Making Privacy Operational

International Security, Trust and Privacy Alliance (ISTPA)

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What is the ISTPA?

- The International Security, Trust and Privacy Alliance (ISTPA), founded in 1999, is a global alliance of companies, institutions and technology providers working together to clarify and resolve existing and evolving issues related to security, trust, and privacy

- ISTPA's focus is on the protection of personal information (PI)

ISTPA's Perspective on Privacy

- Operational – Technical, Operational Focus
  - …"making Privacy Operational"
  - based on legal, policy and business process drivers
  - privacy management is multi-dimensional with extended lifecycle requirements
- Privacy Framework v1.1 published in 2002
  - supports the full "Lifecycle" of Personal Information
- "Analysis of Privacy Principles: An Operational Study" published in 2007
- See **www.istpa.org** for downloads

Three Dimensions of Privacy Management

- Principles/Legislation/Policies
  - Requirements and constraints on the collection and use of personal information by government and private sector organizations
- Business Processes
  - Data collection, processing and storage systems and business applications which make use of PI
- Operational Privacy Management and Compliance
  - Architectures and applications which incorporate standardized privacy management services and controls

Principles/Legislation/Policies

“Analysis of Privacy Principles: An Operational Study”

Laws, Directives, Codes Analyzed

The Privacy Act of 1974 (U.S.)

OECD Privacy Guidelines

UN Guidelines

EU Data Protection Directive

Canadian Standards Association Model Code

Health Insurance Portability and Accountability Act (HIPAA)

US FTC Fair Information Practice Principles

US-EU Safe Harbor Privacy Principles

Australian Privacy Act

Japan Personal Information Protection Act

APEC Privacy Framework

California Security Breach Bill

Analysis Methodology

- Select representative international privacy laws and directives
- Analyze disparate language, definitions and expressed requirements
- Parse expressed requirements into working set of privacy categories and terms
- Cross-map common and unique requirements
- Establish basis for a *revised* operational privacy framework to ensure ISTPA Framework Services supports full suite of requirements

Comparative Analysis-Sample

- OECD Guidelines – 1980
  - Collection Limitation
  - Data Quality
  - Purpose Specification
  - Use Limitation
  - Security Safeguards
  - Openness
  - Individual Participation
  - Accountability

- Australian Privacy Principles – 2001
  - Collection
  - Use and Disclosure
  - Data Quality
  - Data Security
  - Openness
  - Access and Correction
  - Identifiers
  - Anonymity
  - Transborder Data Flows
  - Sensitive Information

Derived Privacy Requirements

- Accountability
- Notice
- Consent
- Collection Limitation
- Use Limitation
- Disclosure
- Access & Correction
- Security/Safeguards

