetimes, and potential risks should be continually assessed and managed.
5. Organisations and individuals developing, deploying or operating AI systems should be held accountable for their proper functioning in line with the above principles.

**The OECD recommends that governments:**

- Facilitate public and private investment in research & development to spur innovation in trustworthy AI.
- Foster accessible AI ecosystems with digital infrastructure and technologies, and mechanisms to share data and knowledge.
- Create a policy environment that will open the way to deployment of trustworthy AI systems.
- Equip people with the skills for AI and support workers to ensure a fair transition.
- Co-operate across borders and sectors to share information, develop standards and work towards responsible stewardship of AI.

More on the OECD's work on Artificial Intelligence: [www.oecd.org/going-digital/ai/](http://www.oecd.org/going-digital/ai/) .

## ***Upcoming Events***

***June 2019***

### ***IPEN Rome Workshop 2019 - Towards an operational definition of state of the art in data protection by design – Current state and future trends***

12<sup>th</sup> June, Rome

The Internet Privacy Engineering Network (IPEN) aims to bring together privacy experts from engineering fields with those of other disciplines, such as law, policy, economics etc.

The objective of this cooperation is to achieve an understanding of the technological requirements of privacy by design between all experts, which allows designers and developers to understand which privacy related choices they have in the design process, and how they should integrate privacy and data protection criteria in the decisions they take during the process. At the same time, any other parties involved in the design and development process, or concerned with its outcome, such as business managers, marketers, regulators and privacy counsels of DPOs in organisation should understand what the technological options are. The different groups involved should develop a common language which allows them to communicate about obligations, requirements, options and choices in a meaningful way.

Since the entry into force of the European Union's General Data Protection Regulation (GDPR), the need to consider data protection in the design of technological solutions changed from a best practice and implicit necessity into a legal obligation. Therefore, Both controllers and developers and operators of data processing operations on the one side and regulators and legal experts on the other side need to understand what should be considered "state of the art" in "data protection by design", what is below standard, and what is advancing the level of data protection.

Up till now, IPEN supported a general exploration of the concepts at stake, clarified their interpretation, and provided a platform for showcasing available privacy friendly solutions.

The next step is to get more specific and to identify what the state of the art in data protection by design is and will be in concrete and specific fields of application. In this workshop, we will launch a discussion on this issue for several areas of application. We are currently working on the draft agenda, which will provide further details. The IPEN workshop will aim to produce first drafts of concrete privacy enhancing measures for each of the areas addressed, covering the current state of the art as well as promising developments. The discussion will not be exhaustive. In addition to the field specific

analysis, we will also learn about the usability of this approach for wider and other areas than those covered in the workshop.

### **Registration details**

The workshop is free of charge. Participants will carry their own expenses. To register for the workshop, please send an email to [ipen@edps.europa.eu](mailto:ipen@edps.europa.eu)

URL: [https://edps.europa.eu/ipen-rome-workshop-2019\\_en](https://edps.europa.eu/ipen-rome-workshop-2019_en)

### ***First European AI Alliance Assembly***

26<sup>th</sup> June, Brussels

The first European Artificial Intelligence (AI) Alliance Assembly will mark the one year anniversary of the creation of the European AI Alliance platform. It will bring together stakeholders, including citizens, and policymakers during a full day event. The aim is to discuss the latest achievements in AI policy as well as future perspectives of the European Strategy on Artificial Intelligence, including its impact on the economy and society.

During the event, the [High-Level Expert Group on Artificial Intelligence](#) (AI HLEG), which is the AI Alliance's steering group, will present two important milestones of its work:

- the Policy and Investment Recommendations on AI, addressed to the European Commission and Member States
- the Launch the [piloting process](#) of the [AI Ethics Guidelines](#) presented during the Digital Day 2019

The second part of the day will allow participants to take part in interactive workshops on the next steps of the European AI Strategy. The workshop discussions will serve as an input to future policy making. The event is open to all, yet priority will be given to the members of the European AI Alliance and stakeholders interested in piloting the AI Ethics Guidelines. Registrations will be assessed on a case-by-case basis to ensure a balanced representation. More information and registration form will be available soon.



**October 2019**

### ***European Big Data Value Forum 2019***

14<sup>th</sup> - 16<sup>th</sup> October, Helsinki Finland

The European Big Data Value Forum (EBDVF) is the main event of the European Big Data and Data-Driven Artificial Intelligence (AI) Research and Innovation community.

The [European Big Data Value Forum 2019](#) aims to continue the success of previous editions, where on average every year around 700 industry professionals, business developers, researchers, and policymakers coming from 40 different countries attended the event.

The organising committee of this event includes, in addition to [BDVA](#), the [EC](#) and [VTT](#), multiple Finnish industrial, Innovation and Research players as well as international companies and other research institutions.

Read more: [More information](#)