Putting consumers in control and not at risk

Marit Hansen Data Protection Commissioner Schleswig-Holstein, Germany

G20 Consumer Summit – Berlin, 15 March 2017









www.datenschutzzentrum.de

Status quo: self-reinforcing trends

- Data processing everywhere ...
- ... with a few dominating giants
- Complex systems ...
- ... generating decisions on people





Source: HarshLight

How to establish fair rules?

What about the human rights?



Imbalance in power ⇒
data protection necessary

Important: Perspective of the individual





Putting consumers in control ...





www.datenschutzzentrum.de

Regulation (EU) 2016/679

EU General Data Protection Regulation — A game changer

- Market location principle (Art. 3 GDPR)



Data protection by default (Art. 25(2) GDPR)



- Data protection impact assessment (Art. 35 GDPR – "rights and freedoms of natural persons")
- Certification (Art. 42+43 GDPR)
- Fines & sanctions (Art. 83+84 GDPR)
- Courts

Powerful toolbox, but only as good as its implementation

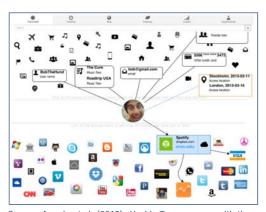
Source: Johan Aulin

Putting consumers in control ...



Enhancing transparency

- Clear and simple language
- "Layered Policies"
- Standardised icons (Art. 12(7) GDPR)
- Machine readable



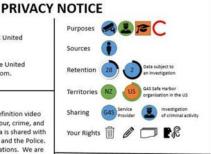
Source: Angulo et al. (2015): Usable Transparency with the Data Track: A Tool for Visualizing Data Disclosures, CHI EA '15 http://dx.doi.org/10.1145/2702613.2732701

About Us

XYZ Limited, High Street, Somertown, LX1 1XX United

We are a social housing provider located in the United Kingdom. Our DPO is John Smith. dpo@xyz.com.

<u>Summary</u>
We are using a CCTV system to capture high definition video images to help us to monitor antisocial behaviour, crime, and emergency incidents/situations. The CCTV data is shared with a small number of organisations including G4S and the Police. The CCTV data is stored overseas in secure locations. We are processing CCTV data without the consent of the data subjects in pursuit of our legitimate interests and those of the data subjects whose data we process.



Further Information wnload a copy of our privacy notice.



Source: http://www.dataprotectionpeople.com/5918-2/ (January 2016)

Self-protection tools not sufficient: putting the burden on the consumer

Putting consumers in control ...



www.datenschutzzentrum.de

Enhancing intervenability

- Giving consumers meaningful choices ...
- ... on the basis of "data protection by default"
 - No "tracking by default"
 - No upload of contacts/address books



Sometimes necessary to intervene by stopping a process



Source: Playing Futures: Applied Nomadology

Conclusion

- 1. System design is key: technology & organisation & law
- 2. Consumer protection ↔ data protection

Putting consumers in control ...