An aerial photograph of a body of water with a white boat and a white kite. The water is dark and textured, and the kite is a curved, white shape in the upper right. The boat is a small white vessel in the lower left, leaving a white wake.

**Hewlett Packard
Enterprise**

Global Privacy Protection & Global Business Fluidity

Is it Impossible Mission Force?

Daniel Pradelles

Director, Global Strategic Engagements
Privacy Office

Privacy & Access 20/20 Conference – Vancouver BC
November 13, 2015

V2.0

enda

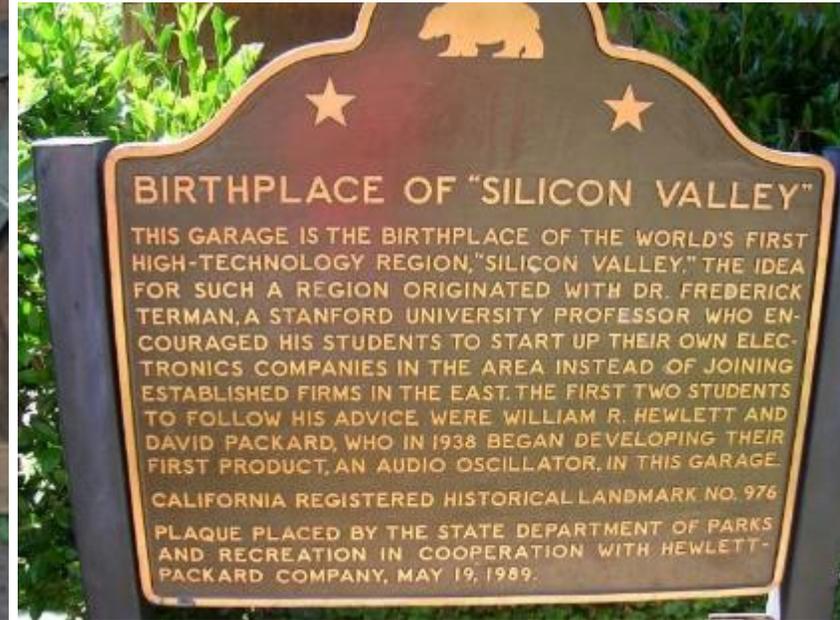
- ❖ **Preamble**
- ❖ **Global Context Dynamics**
- ❖ **The Vision for Accountability**
- ❖ **Accountability Benefits**
- ❖ **Global Regulatory Environment**
- ❖ **The Path Forward**



