RSAConference2020
San Francisco | February 24 – 28 | Moscone Center

HUMAN ELEMENT

SESSION ID: KEY-W09S

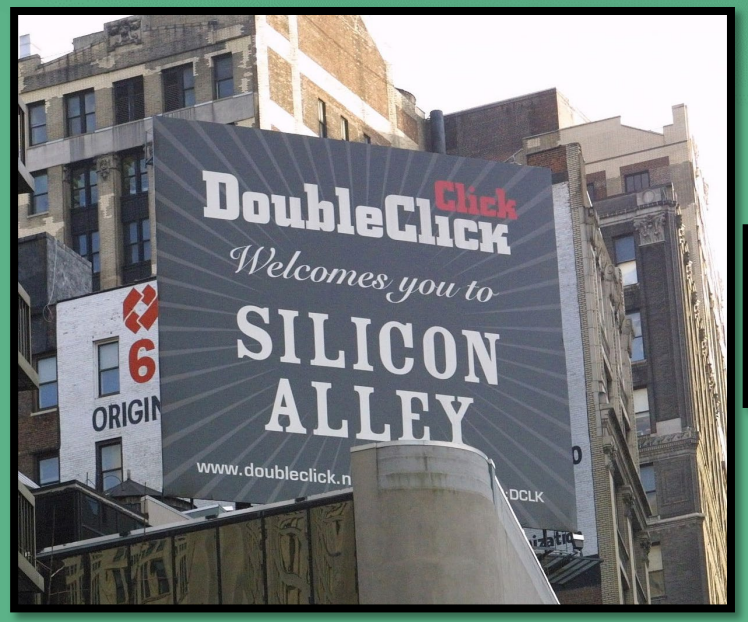
NAVIGATING PRIVACY IN A DATA-DRIVEN WORLD: TREATING PRIVACY AS A HUMAN RIGHT

Jules Polonetsky

CEO
Future of Privacy Forum
@JulesPolonetsky
@FutureofPrivacy

How I Got Here: A Career in Policy, Law & Privacy

- Congressional Staff
- Elected NY Legislator
- NYC Consumer Affairs Commissioner
- CPO DoubleClick, AOL
- Future of Privacy Forum



The New York Times

2 Hired to Calm Fears for Web Privacy

By Eric Lipton

March 8, 2000

First Line of Defense; Chief Privacy Officers Forge Evolving Corporate Roles

By John Schwartz

Feb. 12, 2001

Jules Polonetsky has the power of life and death. Over contracts, anyway.

Fast Growing Profession

- DPO –Europe mandatory for many under GDPR
- 500,000 registered with EU regulators
- IAPP 50,000 members 2019
- Leading legislative proposals mandate
- CSO – from adversary to partner
- Privacy legislation almost always includes security obligations

Missed Opportunities on Cookies

- Companies failed to explain data uses to consumers
- Penguins, Icons
- Do Not Track

Google Chrome Will Drop Third-Party Cookies In 2 Years

by Sarah Sluis // Tuesday, January 14th, 2020 – 11:00 am

But It's No Longer Just About Cookies

- Microphones in our homes
- Drones
- Facial recognition
- Smart cities
- Smart cars
- Location tracking
- Genetic data
- Brain-computer interfaces

Risks for the Next 10 Years

- Human bodies, health and social networks
- Infrastructure
- Computing power

Read more – FPF Whitepaper: *Privacy 2020: 10 Privacy Risks and 10 Privacy Enhancing Technologies to Watch in the Next Decade*

Social Norms are Being Strained

Controversial…

Hip…

Boring.

2014

A Theory of Creepy: Technology, Privacy, and Shifting Social Norms

Omer Tene
Rishon Le Zion, Israel

Jules Polonetsky

A Key Moment

- Data is transforming society
- Powerful benefits – health, transportation, safety
- Medical insights based on real-world data
- Research breakthroughs
- Smart communities

