Consent Receipts

Addressing the "biggest lies" which are:
consent & notice

☑ I have read
and agree to the the Terms &
Conditions

What is a consent receipt?

A consent receipt does what it says on the tin.

It tracks consent by making a record of it.

(Similar to how a regular receipt is used to track money).

Agenda

- Background Of This Initiative

- **Consent** Receipts

- Open **Notice** Registry

- What's next

OPEN
NOTICE

Background
Some of the orgs supporting Open Notice

4

Notice needed for Consent

Without notice there is no consent:

"The most fundamental principle is notice." (FTC, 1998)

"It is clear that a common mechanism to encode and publish the policies governing usage of services is needed." (Internet Technical Advisory Committee, 2010)

Consent receipts fill the 'missing notice' gap

OPEN
NOTICE

The Solution

- The open notice call for collaboration

- Joined Kantara Initiative Consent & Information Sharing (CIS) Work Group to develop specification standard for W3C

- Agreed a Standard format for consent notice would lay foundation for trusted services

Consent Receipt

- A common format for linking notice requirements into a usable format

- Focused on legal requirements for consent notices'

- Infrastructure that enables effective governance

- Opens the market for innovation in personal data control (A.K.A. Privacy)

Company Name & Logo

Company address& contact information.
Should include a working email address for privacy and consent question

Company privacy statement.
Advertise your trusted services, privacy by design, certifications here.

PURPOSE		ICONS
☐ Purpose 1	o	Icons
☐ Purpose 2	o	Icons
☐ Purpose 3	o	Icons
☐ Purpose 4	o	Icons

Policy

Privacy Policy
Terms of Use
Cookie Policy
3rd Party Recepients

This consent receipt is provided by "your company" and these policies are openly listed in the Open Notice Registry www.opennotice.org.

OPEN NOTICE

Benefits of a **Consent Receipt**

- For **Individuals** (Knowledge & Control)

  - Consent management (before, during, and after)

- For **Companies** (Compliance & Trust)

  - Makes it easy (and cheap) for companies to comply with new laws

- For **Regulators** (Oversight & Management)

  - provides Regulators with flexibilty to regulate and enforce regulations according to localised requirements

- For **Everyone**

  - Improving economic performance of policy solves many issues in identity management

Economic Performance of Notice & Consent

- Est. infrastructure costs exceed £3.3bn a year at this time

  - £1.65 billon inside organisations and another £1.65 billion of consumers' time costs

- Evolving consumer data control and policy usability is estimated to reduce these costs by 96% in the UK over next 10 years bringing costs down to £150 million a year

  - Enabling "Economics of Identity" UK Whitepaper by Ctrl Shift (www.ctrl-shift.co.uk)

OPEN
NOTICE

Implementation of Consent Receipts

- Starting with a Minimum Viable Consent Receipt (for online transactions)

  - Compliance By Default framework

- Exponential Interoperability between jurisdictions and industries

  - Extensible by jurisdiction, industry, sensitivity of data, context (data origin),

    - E.g. Health Care legal notice requirements can be added for sensitive medical data

    - Further extended by another jurisdictions notice requirements for cross border transfer or sensitive personal data

OPEN
NOTICE

Trust Delivery System

- Interoperability starts by combining trust services in context

- A **consent receipt** is a vehicle for trusted services,

  - Icons and assurance frameworks can be added in the consent receipt to serve advanced compliance requirements

OPEN
NOTICE

Open Notice Registry

- Provides pubic foundation for a two way communication between people and organisation on policy/terms

- An Open Notice Registry (similar to the ICO data controller registry) is the database behind the receipt.

