



Thinking local, acting global exploring common values that underpin privacy around the world UN-Digital Asia Hub-EDPS

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Hiroshi Miyashita
Chuo University
JAPAN



Brandeis's work as a lawyer and as a Justice seems obviously to have been influenced by the Jewish concept of "tikkun olam" – the duty that each of us has to heal a broken world.

Erwin Chemerinsky, Rediscovering Brandeis's Right to Privacy (2007)

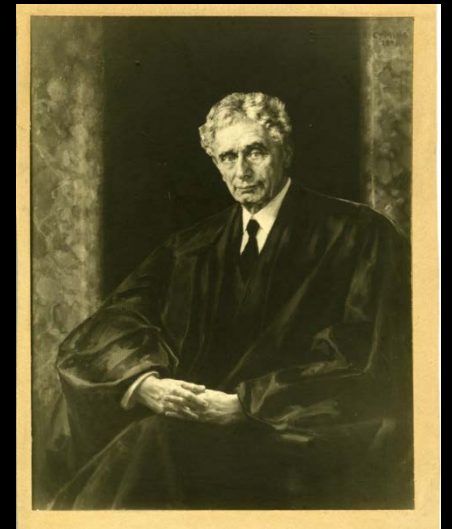
The press is overstepping in every direction the obvious bounds of propriety and of decency.

- The Right to Privacy (1890)



Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen

- Olmstead v United States (1928)



