AMERICAS REGIONAL FORUM ON INTERNATIONAL COOPERATION AGAINST CYBERCRIME AND ELECTRONIC EVIDENCE

Data Protection as an Enabler to International Cooperation on Cybercrime

San Jose 9 November 2022





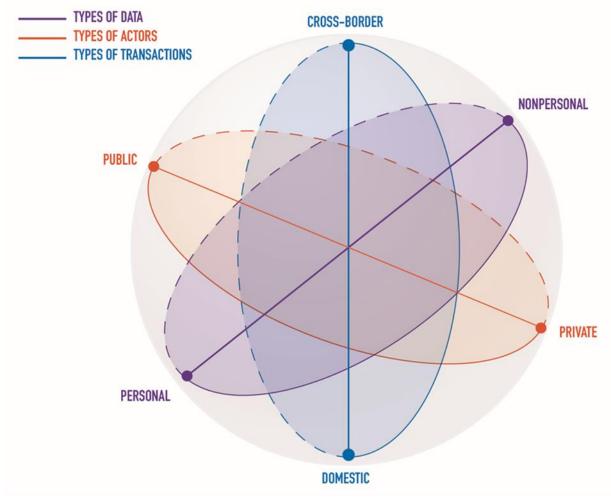


Legal enablers and safeguards are key elements of the evolving social contract on data based on trust





A multidimensional legal framework for trusted data transactions



Source: WDR 2021 team



A differentiated approach to enablers and safeguards is needed to build trust

A. PERSONAL DATA SAFEGUARDS:

to protect against misuse and enable individual agency/control over data use

B. ENABLERS: to mandate the use/sharing of public data and facilitate private sector data sharing for "public intent"

C. NONPERSONAL DATA SAFEGUARDS: to promote certainty and predictability

1. Rights-based approach

2. Balance of interests

Limits on use

- Lawfulness
- Purpose limitation
- Data minimization
- Retention/storage limitations
- Adequacy mechanisms for cross-border data transfers

Individual and collective rights

- Consent
- Portability
- Notice of use/breach
- Accuracy and rectification
- Limitations on automated decision making
- Redress
- Effective enforcement

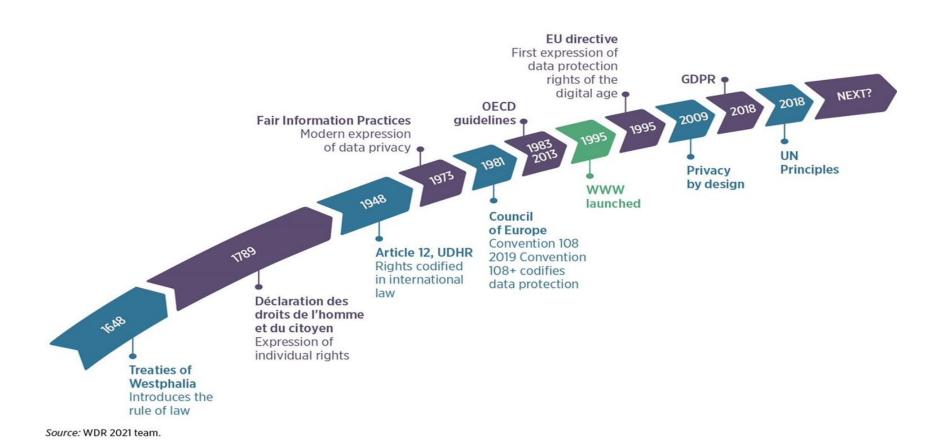
- Interoperability of data and systems
- Data portability mechanisms (common data formats, APIs)
- Open data
- · Access to information
- E-transactions (e-signature; trust services, including digital ID)
- Carrier immunity/intermediary liability
- Intellectual property rights (IPRs)
- Sharing friendly licenses/voluntary licensing (e.g., FRAND terms)

- Contractual (private law)
 - Indemnities
 - Liabilities
 - Penalties
- Intellectual property rights (IPRs)
- Exceptions to intermediary liability
- · Data localization/local processing
- Cybersecurity/cybercrime

Source: WDR



An Evolving Social Contract: the Arc of Data Protection





Budapest Convention

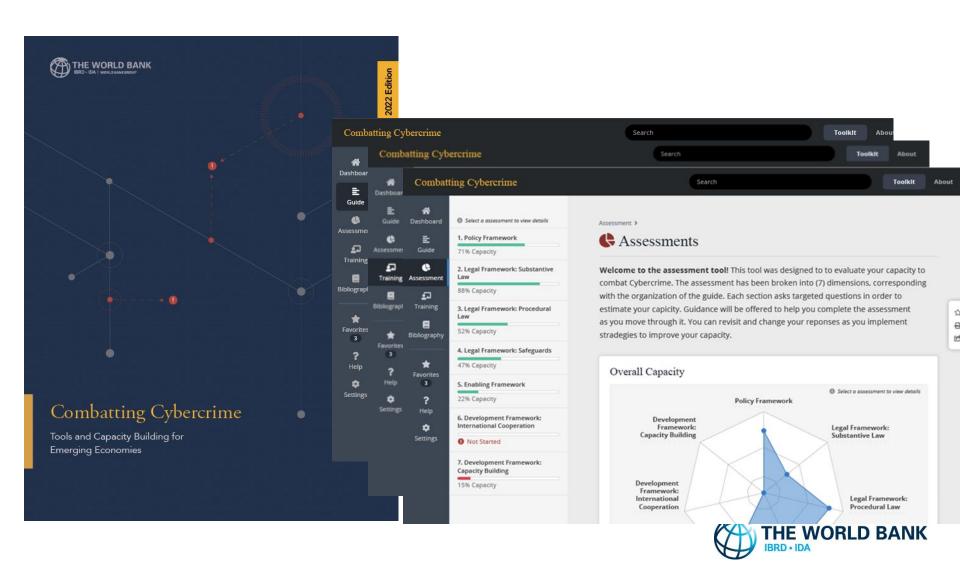
Article 15 Conditions & Safeguards

Second Additional Protocol



Combatting Cybercrime: Tools & Capacity Building

www.combattingcybercrime.org



Thank you

David Satola

dsatola@worldbank.org