- Data Quality
- Enforcement
- Openness

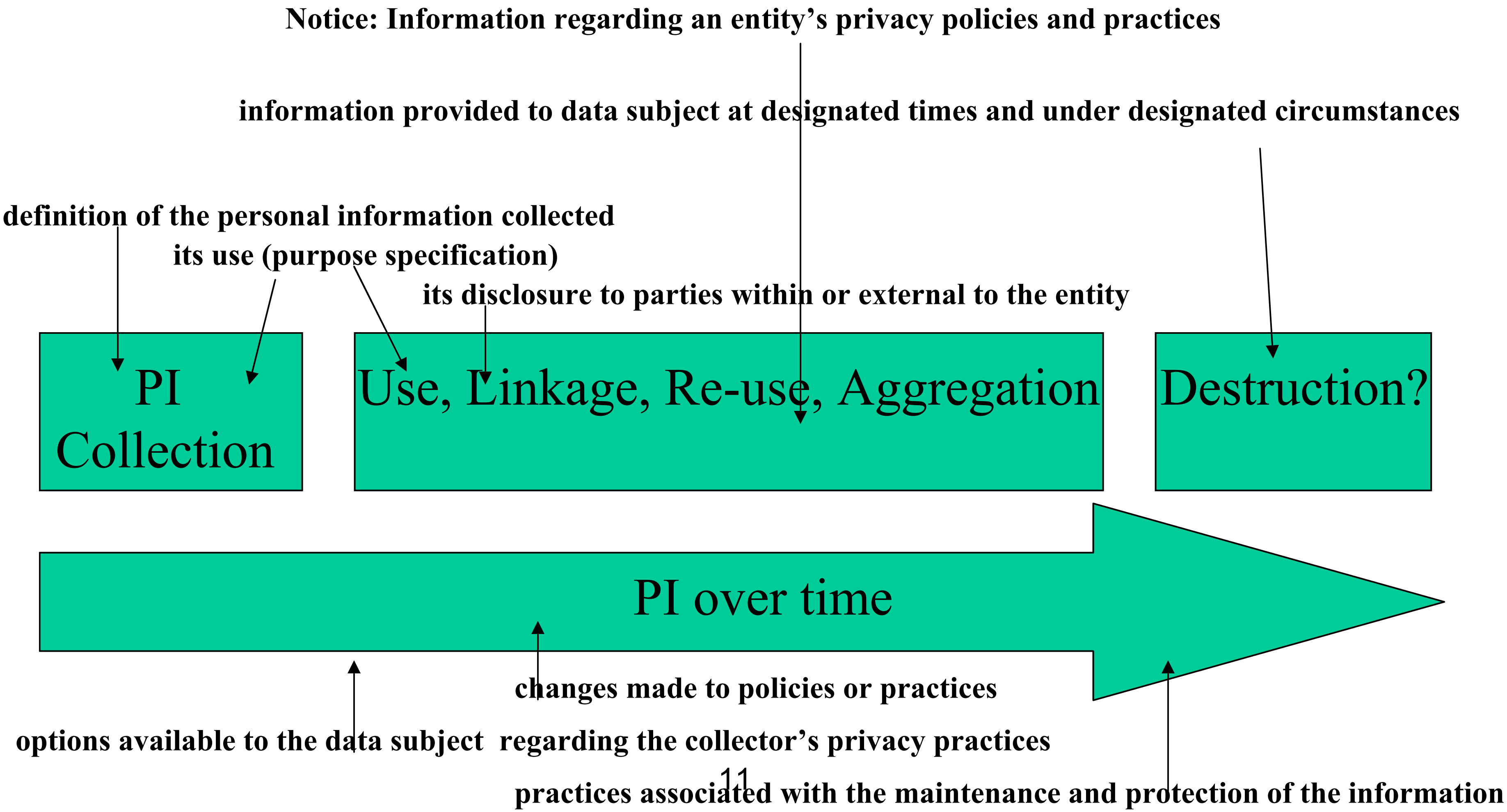
- <u>Less common:</u>
- Anonymity
- Data Flow
- Sensitivity

What we Discovered

Example: Notice Principle

- Notice: Information regarding an entity’s privacy policies and practices includes
    1. definition of the personal information collected
    2. its use (purpose specification)
    3. its disclosure to parties within or external to the entity
    4. practices associated with the maintenance and protection of the information
    5. options available to the data subject regarding the collector’s privacy practices
    6. changes made to policies or practices
    7. information provided to data subject at designated times and under designated circumstances

PI Lifecycle Implications of “Notice”



Notice: Information regarding an entity’s privacy policies and practices

information provided to data subject at designated times and under designated circumstances

definition of the personal information collected

its use (purpose specification)

its disclosure to parties within or external to the entity

PI Collection

Use, Linkage, Re-use, Aggregation

Destruction?

