



European Business Summit “Think Digital”

Brussels, 28 November 2017

Keynote speech

Giovanni Buttarelli

Intro

Ladies and gentlemen,

thank you for having me today to kick off your debate.

If you are attending today’s summit, it is high likely that your core business is in the digital sphere, or that you are interested in going, digital, *at least*.

And this applies irrespective of whether you are about to set up your own firm and want to know more about the regulatory framework, or you work as an in-house lawyer for a tech corporation, or rather you serve as an official in the European Institutions and you are keen on shifting to another policy (digital) area.

If you are here today, you all understand that we can no longer leave digital innovation aside.

We should, by contrast, harness the huge potential coming from it.

EDPS work

I represent an independent body, in the frame of the EU institutions.

We advise the legislator on possible impacts of regulatory proposals on the right to privacy and data protection and we ensure that the other European Institutions are compliant with the law when processing personal data.

Data protection is our core business; and it goes without saying that data protection *has gone digital*, some time ago now.

And while we can no longer set digital innovation aside when depicting the future of our society, we are also specifically required to put the rights of human beings at the centre.

Not a better place where to stay

This is a terrific time for (what industry loves calling) 'data privacy' and this is very much true in a twofold way:

1. It is a challenging time, since regulators are now writing the framework guaranteeing people's rights in our private life and communications, possibly for some decades ahead.

The work is not even half way done, since out of the data protection reform jigsaw, the EU has only so far finalised the GDPR. The rules applying to electronic communications and those binding EU institutions are in fact still in the making.

2. On the other hand, this time also stands as a fascinating opportunity to forge the way ahead, so as to respect people's expectations about their data.

Awareness around the value of our personal information is surging steadily. People increasingly demand more transparency about the processing of their personal 'lives', they have started realising that they have a right to know and to look into the 'box'. They also increasingly object to suspicious online practices on grounds of privacy.

There is hardly a better and more challenging area of public policy.

Regulators, practitioners and industry alike need to give the individuals the degree of protection and trusted services they are asking for.

Beyond compliance

Among all players at stake, we as regulators naturally occupy a privileged position in the making of data privacy standards.

With privileges however come also very important responsibilities.

One is to be ahead of the game, anticipating the new challenges that new technologies may bring along, being at the forefront of the digital innovation, and ensuring that individuals' rights are heard, transposed into law and respected.

The GDPR has precisely aimed to do this, when it endorsed a technology neutrality approach.

However, even if it represents the culmination of lengthy and difficult talks, analysis and negotiations, we cannot expect the GDPR to last forever.

The next time the EU legislator will get to work again to update the framework, the winds of innovation will have even surpassed the idea of "digital disruption", in ways that we cannot even think of.

Hence why we need to get the most out of we have in place today. In short, we must harness the full potential of the GDPR.

All players involved must dive into its spirit and turn that into good business practices and good business practices should cover ethical considerations in the processing of personal data.

In the last decades companies have grown exponentially thanks to the amount of personal data they accumulated, however, the benefits of this process have not been equally distributed between all players at stake.

It is now time for a shift in gear.

And this shift should be about empowering individuals, placing the consideration and respect of their rights at the core of the current mainstream business models.

Failure to comply with the GDPR does not represent a sustainable business practice

But complying with the new general regulation will not suffice.

All stakeholders need *now* to take steps in the direction of creating a new culture of respect for people in the digital sphere.

We realize there is already a consensus around this in the privacy and data practitioners' community, but we still need to turn this agreement into something real.

We, at the EDPS, have intensively advocated an ethical approach to personal data processing.

This agenda will culminate next year when we will host the next annual world conference of privacy and data protection commissioners.

Trust and confidence in the uses of data

A call for ethical uses of data is not an end in itself. The digital economy needs consumers trust to flourish.

However, data operations tend not to help people understand what is really happening to their data, what value companies get from it, what predictions the company makes on how people determine to live their lives.

There is an unfair imbalance between corporations handling massive amounts of data and users unwittingly surrendering their personal information and attention to them.

Data operations involve an extraordinary degree of opacity. This is frustrating from a fundamental rights' perspective.

We should aim to rebalance this and allow people to make truly informed choices about digital, data-driven, products and services.

We understand that industry has shown some level of commitment to setting this transformation in motion, but it is now time for real action.

The European standards for privacy protection in e-communications will also aim to reinforce trust and confidence.

EU' single (high standard) voice

Europe is setting the highest standards on personal data protection across the globe and the EU legislator intends to lead by example by putting in place a new regulation binding the EU institutions.

That piece of legislation will aim to mirror GDPR provisions for the EU public administration. We are taking data protection at EU level seriously.

Alongside stronger enforcement powers, national authorities will also be subject to increased scrutiny under the new European Data Protection Board, who will aim to speak one voice for Europe when it comes to ensuring consistency, coherence and convergence.

We are working to make the EDPB a prominent body for data protection rules enforcement, especially given the GDPR's broad scope of application.

Conclusion

“Thinking digital” means balancing the interest to innovate within the digital industry and the right of individuals to be fully respected as human beings.

Feeding a culture of ethical respect for people and of transparency in data processing and in transmitting communications would help cope with what appears, at first glance, an unsolvable clash.

Many thanks for listening.

I wish you all a fruitful discussion.