- Used for companies to register their notice and provide consent receipts to people

- Providing independent channel for interaction

OPEN
NOTICE

12
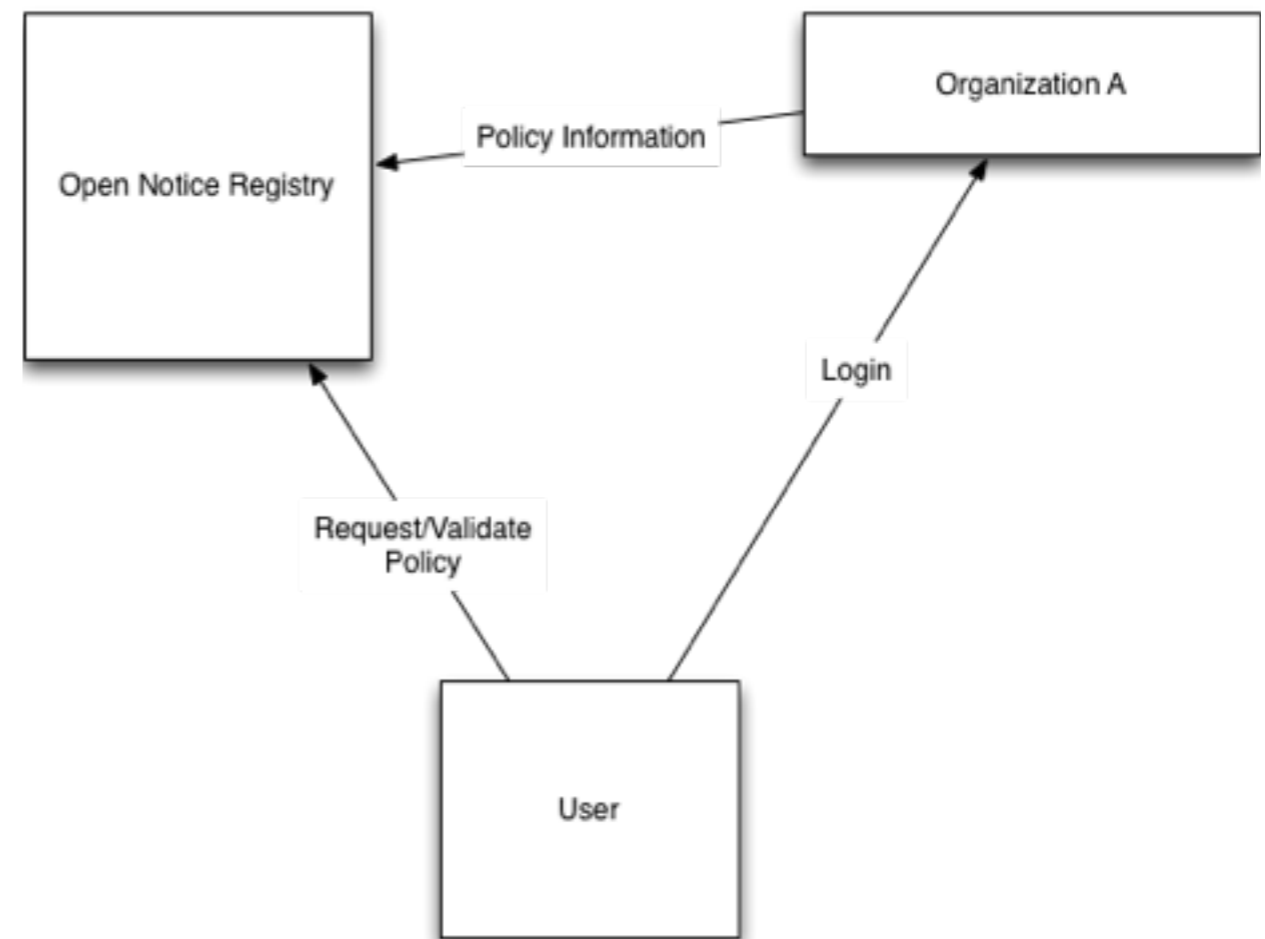
Co-Regulation & Self-Regulation

- A consent receipt is like a transaction receipt

- Everyone gets the same transparency, and provides a framework self regulation

- **Open Notice Registry** + **Consent Receipt** = co-regulation

- Minimise the need for regulator enforcement,

- Evolve further the ICO Governance Frameworks

OPEN
NOTICE

UK- Information Commissioner Assurance Scale

| Colour code	Internal audit opinion	Recommendation priority	Definitions
■■■	High assurance	Minor points only are likely to be raised	There is a high level of assurance that processes and procedures are in place and are delivering data protection compliance. The audit has identified only limited scope for improvement in existing arrangements and as such it is not anticipated that significant further action is required to reduce the risk of non compliance with the DPA.
■■■	Reasonable assurance	Low priority	There is a reasonable level of assurance that processes and procedures are in place and are delivering data protection compliance. The audit has identified some scope for improvement in existing arrangements to reduce the risk of non compliance with the DPA.
■■■	Limited assurance	Medium priority	There is a limited level of assurance that processes and procedures are in place and are delivering data protection compliance. The audit has identified considerable scope for improvement in existing arrangements to reduce the risk of non compliance with the DPA.
■■■	Very limited assurance	High priority	There is a very limited level of assurance that processes and procedures are in place and are delivering data protection compliance. The audit has identified a substantial risk that the objective of data protection compliance will not be achieved. Immediate action is required to improve the control environment.

OPEN NOTICE

http://ico.org.uk/for_organisations/

14
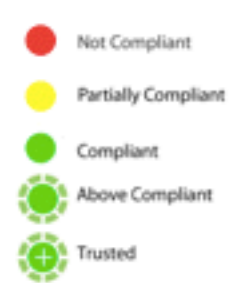
A Measure of Compliance

Not compliant

Partially Compliant

Compliant

Above Compliant

Trusted