PI over time

changes made to policies or practices

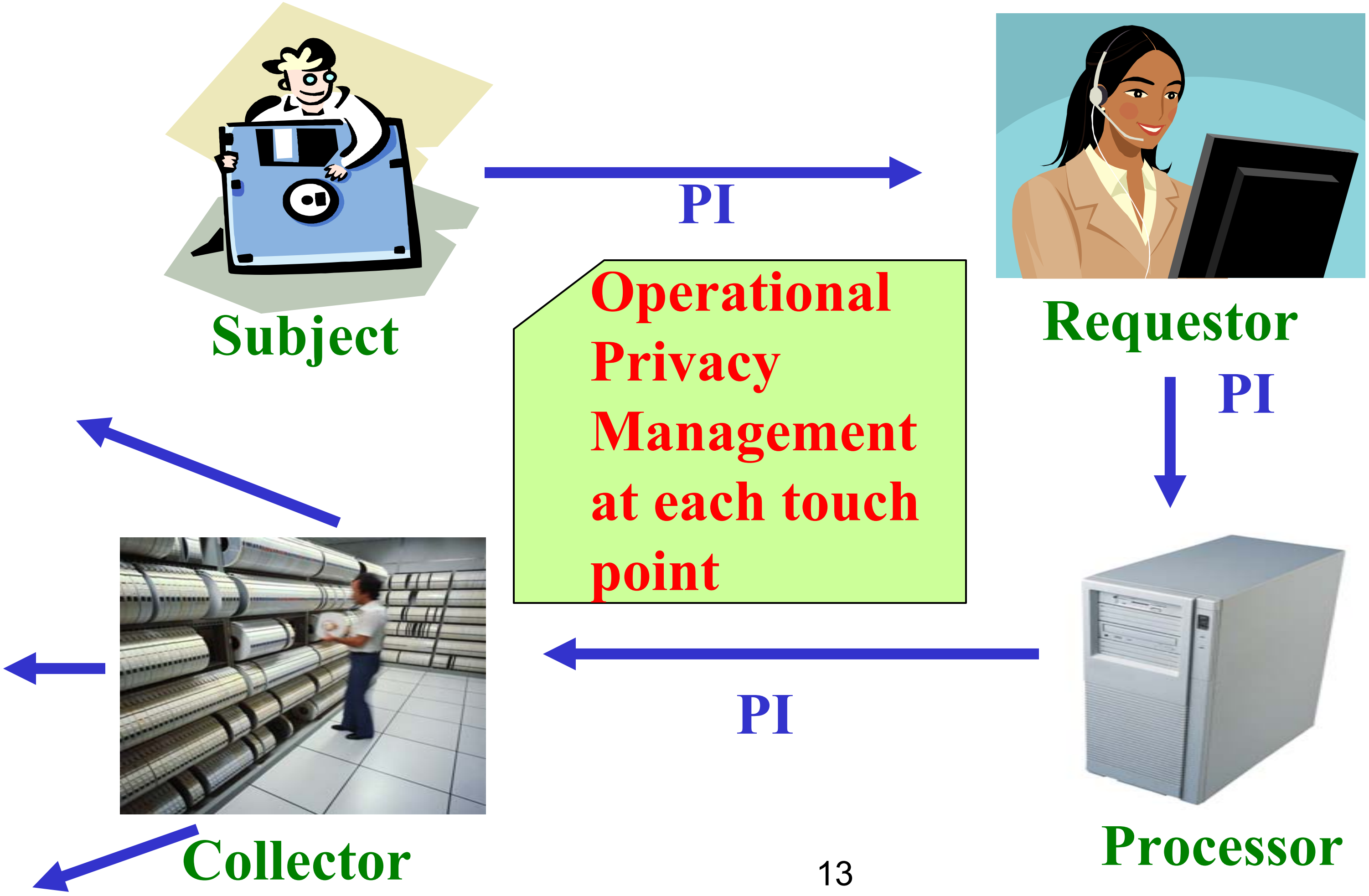
options available to the data subject regarding the collector’s privacy practices