What's at Stake

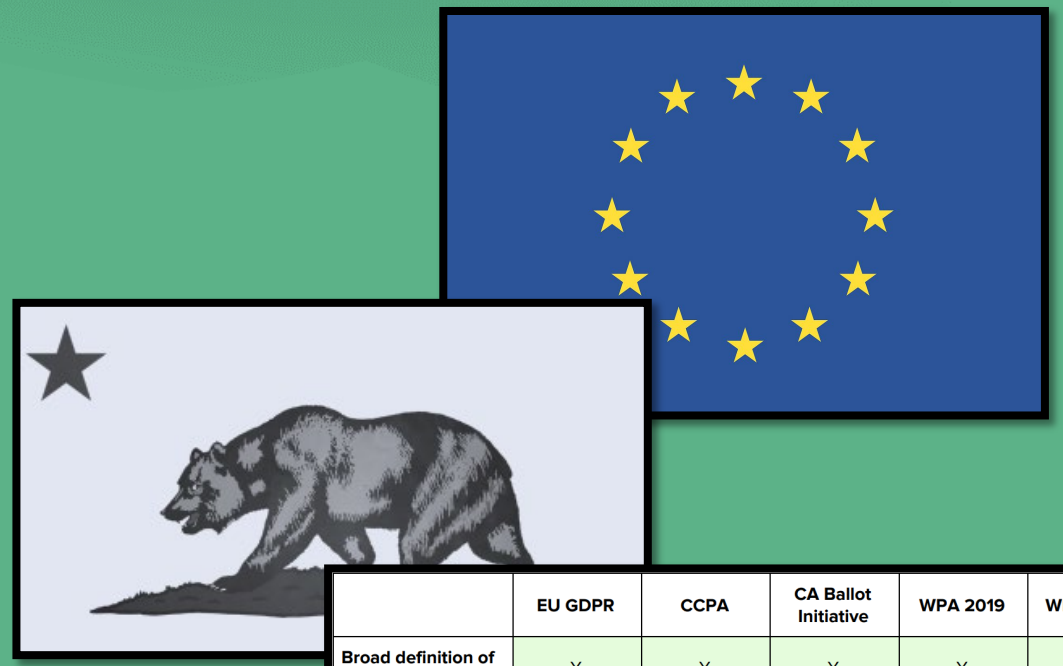
- Every consequential issue worldwide is playing out on digital platforms right now – and all the problems of our messy society
- Innovation becomes a tarnished term
- Civil rights
- Backlash puts advances at risk
- Awkward legislation

“Privacy” is About Society’s Values

- Civil rights & bias
- Role of government
- Social norms
- Power of corporations vs. individuals
- Protecting democracy
- Automated decisions

How Best to Safeguard Data to Protect Human Rights?

- U.S. moving from consumer protection to privacy law
- CCPA copycats, WPA, NY fiduciary bill and federal proposals
- CCPA choice? Opt-outs from thousands of sites



	EU GDPR	CCPA	CA Ballot Initiative	WPA 2019	WPA 2020
Broad definition of covered data	Y	Y	Y	Y	Y
"Controllers" & "Processors"	Y	Y ("businesses" and "service providers")	Y ("businesses" and "service providers")	Y	Y
Excludes "de-identified" data	Y *	Y	Y	Y	Y
Excludes "publicly available information"	N	Y	Y	Y	Y

** The GDPR defines personal data very broadly. (Art. 4(1)). Its provisions do not apply to data which does not relate to an "identified or identifiable person" or to personal data "rendered anonymous in such a manner that the data subject is no longer identifiable." (Recital 26).*

"Doing countless tasks to exercise more control is an endless and impractical task – and the control is often illusory."

- Professor Daniel J. Solove, *The Myth of the Privacy Paradox*

GDPR and EU AI Strategy

- The word “privacy” is not in the text of the GDPR
- Data protection – to protect the rights in the charter
- GDPR gold standard – influencing legislation globally
- U.S. has no clear model… so limited influence

High-risk Artificial Intelligence to be ‘certified, tested and controlled,’ Commission says

By Samuel Stolton | EURACTIV.com Feb 19, 2020 (updated: Feb 19, 2020) Advertisem

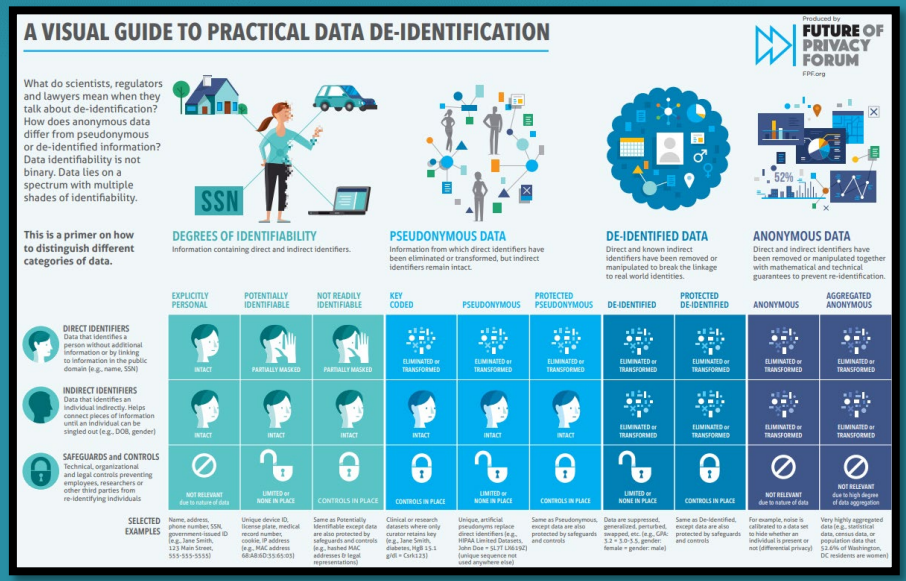
Tech is part of the Solution

- Advances in cryptography
- Localization of processing
- Advances in AI and machine learning