- A consent without notice or basic notices requirements like contact information or policy information .

- More generally notices that incorrectly describe choice and purpose

- Organisation that meet notice requirements

- exceeds compliance requirements

- ICO Promise, Audited, Use third party trusted services frameworks.

OPEN
NOTICE

Notice Compliance Checklist	Non	Partially	compliant
contact			X
purpose		X	
consent notice information		X	
3rd party Listed	X		

What's Next: How?

- Developing a community for trusted services

- Developing an Alpha Open Notice Registry for orgs that want to self assert and provide consent receipts

- Research with MIT Media Labs this summer on asserting data control by people.

  - Estimate 90% + of orgs are not aware or able to comply to requests about notice.   We want to test this estimate.

- Many ways to develop further, many are in reaction to the ICO

  - A consent receipt in a browser extension or a web service will enable people to self-provide a framework to hold privacy icons.

  - A plugin can enable automated creation of an open policy registrar

- Consent Receipt Request: Status of consent - Won hackathon in FEb

OPEN
NOTICE

Thank You

Mark Lizar & John Wunderlich

hello@opennotice.org

OPEN
NOTICE

References

Working Party on Security and Privacy in the Digital Economy, SUMMARY OF THE OECD PRIVACY EXPERT ROUNDTABLE "Protecting Privacy in a Data-driven Economy: Taking Stock of Current Thinking", 21 March 2014, http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=dsti/iccp/reg(2014)3&doclanguage=en

"The Origins of Personal Data and its Implications for Governance"
By Martin Abrams, The Information Accountability Foundation, 21 March 2014, http://informationaccountability.org/wp-content/uploads/Data-Origins-Abrams.pdf

DIGITAL IDENTITY MANAGEMENT FOR NATURAL PERSONS: ENABLING INNOVATION AND TRUST IN THE INTERNET ECONOMY Guidance for government policy makers, http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DSTI/ICCP/REG(2011)8/FINAL&docLanguage=En

How Good is Trust?
 Adolfo Morrone1, Noemi Tontoranelli2, Giulia Ranuzzi3 Measuring Trust and its Role for the Progress of Societies

Economics of Identity - > https://www.ctrl-shift.co.uk/research/product/89