practices associated with the maintenance and protection of the information

Operational Privacy Management

Revising the Framework

PI Life Cycle Perspective



Subject

PI

Requestor

PI

Operational Privacy Management at each touch point

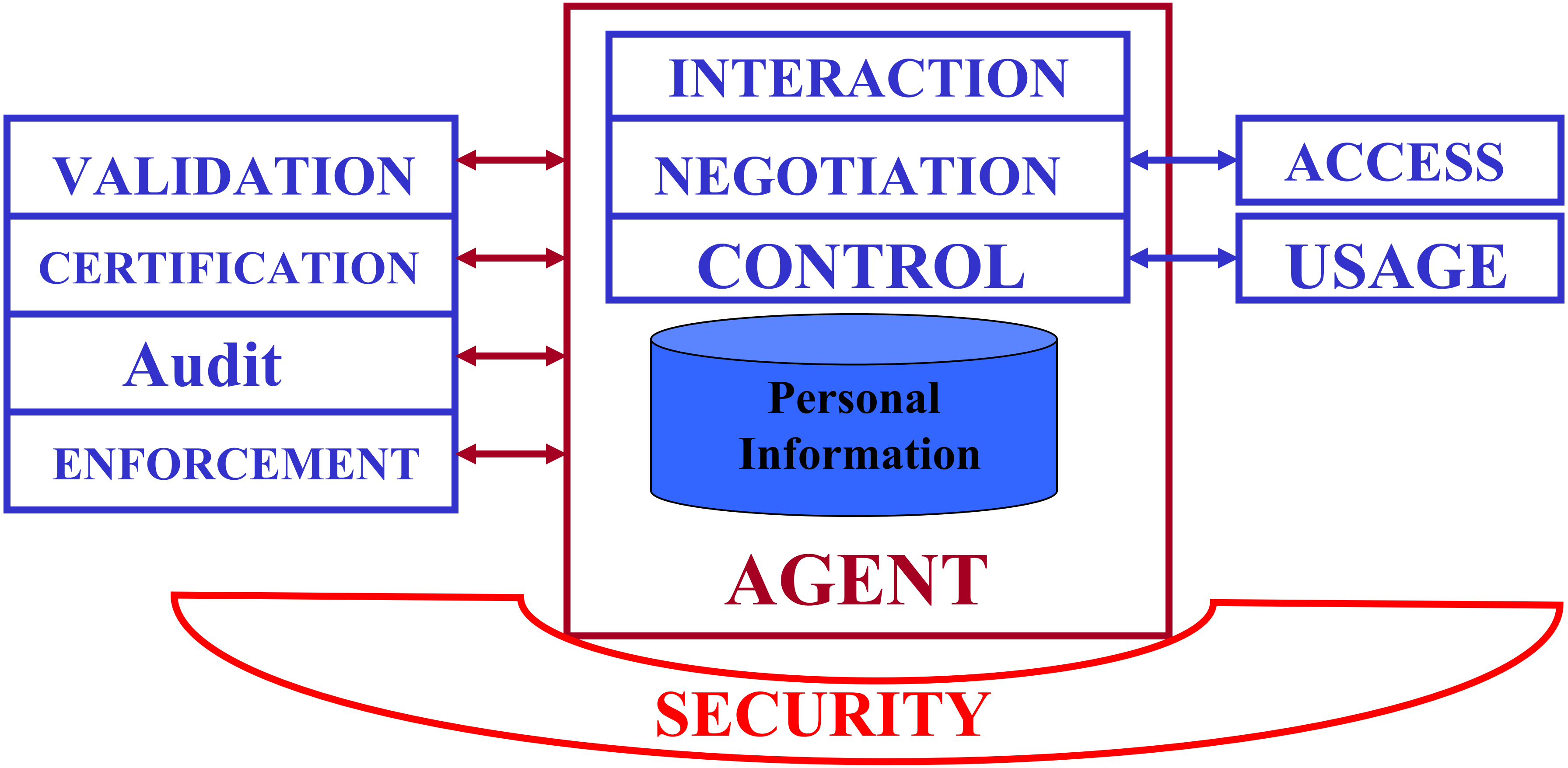
Processor

PI

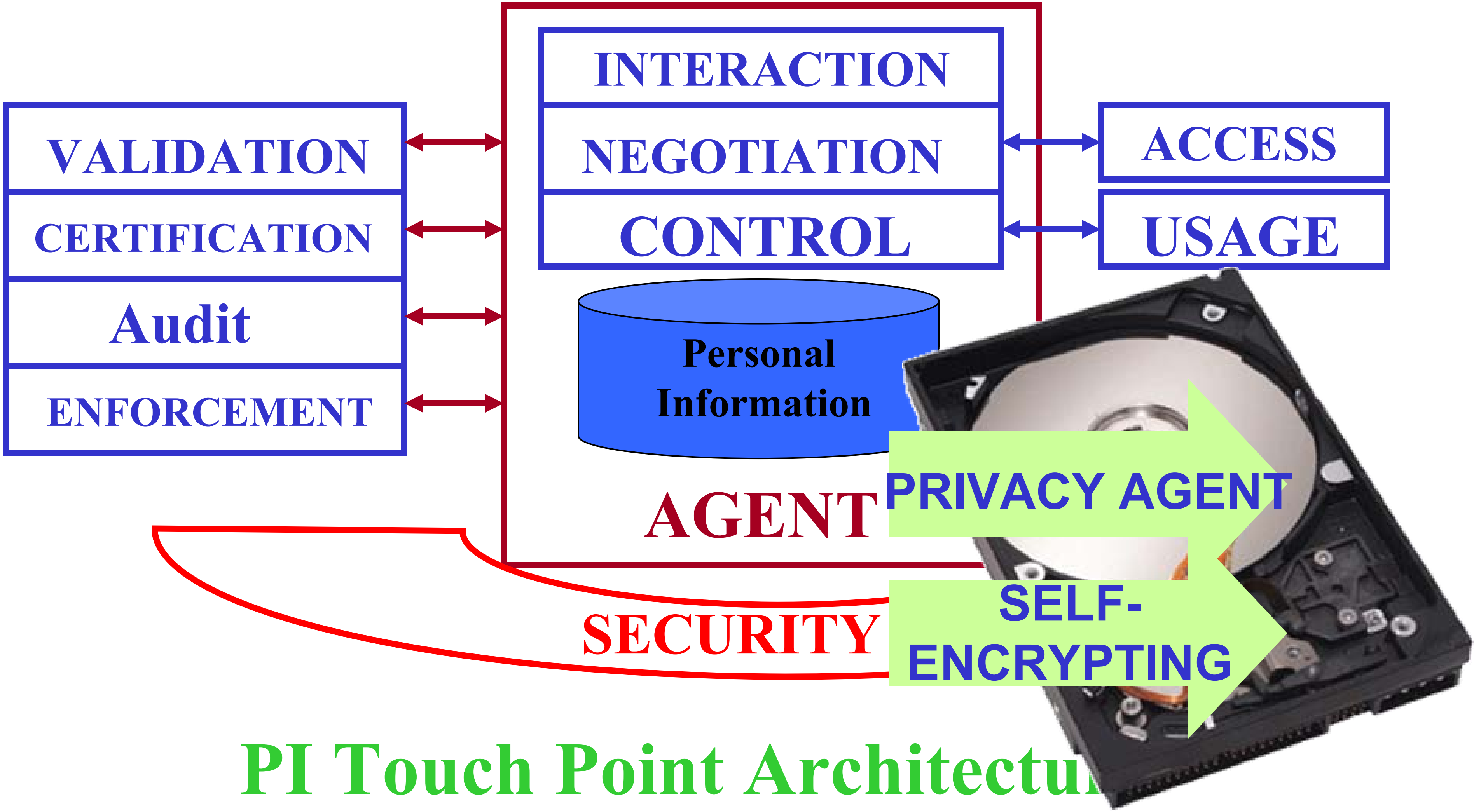
Collector

Designing a Privacy Management System

Step by Step ….