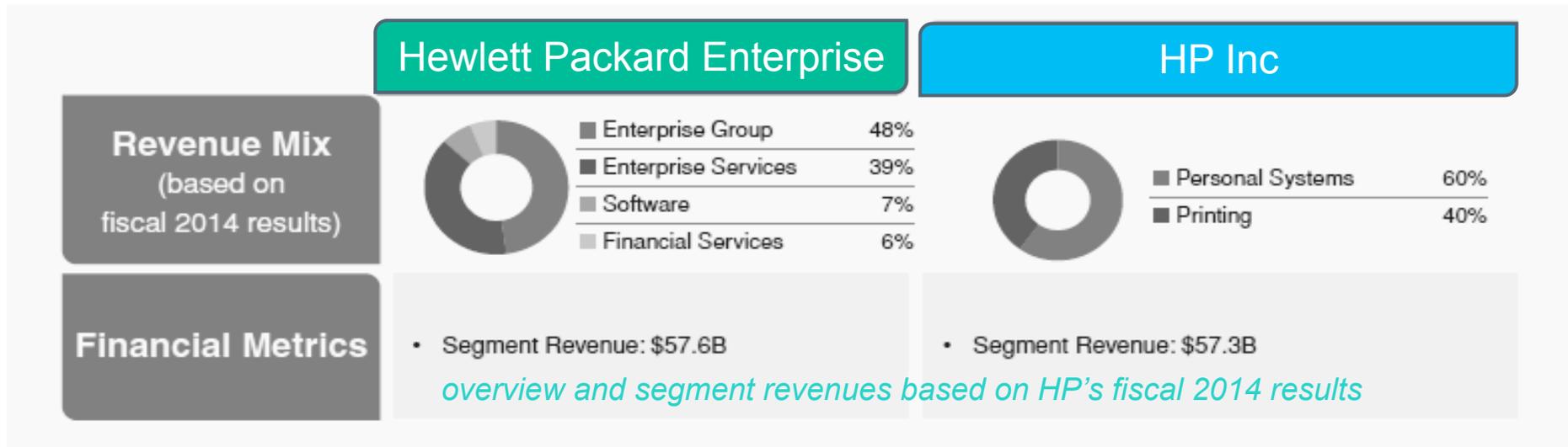
Making History - Again



**Hewlett Packard
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Hewlett-Packard Company Split



On October 6, 2014, HP Company announced it will separate in two **independent publicly-traded** companies



Hewlett Packard Enterprise:

- Enterprise technology infrastructure, Software, Services and Financing businesses,



HP Inc:

- Printing and Personal systems businesses,

Separation finalized November 1, 2015

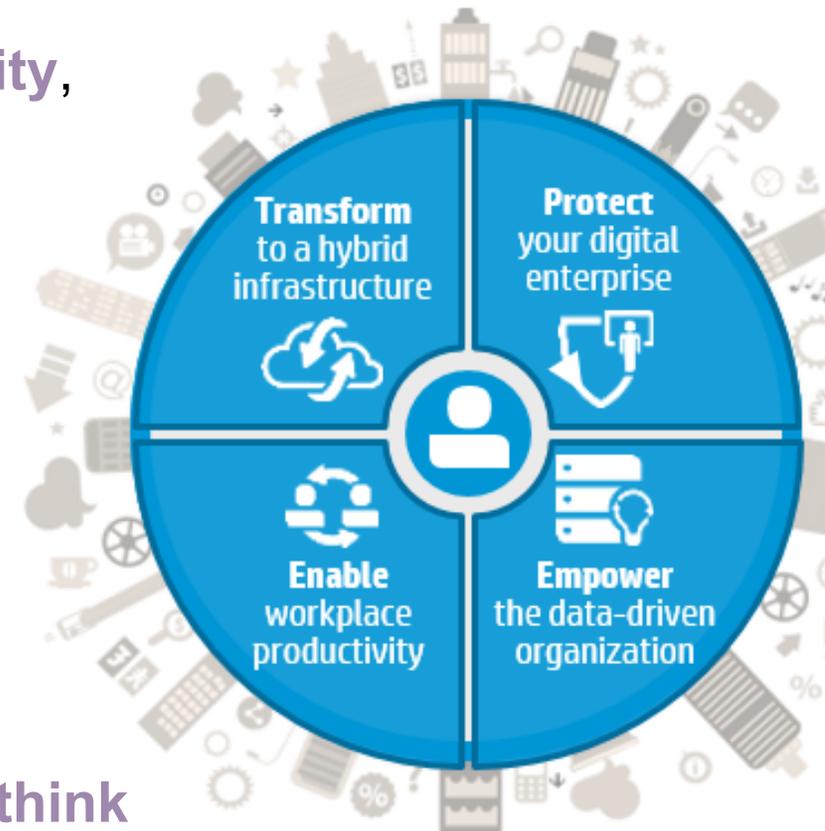
The New Style of Business for HPE

The New Style of Business promises **agility**, **flexibility**, remarkable **customer experiences**, and employee **productivity**; with reduced costs.

This is driven by transformation in:

- Protection of digital assets
- The data-driven organization
- Enabling the most productive workplace
- Moving to a hybrid infrastructure

But it **creates new risks** and changes how we must **think about protecting** the fundamental right to **Privacy**



Global Context Dynamics

Trends & Challenges



ends & Challenges (Business)

Technical & Business Context

Complex, Global & **Multi Dimensional** Context

Data flows more **WW, Dynamic & Fragmented**

Exponential increase of data creation / collection

Highly dynamic **Multi Stakeholder** game

Highly **rewarding** and potentially **privacy risky** trends

Data Processing drives **Innovation**, Business Intelligence & Economic Growth

Some Business models **NOT “Privacy” tested**

We are at a break point... ...And this change will speed up...

ends & Challenges (Legal)

Regulatory Context

Globalization and technologies **straining the traditional frameworks**

Laws are critical but often **lagging behind** new technologies and business models