BUSHIDO

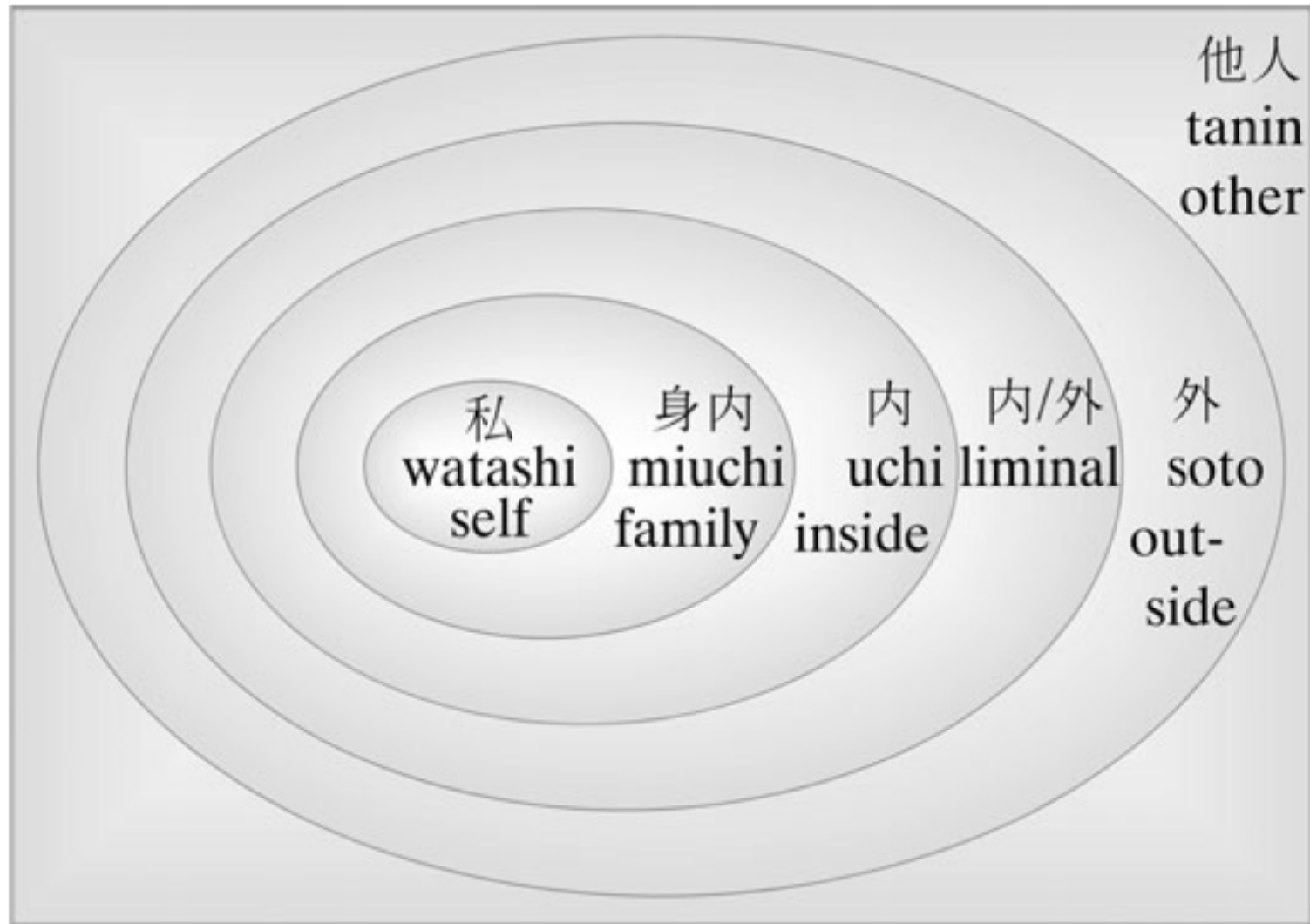
THE SOUL OF JAPAN



INAZO NITOBÉ

American husbands kiss their wives in public and beat them in private;
Japanese husbands beat theirs in public and kiss them in private.

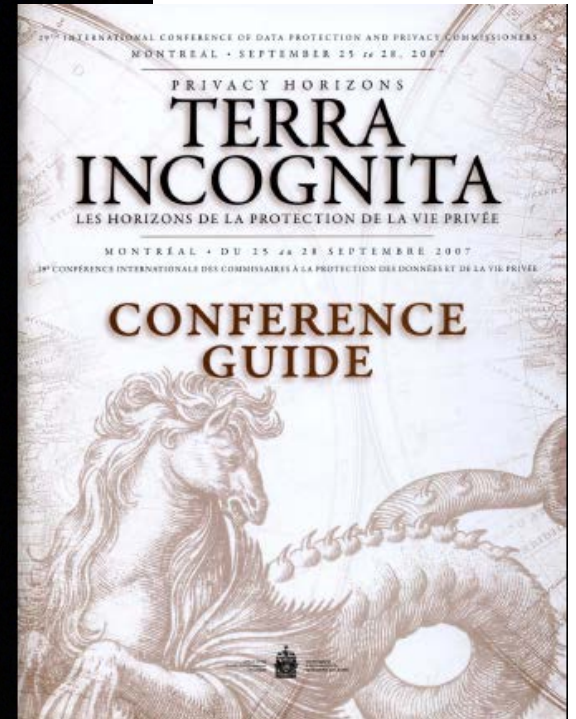
Murahachibu: one will be excluded from the village due to breach of trust and social norms



Honne (true feeling) - Tatemaie (pretending in public)
Eg.) I am proud of my son. – My foolish son (*dame musuko*)

Scene 1

Montreal, Canada in 2007



Scene 1

Montreal, Canada in 2007

Kirsten Bock introduced EuroPriSe seal.

A certified company leaked 35 million items of customer's personal data by way of sub-contractor who stole personal data to sell to data brokers.

- Does certification process require the public endorsement (eg. to withdraw certification)?
- Do the consumers recognize the meaning of certification?



Scene 2

Strasbourg, France- Germany in 2008



“ Protecting privacy in a borderless world ”



30TH INTERNATIONAL CONFERENCE
OF DATA PROTECTION AND PRIVACY COMMISSIONERS

STRASBOURG

October 15 to 17, 2008

Scene 2

Strasbourg, France- Germany in 2008

The Plenary session I touched on the reputational risk as well as the financial loss of the company which had data breach.

