

# The U.S. Privacy Framework & International Interoperability

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# Overview

- The U.S. Privacy Framework
- Enforceable Privacy Codes of Conduct
- Building International Interoperability

# The U.S. Privacy Framework

## Fourth Amendment to the U.S. Constitution

- Forms the foundation for privacy in the United States
- “The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated”

# The U.S. Privacy Framework

## Commercial Privacy Protections

- Sectoral Privacy Laws
- Voluntary Enforceable Codes of Conduct – enforced by U.S. Federal Trade Commission under “Section 5 Authority”
  - Enables the FTC to combat unfair and deceptive trade practices
- Company Privacy Programs

# Building International Interoperability

## 1980 OECD Privacy Guidelines

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

# APEC Privacy Framework

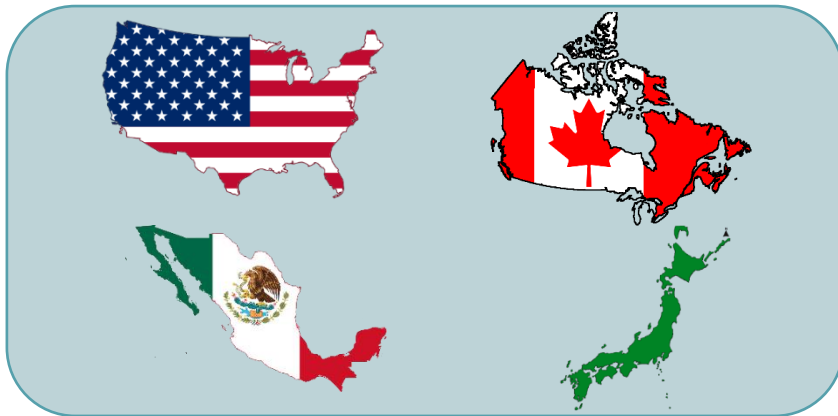
1. Preventing Harm
2. Notice
3. Collection Limitations
4. Uses of Personal Information
5. Choice
6. Integrity of Personal Information
7. Security Safeguards
8. Access and Correction
9. Accountability

# APEC Cross Border Privacy Rules (CBPR) system

- APEC CBPRs provide confidence in data flow and protect privacy
- Developed through a multi-stakeholder process over a six year period
- In 2011 Honolulu Declaration, APEC Leaders committed to CBPR system implementation
- Voluntary but enforceable framework of data privacy principles that companies commit to apply to data received under the system
- Companies must self-certify to an accountability agent, an approved independent third party verifier
- See [www.cbprs.org](http://www.cbprs.org)