Limitation of approach based only on **legal compliance tool**

Uncertainty in all regions and in all business sectors

Agreement on fundamental principles but **different implementations**

Too much **emphasis on geography** specific criteria

Tension exacerbated by **highly publicized** cases (*Snowden, Schrempf, MS,...*)

...Lack of interoperability between regional legal approaches...

ends & Challenges (Societal)

social norms may be changing but **protection has to stay**
new Innovative Business models **not obvious or understandable** by Data Subjects
cloud, Big data, IoT and more will make it **even more “foggy”**
traditional “**Consent & Control**” approach may be **not sufficient**
fear & Doubts are shaping **perception**, **Trust** becomes a key requirement
Data Subjects & Politics concerns drive **increased protections**
excessive Reactivity under scandals pressure drives “**impulsive**” laws
awkward user experience and potential **decreased benefits**
risk of **slowing down acceptance** or **killing** new technologies & practice

... Information Society as a whole pushing for “A” paradigm change

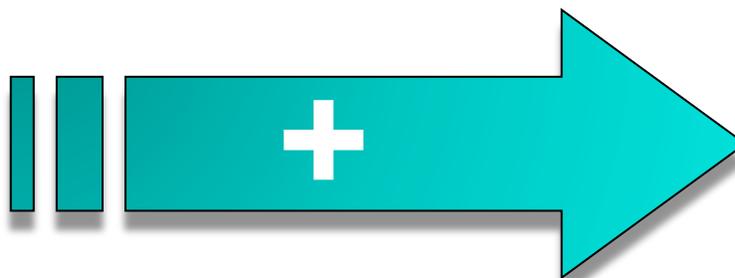
the vision
for the “A”



Accountability:

Moving to an Accountability Culture

Liability	Accountability
<p>Decisions are made based on local laws and regulations</p> <ul style="list-style-type: none">➤ Based on theoretical compliance➤ Focuses on the minimum standard➤ Target on known technologies & practices	<p>Decisions are made based on a set of ethics- and value-based criteria in addition to liability</p> <ul style="list-style-type: none">➤ All employees accountable for stewardship of data under their charge➤ Effective privacy handling➤ Based on expectations and risks



Risk based approach for an Accountable company?

Which ones and for whom ... and where???