Collective action was brought by more than 3,500 data subjects and their parents where the educational company's sub-contractor sold the customers' personal data such as name, address, phone number, email address, and birthdate (some included delivery date). Some received direct mails from the unknown company. This company paid 500 yen voluntary gift cards to the costumers.



- What's the price of personal data at least in the context of compensation in a court?

Scene 3

Madrid, Spain in 2009



Scene 3

Madrid, Spain in 2009

Commissioner Pamela Jones Harbour and David Smith talked about data breach notification

Data Breach Notification Form for Financial Sector

A travel agent company leaked over 930,000 customers' data including the foreign customers by cyber attack.

- What's the criteria of data breach notification (risk to data subjects)?
- What's the effective way of communicating with data subjects?
- How can DPAs work together for the cross-border data breach?

Name of the Corporation of the Incident	Department, Title, Name, Age
Date of the Incident	Date of Revelation
Contents of the Leaked Information	
Information Protective Measures including Encryption	<input type="checkbox"/> Encrypted <input type="checkbox"/> Partially Encrypted <input type="checkbox"/> No Encryption <input type="checkbox"/> Unknown
Where to be Leaked	
Situation of the Incident	<input type="checkbox"/> Wrong Mailing <input type="checkbox"/> Wrong Fax Number <input type="checkbox"/> Wrong Email Address <input type="checkbox"/> Wrong Sending to the Third Party <input type="checkbox"/> Orally Leaked <input type="checkbox"/> Wrong Abandon <input type="checkbox"/> Lost <input type="checkbox"/> Others()
Context of Revelation	
Notification to the Customers	
Publication	Date of Publication
Contents of Publication and its Means	
Analysis on the Cause of Incident, Perception of the Troubles (including the compliance of internal rules)	
Preventive Measures	
Notes	

Scene 4

Jerusalem, Israel in 2010



Scene 4

Jerusalem, Israel in 2010

Prof. Alan Westin said that privacy is situational; religion used to influence privacy.

A singer in the famous girls team fell in love against the talent agency rule.

A magazine captured a secret photo in front of the boyfriend's apartment.

She apologized with buzz cut.



- Case-law on private life of public figures or famous people & journalistic exemption
- Does your social norm influence the protection of private life?
- Does Daoism (philosophy of a simple honest life and noninterference with the course of natural events) influence the Japanese or the Asian culture of privacy?

Scene 5

Mexico city in 2011



33rd International Conference
Of Data Protection
and Privacy Commissioners

Privacy: The Global Age
2-3 November 2011 Mexico City

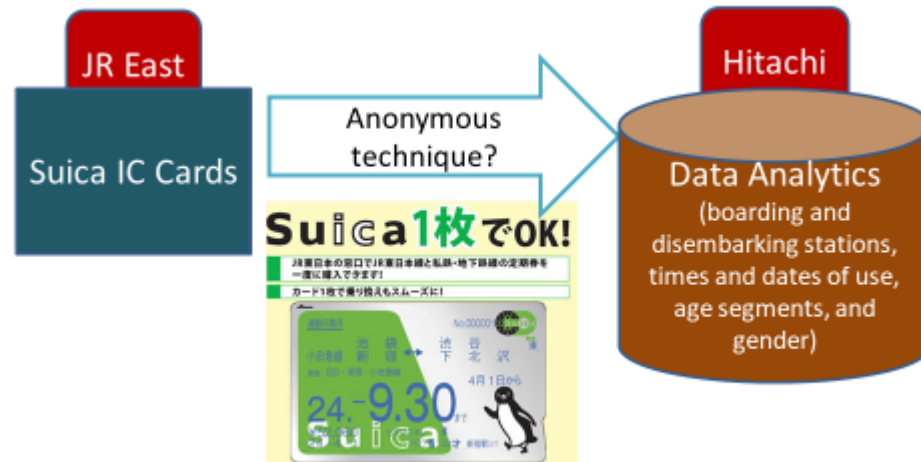


Scene 5

Mexico city in 2011

Kenneth Cukier talked about big data and its risk to privacy.

A railroad company sold customers' record on IC public transportation to a data analytics company by deleting name and the date of birthdate.