# Implementation Status

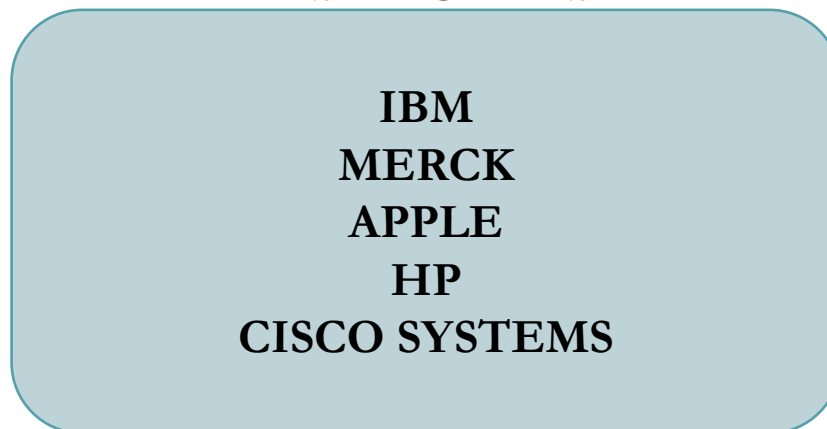
## Participating economies



## Participating Accountability Agents (AAs)



## Participating companies





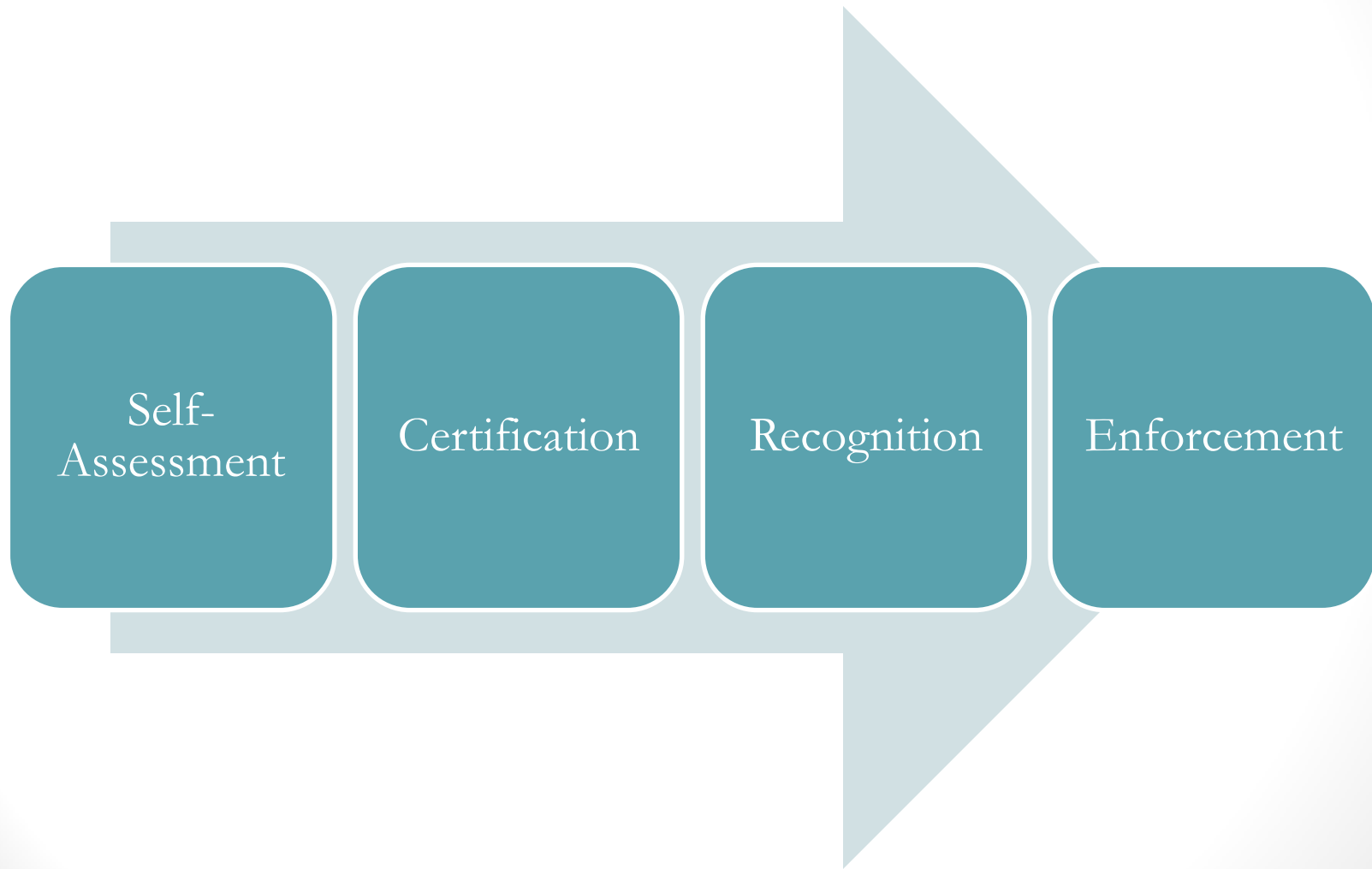
# Country Participation

Join CPEA

Submit Letter  
of Intent

Make use of  
an  
Accountability  
Agent

# Company Participation



# Benefits

Adaptability

Expertise/Industry Buy-In

Market-Friendly

Reach

Accountability

Legitimacy

Agreement

# CBPR: How to Learn More

- Attend a meeting of the APEC Electronic Commerce Steering Group (ECSG) as a guest observer
- The next meeting will occur in August 2017 in Ho Chi Minh City, Vietnam
- To apply for guest status or for further information on APEC CBPRs, contact Andrew Flavin, [andrew.flavin@trade.gov](mailto:andrew.flavin@trade.gov)

# Conclusion

- What are the key elements of strong, innovation-enabling privacy protection?
- What elements further interoperability between data protection frameworks?



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