FPF Whitepaper: *Privacy 2020: 10 Privacy Risks and 10 Privacy Enhancing Technologies to Watch in the Next Decade*

More Solutions

- Laws supporting de-identification and pseudonymization
- Law – address 3rd party doctrine – data in your home is protected, needs warrant; data on remote servers is accessible to government



SUPREME COURT OF THE UNITED STATES

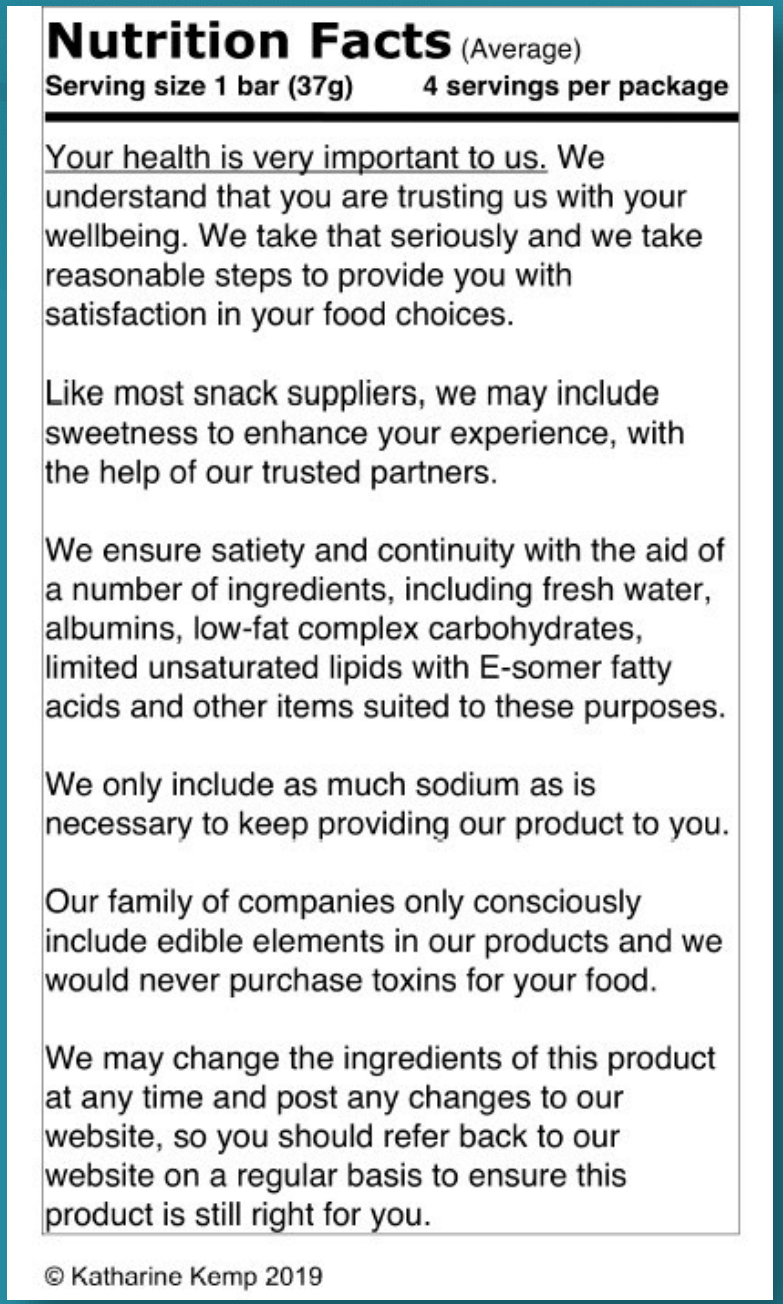
No. 16–402

TIMOTHY IVORY CARPENTER, PETITIONER *v.*
UNITED STATES

More Solutions

- Data sharing for research standards – to get industry data for research and to assess industry behavior
- New modes of ethical review
- Design for trust: from dark patterns to good pattern

We can do better!



Nutrition Facts (Average)

Serving size 1 bar (37g) **4 servings per package**

Your health is very important to us. We understand that you are trusting us with your wellbeing. We take that seriously and we take reasonable steps to provide you with satisfaction in your food choices.

Like most snack suppliers, we may include sweetness to enhance your experience, with the help of our trusted partners.