1. Compliance Risk

2. Reputation Risk

3. Investment Risk

4. Reticence Risk

5. Business Continuity Risk

6. Compounding Risk



+ Data Subject

Risks & Expectations

+ Public Sector

Political & Macro economical Risks

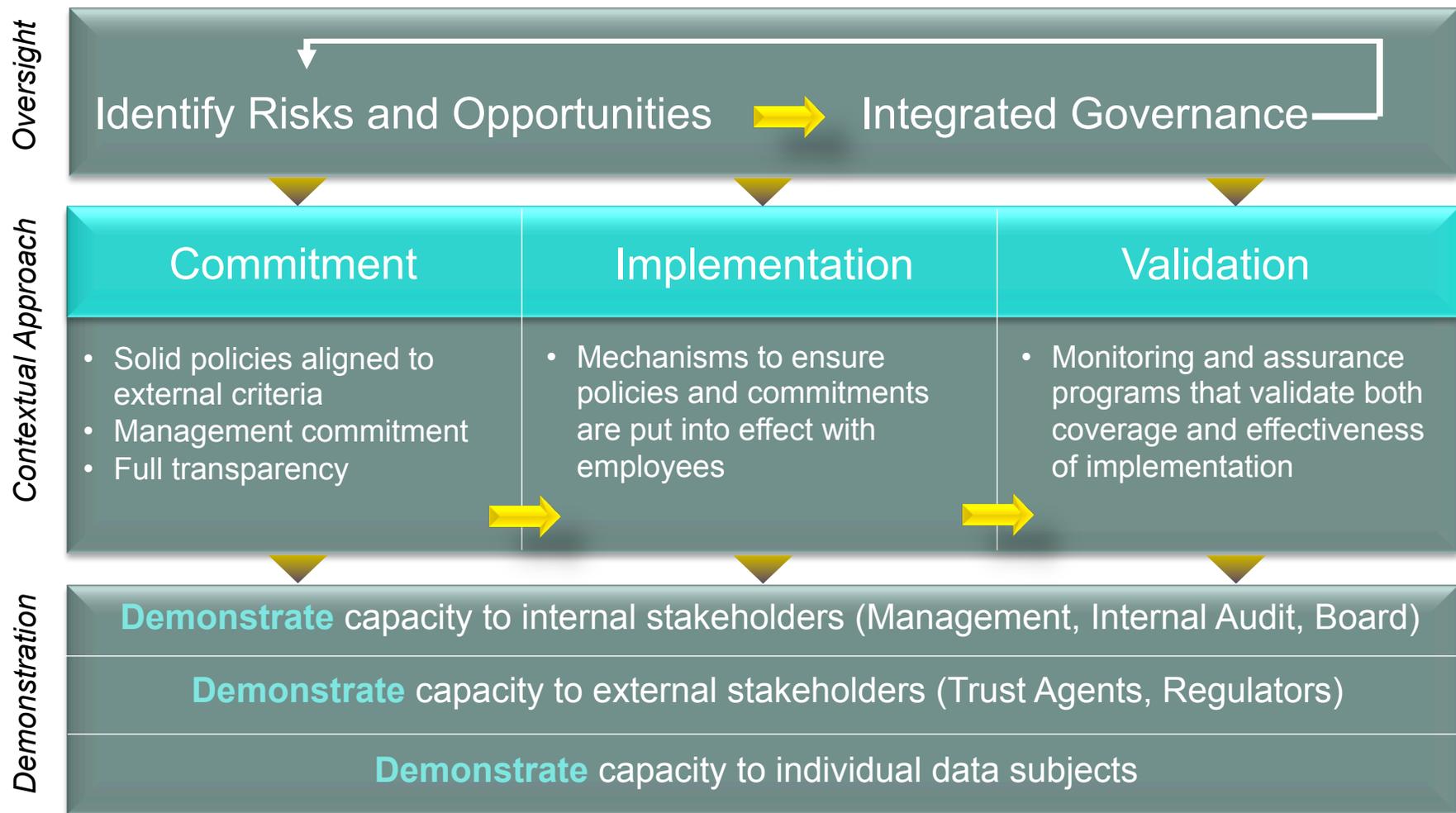
+ Ethical Risks

+ Cyber security Risks

*Analyzing the Risk, Managing the Risk, Addressing the risk, **NOT TAKING the risk***

Privacy Accountability Framework

Processes **AND** Demonstration of Capacity



Accountability benefits

Far beyond traditional compliance deliverables



The Principle of Accountability

Accountability consists of:

- Defining and accepting responsibility
- Ensuring implementation of appropriate actions
- Explaining and justifying actions
- Remediating failure

Article 29 WP 173, Opinion 3/2010 on the principle of Accountability:

- Data protection must move from ‘theory to practice’.
 - (i) need for a controller to take appropriate and effective measures to implement data protection principles;
 - (ii) need to demonstrate upon request that appropriate effective measures have been taken. Thus, the controller shall provide evidence of (i) above.



Concept universally recognized ..
already implemented in some jurisdictions,
acknowledged or under inclusion in other

Privacy Transformation in an Information Age

Old Approach

Individual Autonomy;
notice and consent

Point-to-point transfers
requiring approval

Purpose specification
with use limitation (static)

Single Data controllers
and Data processors



New Style of Business



Accountability &
Transparency;
Balancing Benefits



Ubiquitous collection
free movement of data



Legitimate Interests
Use vs. Collection ()



Distributed Control
Data Supply Chain
Responsibility

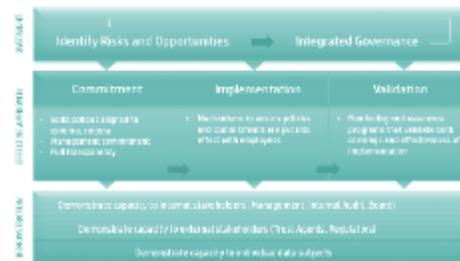


Privacy Solutions in an Information Society

Many challenges can be solved by responsible, enforceable practices



In specific cases, provides enforceable alternatives that augment traditional options



