

PROMOTING A “TRUST” ENVIRONMENT IN THE DIGITAL ECONOMY

DATA PROTECTION, DIGITAL TRADE AND DEVELOPMENT

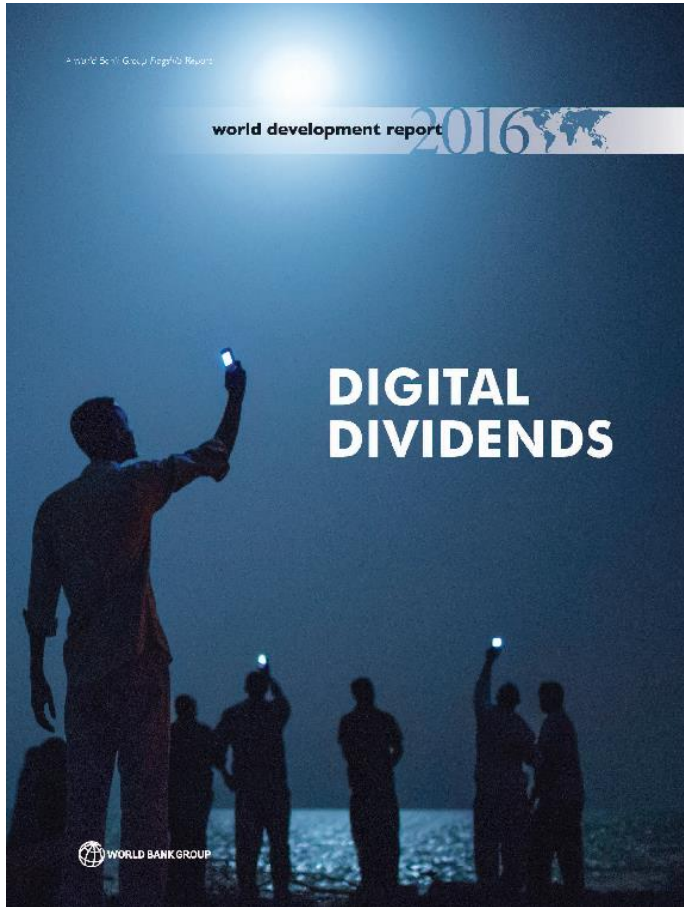
Geneva
24 April 2017



“Your” Data?



Trust Environment as Engine of Economic Growth & Development



- Data as driver
- Big Data
- “Trust”

Chapt 4 - Cybersecurity & Human Rights

<http://www.worldbank.org/en/publication/wdr2016>

Available soon at:

www.combattingcybercrime.org

Combating Cybercrime


Overview

Toolkit

Assessment Tool

Virtual Library

Partners

Download Toolkit 

OVERVIEW

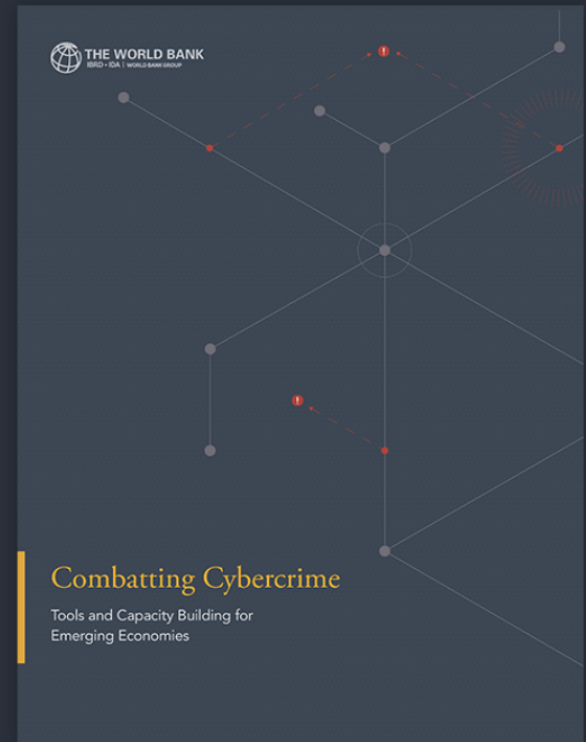
Combating Cybercrime: Tools and Capacity Building for Emerging Economies.

The resources available here are aimed at building capacity among policy-makers, legislators, public prosecutors & investigators, and civil society in developing countries in the policy, legal and criminal justice aspects of the enabling environment to combat cybercrime. These resources include:

- A [Toolkit](#) that synthesizes good international practice in combatting cybercrime
- An [Assessment Tool](#) that enables countries to assess their current capacity to combat cybercrime and identify capacity-building priorities
- A [Virtual Library](#) with materials provided by Project participating organizations and others

Download 

Using the Toolkit 



Project Partners



Security vs Privacy – A false trade-off?

“security” - a set of technological measures that mediate access to personal data stored or transmitted via ICT systems or networks

“privacy” - a normative framework for allocating who has access to that data, including the right to alter any of it.