PI Touch Point Architecture



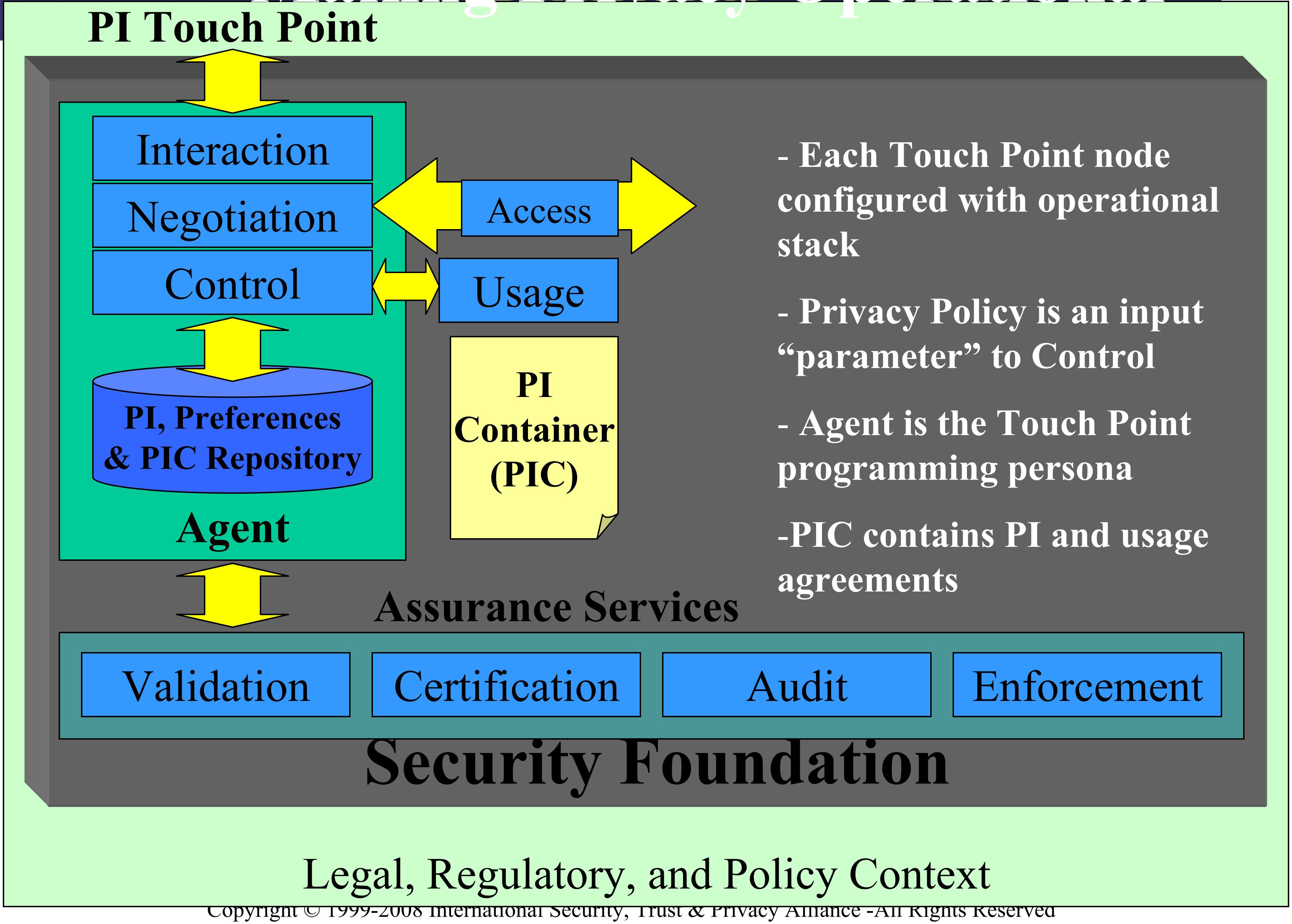
PI Touch Point Architectu

ISTPA Privacy Framework Services

- **Control** – policy – data management
- **Certification** – credentials, trusted processes
- **Interaction** - manages data/preferences/notice
- **Negotiation** – of agreements, rules, permissions
- **Agent** – software that carries out processes
- **Usage** – data use, aggregation, anonymization
- **Audit** – independent, verifiable accountability
- **Validation** - checks accuracy of PI
- **Enforcement** – including redress for violations
- **Access** - subject review/suggest updates to PI