Motivations for an Accountability Approach

INCREASE TRUST

*(FOR CONSUMERS,
CLIENTS &
REGULATORS AND
THEREFORE FOSTER
BUSINESS)*

SUPPORT GLOBAL INTEROPERABI LITY

*(THEN DECREASES
REGULATORY
COMPLEXITY BY
CREATING BRIDGES)*

ADDRESS NEW CHALLENGES

*(UPFRONT RISKS AND
HARMS
CONSIDERATION FOR
NEW TECHS & NEW
BUSINESS MODELS)*

ENSURE EFFECTIVE DATA PROTECTION

*(FROM THEORETICAL TO
PRACTICALLY
DEMONSTRATED
COMPLIANCE)*

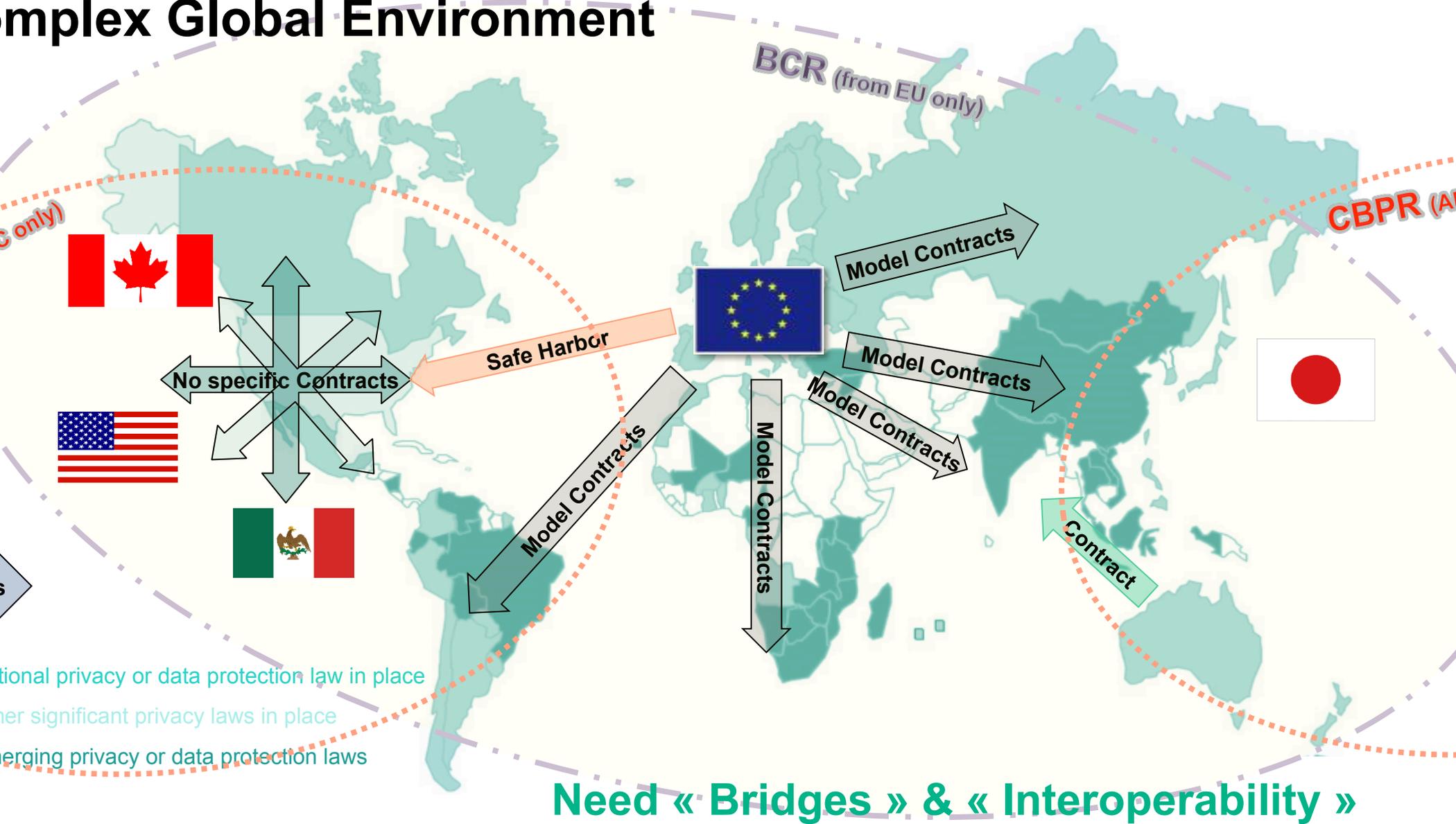
Company Governance and Accountability Culture from “C suite” to Field level

Global regulatory environment

Challenging but moving forward...