- Do your jurisdictions have any rules on anonymous data / pseudonymous data?
- Are there any cases of violating anonymous data / pseudonymous data?

Scene 6

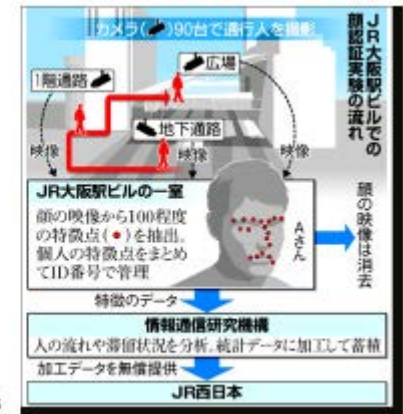
Punta del Este, Uruguay in 2012



Scene 6

Punta del Este, Uruguay in 2012

A bookstore has CCTVs of automatic facial recognition. The store checks the possible shoplifters with this CCTVs in the entrance and shares with other stores.



National Institute of Information and Communications Technology prepared for the experiment on the facial recognition CCTVs, but canceled in March 2014.

- Are there any different consequences between the normal camera and the automatic facial recognition camera?
- How could you decide the balancing between the interest of stores and the privacy of consumers?

Scene 7

Warsaw, Poland in 2013

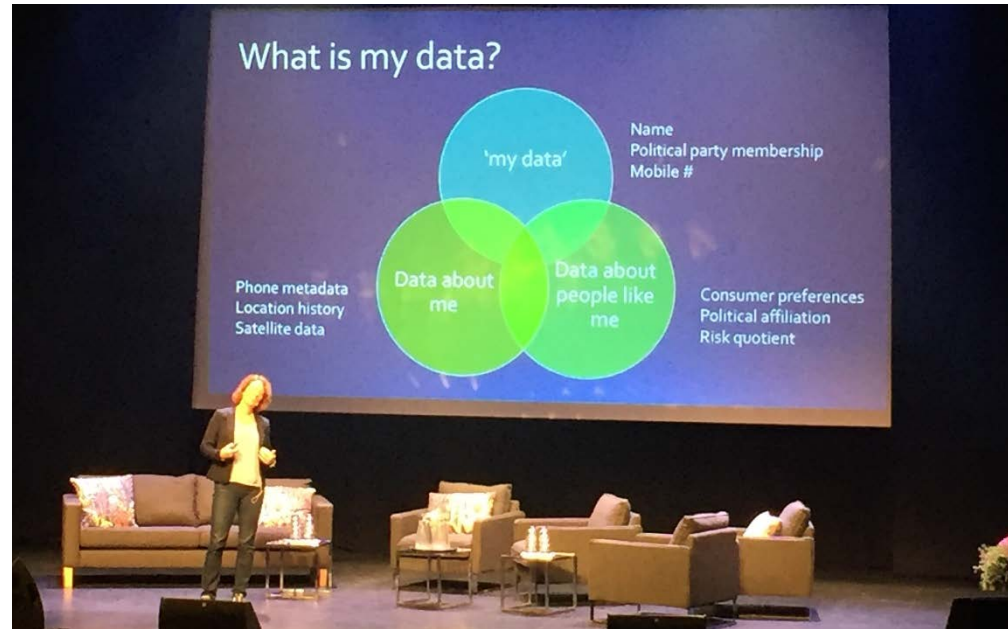


Scene 7

Warsaw, Poland in 2013

Robert Kirkpatrick gave us an example of the email amount analytics to predict the food in the East Africa for poverty eradication but may risk for privacy

People who live in the *buraku* district (where the lowest social status gathered at the time of status system) requested to delete the image of Google streetview.