ISTPA
INTERNATIONAL SECURITY

Making Privacy Operational



- Each Touch Point node configured with operational stack

- Privacy Policy is an input “parameter” to Control

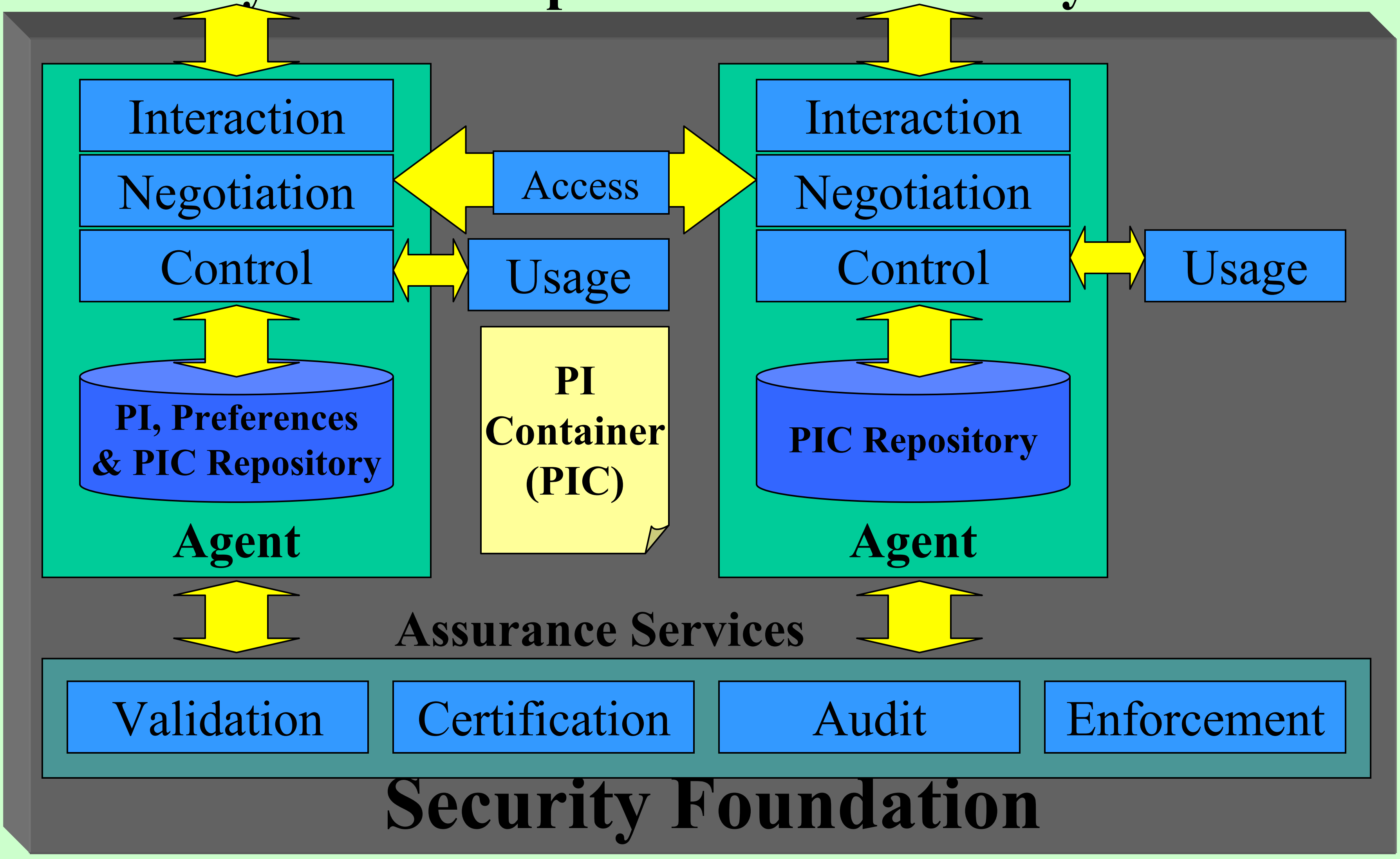
- Agent is the Touch Point programming persona

