

Regional data protection training manual outline (Introduction)

International Conference
« Enhance the Right to Data Protection in Eastern Partnership Countries »

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The scope of the project

- ▶ Data protection relies on broad and general principles (quality of data, purpose limitation, proportionality, data conservation period, etc)
- ▶ Strong need for guidance for a better implementation, to avoid complaints
- ▶ The role of the DPA is to monitor and promote data protection at national level
- ▶ Existing DP manuals may already offer guidance :
 - ▶ Cf. General DP manuals;
 - ▶ Cf. FRA/COE Handbook, June 2014
 - ▶ Cf. recommendations of the T-PD ; guides of the DPAs ; opinions of the Article 29 WP; ISO norms ; etc.
 - ▶ General approach (DP law, key provisions) and sectoral guides
- ▶ **Need to offer something new and different : not on the substance**

The Focus on the missions of the DPA

- ▶ Manual to offer guidance on **the possible missions of the DPA:**
 - ▶ For the establishment of the DPA;
 - ▶ To define the missions of the DPAs ;
 - ▶ To share best practices in each field ;
 - ▶ To develop further some thematic topics (complaints, controls, etc)
- ▶ The “target” of the manual would be the DPAs, i.e. representatives of the institution and the staff members (also for new staff members) ; not for the industry or civil society
- ▶ Need to focus on the Eastern Partnership countries:
 - ▶ Missions of the DPAs may differ depending on the countries

The challenges for a DPA :

- ▶ TO EXIST : The establishment of the authority ;
- ▶ TO ADVISE AND PROTECT : The ex ante role of the DPA
- ▶ TO SUPERVISE : The ex post role of the DPA
- ▶ TO COOPERATE AND COMMUNICATE

The establishment of the DPA

- ▶ Analyse the scope of activity:
 - ▶ Analysis of DP law, sectoral law
 - ▶ What are the main challenges in the country?
 - ▶ What are the needs and the level of awareness?
- ▶ Ensure the independence, the structure (facilities, organisational chart, rules of procedures), staff (lawyers + IT experts + administrative staff) and budget;
- ▶ Need for internal training tools;
- ▶ Establish a work programme, a strategic plan

The advisory / ex ante role

- ▶ To advise public entities : opinions on draft bills / regulations, on the processing activities of the public entities ;
- ▶ To monitor the activity of the private sector : through notifications, authorisations, a register of controllers ; a register of DPOs ;
- ▶ To anticipate innovation (IT expertise, privacy by design)
- ▶ To define some models : information notices, forms to access PD (models of letters); international transfers (contractual clauses) ; privacy provisions for processors ; notification of data breaches, PIAs, codes of conducts, seals, privacy policies, etc (cf. accountability approach)

The supervisory / ex post role

- ▶ Determine procedures to handle complaints of individuals (forms, online complaints, mobile apps, etc);
- ▶ Define rules and a policy for controls (cf. priorities, procedure, public list of priorities for controls, distant controls, check lists ; etc);
- ▶ Issue sanctions (cf. in a specific sector, recommendation, publication of a decision);
- ▶ Communication of a case to the judiciary institution (for criminal prosecution)

Communication and cooperation

- ▶ Importance of the website, etc;
- ▶ Issuance of guides : general guides, sectoral guides, etc;
- ▶ Training by sectors, awareness raising campaigns for youngsters;
- ▶ Role of the DPOs (training, intranet, dedicated contact) certification bodies, NGOs;
- ▶ Communication with professionals (privacy professionals, in house lawyers, judiciary) and to the general public;
- ▶ International cooperation,

Methodology and timetable

- ▶ “step by step” approach and flexible methodology
- ▶ 14-15 December 2016: International conference on data protection authorities from Eastern Partnership countries; Discussion on the needs of the stakeholders;
- ▶ Gathering of the relevant documentation
- ▶ Winter - Spring 2017: exchanges with stakeholders ; drafting of the Manual;
- ▶ Mid-2017: Finalisation and presentation of the Manual.

For the discussion / exchanges

- ▶ What are the priorities? Is there a specific topic that should be detailed?
- ▶ What are the **best practices (available in English)** on data protection training in Eastern Partnership countries?