



*European Digital days:*

*What impact of the data protection on the future of a global digital economy?*

*Some thoughts from the EDPS*

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Ladies and gentlemen

First of all, my sincere thanks to for the invitation to be with you today.

We cannot deny that data is everywhere. Everyone at this conference venue with a smart phone or tablet is generating information. Today is a digital day in Paris, but actually the entire planet is becoming digital; the process began many years ago and will increase in the coming years.

Soon, each one of us will create 1.7 megabytes of new information every second - that's the equivalent of about 7 books. Also, there could be over 50 billion smart connected devices in the world, each designed to gather, analyse and transmit data - and store it in the cloud.

If you believe the hype and read some articles, big data will increase profits for businesses, slash prices for consumers and stop epidemics.

It is fashionable now to talk about data as a currency, as the new oil, as digital breadcrumbs...

I have even heard data described as 'silk' - the string which we deposit wherever we go, both physically and virtually.

All of these metaphors help us visualise, in different ways, the new reality of the Big Data Revolution.

In any case, we know that the most profitable companies are the one which make business with personal information. Big data also equals big money.

I would love to present you a parody movie, called "Games of drones", and say that "Big data is coming". But big data is already there, and Khaleesi will arrive too late on her dragon.

Luckily, the EU will bring the answers, and no dragon is needed.

Europe is indeed a world leader in data protection.

I represent an independent EU institution which supervises and advises the other EU institutions on personal data processing: le Contrôleur Européen de la Protection des Données.

After four years of negotiations, the EU has just adopted a huge and complex package of reforms which will affect every government, every business that targets its services at people in the EU. The EU adopted two legislative instruments: a new regulation on the protection of personal data, and a new directive which will apply to the law enforcement sector.

The EU's objective has always been two-fold:

- to allow the free flow of information to facilitate the internal market; and
- to protect the rights and interests of the individual.

Why are lawmakers so active in this area?

**Because** along with the explosion and ubiquity of data there is a global debate on whether these trends are sustainable.

**Because** technology allows now almost to identify - to single out - a person.

**Because** data are not necessarily provided by the users. They may be gathered while the user of the device is completely unaware.

**Because** when the winner takes all, in the offline world, that can create imbalances between producer and consumer.

**Because** in the same way, in the online world, whoever controls the data is increasingly more powerful than the individual to whom the data relates.

The first industrial revolution prompted the human rights framework which is now at the core of democratic freedom in Europe.

The 'fourth industrial revolution' needs to stimulate a similar awakening.

We needed a new deal. New principles.

The basis for this new deal is already in place with the GDPR.

Data protection has always been about balancing interests:

- The legitimate interests of companies in using data to create value from the sale of products and services by attracting and retaining customers;
- The public interest which requires the availability of information about citizens; and
- The rights of the individual, or data subject, to be treated fairly, and to have a degree of control over how information about him or her is handled, decisions taken which could have an impact on their lives.

It's a complex area of law - the current text contains over 90 articles and over 130 recitals.

The new General Data Protection Regulation creates new principles, like the so called "**right to be forgotten**", which will allow the persons to get some of their data erased from the always hungry databases and search engines.

The new General Data Protection Regulation also provides for the **right to portability of data**, allowing a person to ask for the transfer of his data to another provider, in an easy and efficient way.

The new package will also address the **cross border aspects** of the new global digital world, by making sure that the companies targeting the EU citizens will be subject to the new rules. The new principles will also reinforce the protection of the data once transferred outside of the EU.

The new regulation also reinforces the powers and the role of the DPAs. We will have big sanctions available - up to 4% of total worldwide revenue or 20 million EUR. We will also have a new body, the European Data Protection Board, that will replace the current Working Party 29, the assembly of all the EU DPAs. I am sure that Mrs Isabelle Falque-Pierrotin, who is the Chair of this assembly, can tell you more about this during the next panel.

Data protection authorities, like the CNIL, here in France, and like mine, the EDPS, will coordinate their efforts and expertise by informing citizens, and providing guidance to companies and public bodies on how to implement the new rules. The goal is to treat companies like responsible adults.

Data protection authorities will assume that they are complying with the letter and the spirit of the law.

In other words, the objective of the new regulation is to inculcate a genuine culture of accountability.

As I already said many times in the past, big data means big responsibilities. We, as Data protection authorities, should raise awareness among the industry, but also among the public institutions and the citizens. We should let them understand what is at stake when it comes to the processing of personal data.

We should not forget that there is no such thing as a free lunch. Along the same line: there is no such thing as a free product when you give your data as a counterpart for this service.

Is a service when you pay with your data still a free service? This question is at the centre of the discussion that we are having today. Even the proposals of the European Commission, regarding the acquisition of digital content, try to integrate the monetization of the personal data used to buy a service.

Another question that is crucial is the place of the human in this IT environment. How can we preserve our human nature when decisions are based on a profile, and made by a machine without human intervention? We should try to preserve the human dignity at the centre of the debate.

That is why my institution has just launched a new Ethical Advisory Group, to look at the long term implications of artificial intelligence, wearable technology, autonomous vehicles and other technologies which rely on personal data.

The EDPS encourages the policy makers to adapt the existing instruments to the new digital world. One example: the so called e-privacy directive. This text was meant to protect the confidentiality of the communications of individuals taking place on the telephone and the internet. Since then, new services, new providers, new technologies have emerged. We need

to rethink this text and make it suitable to the new way of communication that we use: Skype, Whatsapp, Periscope, were not even envisaged at the time of adoption of this directive.

So, Ladies and Gentlemen,

My message to you is to seize this exciting opportunity for the economy.

But let's do it sustainably.

- we need to redefine new principles to protect fundamental right in the digital worlds
- we need to reinforce the power of the individuals on line
- we need to better enforce the fundamental of the citizen on line
- we need a better and stronger international and European cooperation

I truly believe that the new GDPR can achieve all these goals, and bring the fundamental rights on line to another level.

I would be very happy to come back here, in 2 years, after the entry into force of the new regulation, and be able to say to you:

"Dear friends, come and shine. Winter is over"

Thank you for listening.