-PIC contains PI and usage agreements

ISTPA INTERNATIONAL SECURITY

Privacy SERVICES

Any two touch points in the PI life cycle

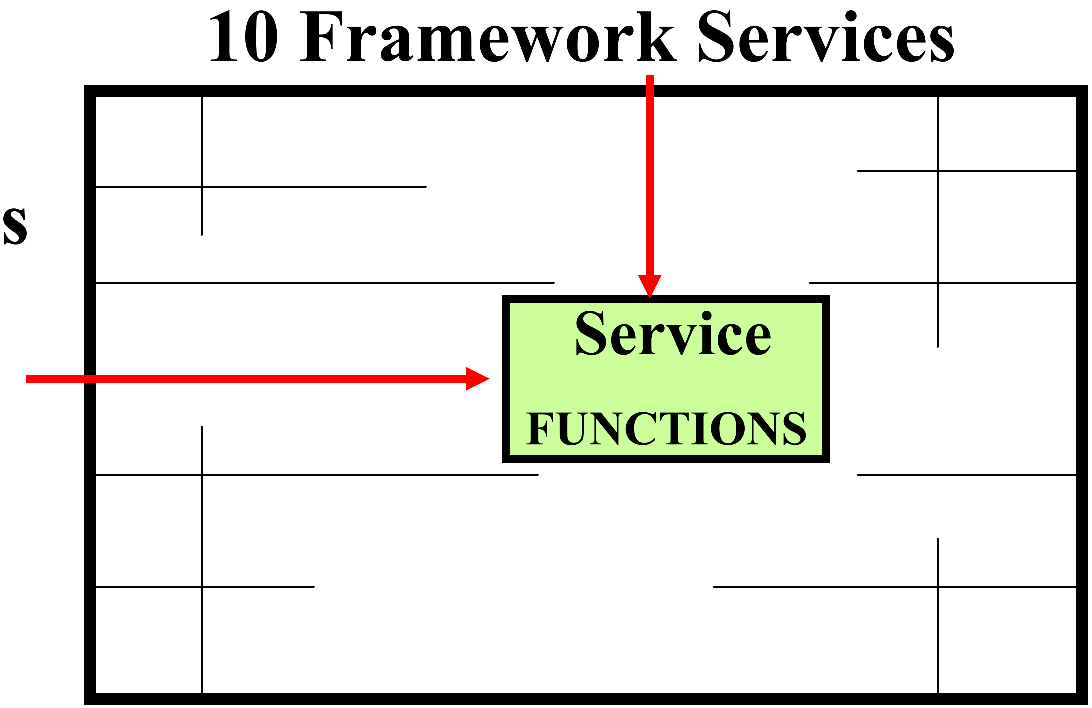


Legal, Regulatory, and Policy Context

Converting Privacy Requirements to Privacy Management Operations

- **“Matrix” Conversion (ISTPA ToolKit Process):**

Privacy Requirements (eg, Principles, Legislation)



10 Framework Services

Service FUNCTIONS

Next Steps for the ISTPA Privacy Framework

- Undergoing revision now
- Using the *Analysis* findings, major revisions to Service definitions and lifecycle issues for integrating services
- ISTPA has joined the OASIS standards organization as an institutional member to explore standards development
- *We welcome your input and support!*

MAKING PRIVACY OPERATIONAL

Questions?

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