Complex Global Environment



Complex but rapidly evolving...

GDPR (*General DP regulation*) approaching its final phase

- Commission – Parliament – Council Trialogue started - **Expected Q4/2015-Q1/2016**
- Elements of **Accountability** & Major concepts (One Stop Shop, Privacy by design, EDPB,...)

EU – USA dialog badly impacted by « *Snowden – Schrems* » syndrome

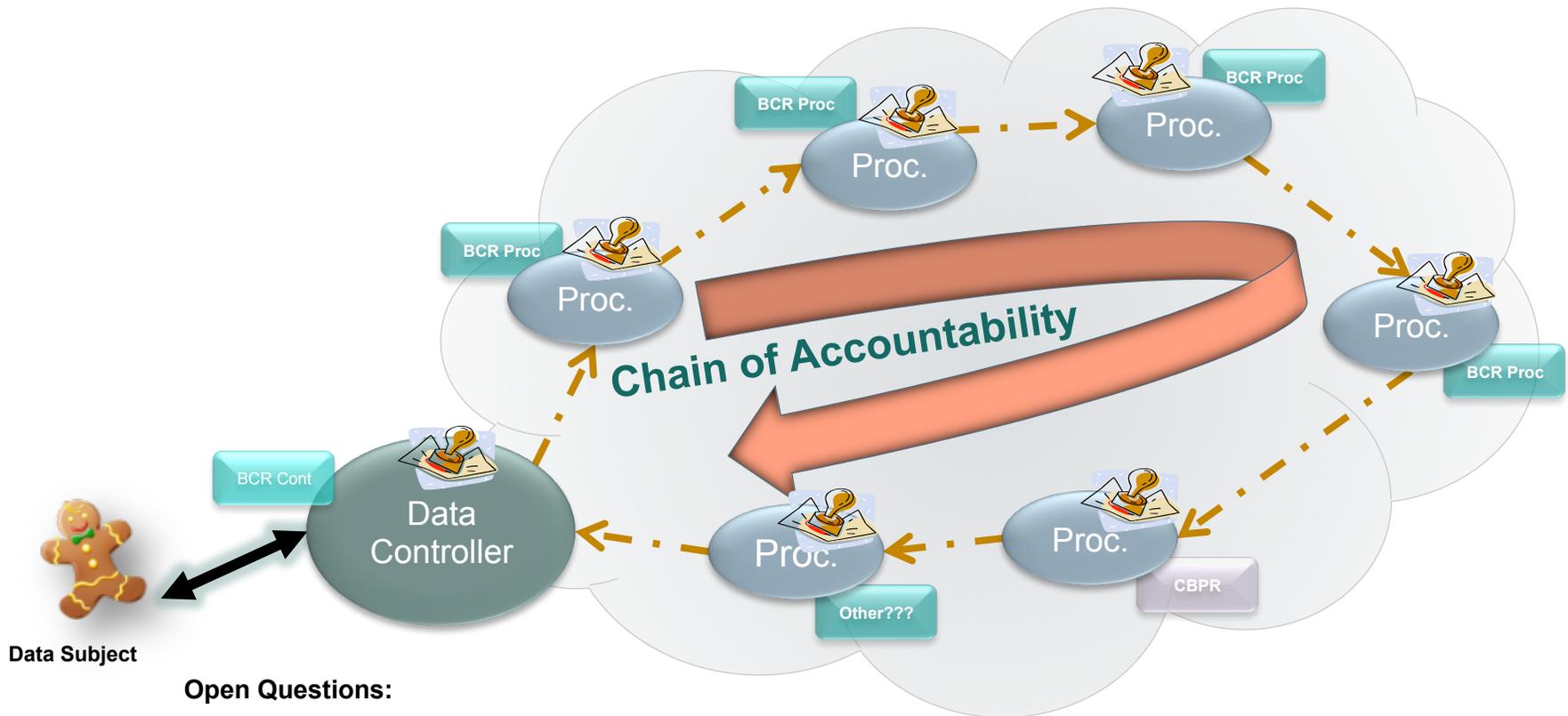
- Safe harbor invalidation by EUCJ but **SH 2.0** in progress and intense work going on
- Bill of rights / Non US citizens rights, Assistance mechanisms improvements

Forward path with improved transparency, on going collaboration

- Renewed **dialog** between all parties at Global level
- Global **interoperability** and bridges in construction (BCR-CBPR, SH 2.0,...)
- Think **beyond mere compliance** and acknowledge the place of **ethics**
- **Paradigm change** needed **everywhere** and for everybody (Private & Public)

How to achieve effective Accountability in Global context?