Bambauer, “Privacy vs Security” (2013)

Overcome misconceptions

“If you’ve got nothing to hide, you’ve got nothing to worry about”

Marlinspike, “Why ‘I Have Nothing to Hide’ Is Wrong” Wired (2013)

Privacy vs security is a zero-sum game

Solove, “Nothing to Hide” (2011)

Good data protection subverts security

Porcedda, “Data Protection and Prevention of cybercrime” EUI (2012)

Robust Principles



OECD Privacy Principles (Fair Information Practices)

1. Collection Limitation
2. Data Quality
3. Purpose Specification
4. Use Limitation
5. Security Safeguards
6. Openness
7. Individual Participation
8. Accountability

Revised July, 2013



http://www.oecd.org/sti/ieconomy/oecd_privacy_framework.pdf

Security & Privacy

article 15 of the Budapest Convention:

- 1 Each Party shall ensure that the establishment, implementation and application of the powers and procedures provided for in this Section are subject to conditions and safeguards provided for under its domestic law, ***which shall provide for the adequate protection of human rights and liberties***, including rights arising pursuant to obligations it has undertaken under the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the 1966 United Nations International Covenant on Civil and Political Rights, and other applicable international human rights instruments, and which shall incorporate the principle of proportionality.
- 2 Such conditions and safeguards shall, as appropriate in view of the nature of the procedure or power concerned, *inter alia*, include judicial or other independent supervision, grounds justifying application, and limitation of the scope and the duration of such power or procedure.

“Privacy” in Int’l Law

Treaties of Westphalia

Enlightenment roots

article 12 Universal Declaration of Human Rights (UDHR)

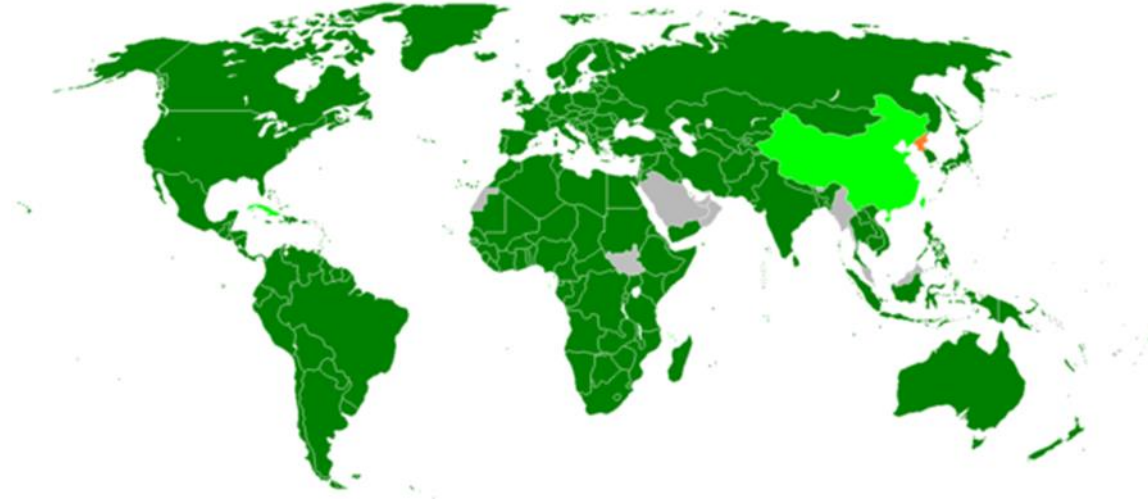
No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

article 17 International Covenant on Civil and Political Rights (ICCPR).

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

“Privacy” in Int’l Law

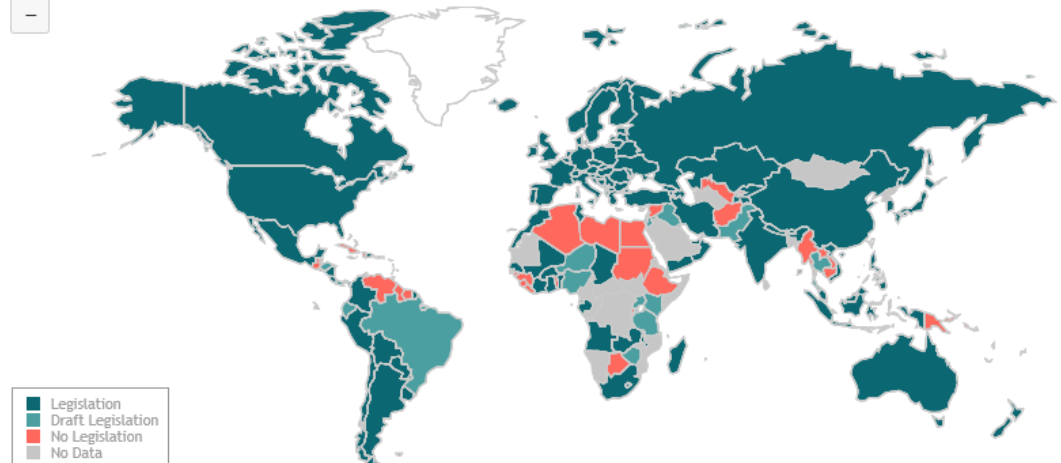
ICCPR Members



Data Protection and Privacy Legislation Worldwide



Countries with Privacy/
Data Protection Laws



Source: UNCTAD,01/12/

Adapting Data Protection Regimes to Modern times

- UN Human Rights Council (2016) - reaffirmed the importance of promoting, protecting and enjoying human rights on the internet, including privacy and expression.

“8. Calls upon all States to address security concerns on the Internet in accordance with their international human rights obligations *to ensure protection of* freedom of expression, freedom of association, *privacy and other human rights online*, including through national democratic, transparent institutions, based on the rule of law, in a way that ensures freedom and security on the Internet so that it can continue to be a vibrant force that generates economic, social and cultural development;”

- UN General Assembly Resolution (2013) - Right to Privacy in the Digital Age.



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THE WORLD BANK GROUP GOALS

**END EXTREME POVERTY AND
PROMOTE SHARED PROSPERITY**

Thank you

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