We ensure satiety and continuity with the aid of a number of ingredients, including fresh water, albumins, low-fat complex carbohydrates, limited unsaturated lipids with E-somer fatty acids and other items suited to these purposes.

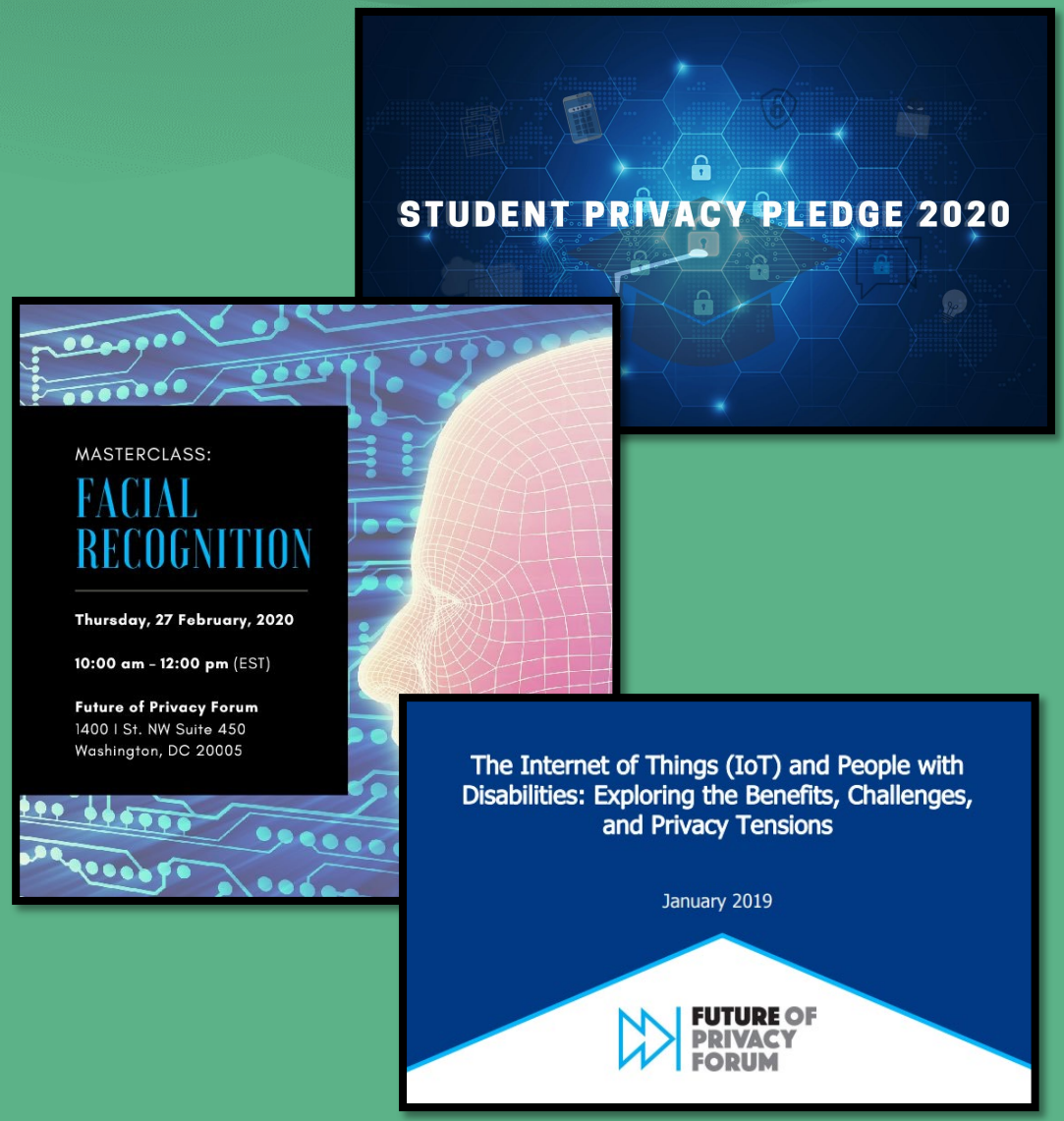
We only include as much sodium as is necessary to keep providing our product to you.

Our family of companies only consciously include edible elements in our products and we would never purchase toxins for your food.

We may change the ingredients of this product at any time and post any changes to our website, so you should refer back to our website on a regular basis to ensure this product is still right for you.

Industry Responsibilities

- Educate policymakers and consumers
- Contribute to codes and best practices (set norms)
- Be inclusive – involve a wide range of stakeholders
- Assume the worst abuse of your product and take steps to prevent



Hang On

Questions?

Jules Polonetsky

www.FPF.org

@JulesPolonetsky

@FutureofPrivacy