- Are there any cases on the group privacy infringement?
- group profiling: privacy infringement because of affiliation or group [Linnet Taylor et. al. Group Privacy 2017]

Scene 8

Mauritius in 2014



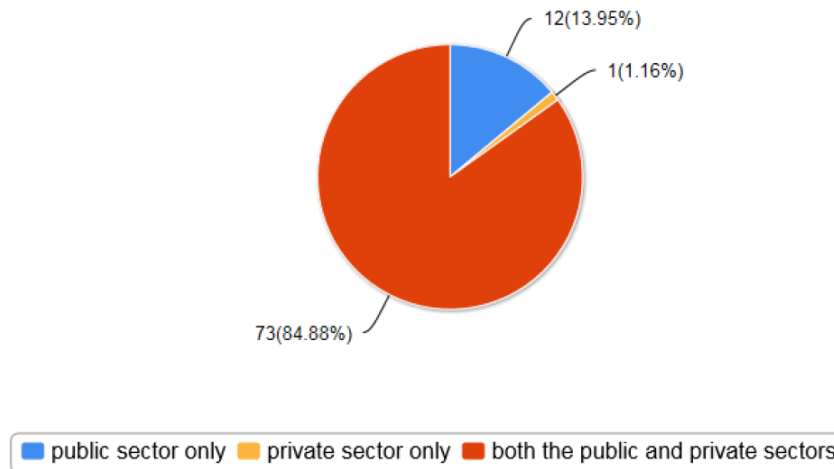
Scene 8

Mauritius in 2014

Peter Hustinx highlighted the independency of DPA.

Japan's Personal Information Protection Commission has the jurisdiction over private sector (and only de-identification processing in the public sector).

FIGURE 6: DOES THE AUTHORITY OVERSEE PRIVACY PROTECTION PRACTICES BY: (86 RESPONDENTS)



- How can DPA collaborate with the other independent authority or government?
- What is the secret to maintain the independency?
- How can raise experts with your organizations?

Scene 9

Amsterdam, Netherlands in 2015



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Amsterdam, Netherlands in 2015

Privacy Bridge panel discussed notice and choice regime in a big data era.

A mobile company provided the users' GPS data to the data analytics company without sufficient information to the users.

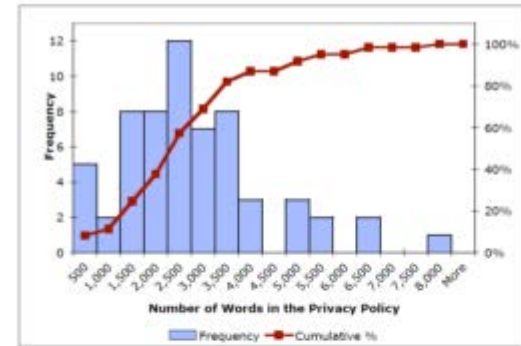


Table 7: Annual time estimates for reading and skimming online privacy policies

Estimate	Individual time to read	Individual time to skim	National time to read	National time to skim
Lower bound	181 hours / year	81 hours / year	39.9 billion hours / year	17.9 billion hours / year
Point Estimate	244 hours / year	154 hours / year	53.8 billion hours / year	33.9 billion hours / year
Upper bound	304 hours / year	293 hours / year	67.1 billion hours / year	64.8 billion hours / year

Aleecia M. McDonald and Lorrie Faith Cranor, The Cost of Reading Privacy Policies (2008)

- Best practices and unlawful practices of providing information to consumers
- An alternative of ritual of privacy policy click?

Scene 10

Marrakech, Morocco in 2016



UNDER THE HIGH PATRONAGE OF HIS MAJESTY
THE KING MOHAMMED VI

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THE INTERNATIONAL CONFERENCE

Scene 10

Marrakech, Morocco in 2016

Robot vacuum cleaner collects data on the map and the clean condition of a room. The data is planned to be sold to a data analytics company.

- How can privacy by design put into the IoTs, robotics? Who checks this process?

Thinking local for acting global

- Information control between *uchi* (inside) and *soto* (outside); trust-making mechanism for *soto*
- Privacy as an etiquette, a philosophy, a compliance matter, a security issue, and a fundamental right
 - human dignity / individual liberty / respect
- Role of privacy designers: DPAs, DPOs, NGOs, business, academics, and consumers