Division of Demonstration & Governance Continuity



**Accountability
Demonstration / Validation ?**

the path forward

For achieving the Mission...



The place of Ethics in data Protection

Humanistic Human based vision required

Responsible & Privacy Conscious Engineering

Technical experts with a « human » feeling

Accountable Controller and more....

All along the processing chain, at all level of organizations

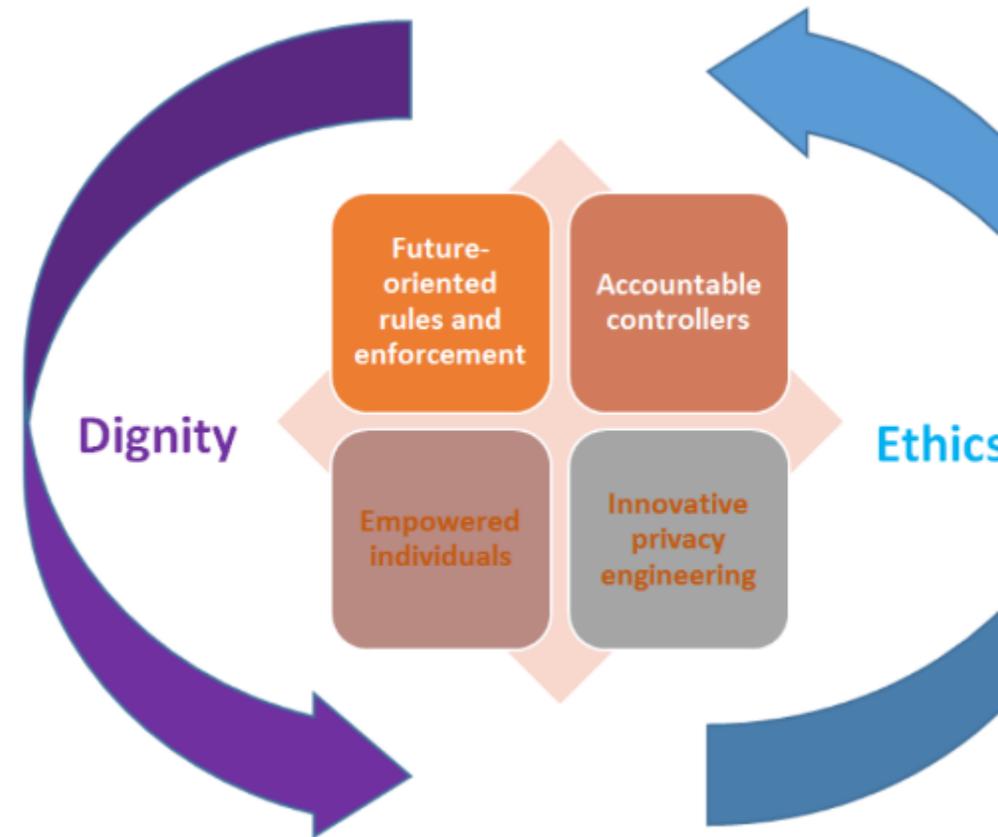
Future oriented with Industry early involvement

Share expertise of all and maintain trusted partnership dialog

Empowered individual within human limitations

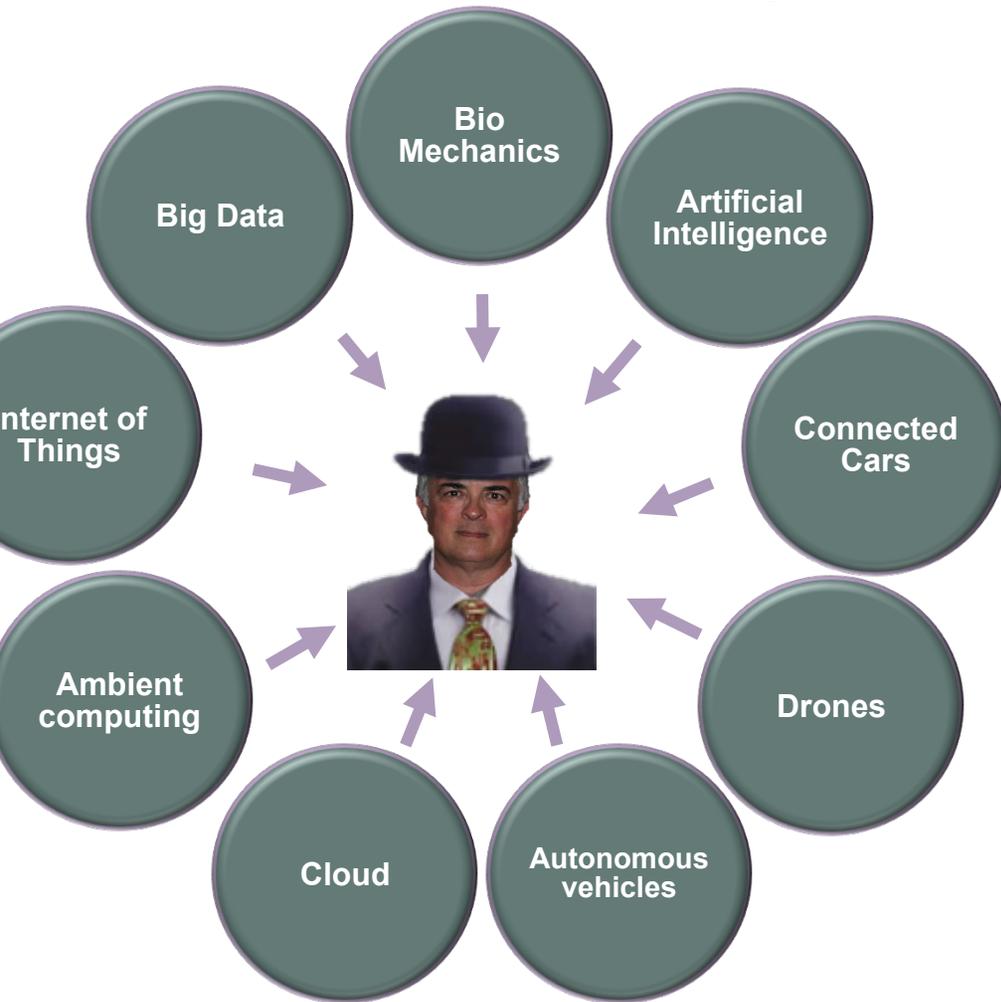
The limit of understanding and consent....

Going further than technology, business and laws..



From « *Towards a new Digital Ethics* »
Data, Dignity and Techn
EDPS - September

The Context of Data Subject Privacy



Mind-Boggling for 95% of users

- **Be Fair and Transparent with User**
 - Forget the “everything is free for all”
- **Acknowledge the Anxiety of the unknown**
 - Listen, explain and be trustworthy
- **Demonstrate Benefits of this “Brave New World”**
 - And bravely address upfront its potential drawbacks
- **Adequate Privacy is the “key” to growth**
 - As Enabler of Digital future and not as an Obstacle

Data Subject at the center → « Prosumer »

Inspired from « **Towards a new Digital Ethics** »
Data, Dignity and Technology
EDPS - September 2015

Paradigm change in practice...

... a call for trustful forward looking collaboration

Challenges and issues should be addressed by:

Consistent and Coordinated development

- in 3 main Dimensions

- with an active dialog between ALL stakeholders:

- Responsible Company Governance (Accountability and more)

Supporting Technologies (Access Governance, Obfuscation, Data Minimization....)

- Innovative Regulatory Frameworks (International Standards and Tools i.e. BCR, CBPR...)


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Thank you



"We cannot solve our problems with the same thinking used when we created them."



Albert EINSTEIN

*"A pessimist sees the difficulty in every opportunity;
An optimist sees the opportunity in every difficulty."*



Winston CHURCHILL

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