MISSION REPORT: Workshop: Data Protection Within International Organisations

EDPS Participant(s)	Organisers: ████████████████████████████████████ ██████████████████
	Speakers: Wojciech WIEWIÓROWSKI, ████████████████████████
Type of activity	Workshop
Organisers	EDPS and OECD
Where/When	Paris (OECD headquarters), 17-18 June 2019
Subject(s) covered	Data protection within international organisations
Objective(s) of the mission + assessment	The goal of the workshop was supporting international organisations in their commitment to develop robust data protection safeguards and to share best practices and challenges with one another.
	The EDPS co-organised the workshop with the OECD, who also hosted the event at their headquarters in Paris. Furthermore, Wojciech Wiewiórowski participated as a moderator, while ██████████ and ██████████ participated as panellists.
	With around 90 participants representing more than 40 organisations from across the world, the event offered us the chance to find out more about the challenges faced by IOs as well as be reassured as to their commitment to design data protection frameworks.
	The discussions have shown that IOs are devoting more and more attention and resources to data protection and are eager to face the most complex challenges in the field, while bearing in mind the specificities of the legal status of IOs and of their mission.
Case file number	**2018-0784**

MAIN ISSUES DISCUSSED

First Day:

The **first session**, moderated by ██████████████ (UNHCR), concerned **data protection issues arising from the use of web services and social media** by IOs.

The first panellist ██████████████████████ described the challenges arising from the use of social media to engage with beneficiaries: while this allows for quick communications and easy interactions, it also provides incentives for beneficiaries to provide an increasing amount of personal data on social media platform, which poses ethical, legal and technical issues.

██████████ presented the main issues arising from the use of cookies, web beacons and other tracking, as well as issues related to security of website connection encryption. He provided useful tips such as: minimize personal data processed by websites, draft an inventory of third-party components so as to get rid of those endangering visitors' privacy, ensure all connections are encrypted, and monitor changes in the terms of use of third-party service providers. Furthermore, he highlighted how transparency is key in order to keep users in control.

██████████ did a presentation on how the websites have evolved in the last twenty years, with an exponential increase of the amount of components and of the complexity of websites in general, which

have been often outsourced to external providers with sometimes poor privacy practices. He then gave a demonstration of the tool *website-evidence-collector* that can be used to inspect websites. During the break, seven organisations accepted the offer to have their websites scanned for evidence right away. The evidence was then shared per mail to support their efforts for privacy-friendly websites.

The discussion highlighted that enhancing transparency while at the same time ensuring that websites are user-friendly is a real challenge, yet individual rights should be guaranteed to web users, especially if they belong to vulnerable categories.

The **second session**, moderated by ████████████████ (Council of Europe), consisted in a *tour de table* which offered all participants the chance to provide updates on their data protection frameworks and ongoing work. Many participants referred to the update or establishment of data protection policies, often taking GDPR as a standard.

Second Day:

The **third session**, moderated by Wojciech Wiewiórowski, concerned the issues arising from **contractual arrangements with software providers**.

The first panellist ██████████████ gave a presentation on their organisation's experience with software providers. He highlighted that a risk assessment is conducted when selecting external providers, and that contractual clauses dealing with data protection are inserted into contracts. Some of such clauses are considered as non-negotiable. He underlined that even a full and spontaneous acceptance of all the data protection clauses by the provider may amount to an issue, as it may arise from a lack of awareness of the scope of the obligations. On the other hand, some providers do not wish to enter into any negotiation. The clauses to be negotiated with external providers also involve the issue of privileges and immunities, as international organisations have an interest in storing personal data in jurisdictions where such privileges are enjoyed.

The second panellist ████████████████████████████ gave a presentation on how their procurement department entered into negotiations with Microsoft so as to change some of its conditions. These negotiations were based on a thorough and comprehensive data protection assessment on data processing operations carried out by Microsoft, which generally revealed several risks to users' privacy. An agreement was reached regarding an improvement plan and some corrections to be implemented.

The **fourth session**, moderated by ████████████████████, concerned **personal data transfers to international organisations**.

The first panellist ████████████████ gave a presentation on a project carried out by his organisation that involves the analysis of data gathered from 80 countries around the world every three years. The management of this project, which also involves interactions with participating countries and with an external contractor (chosen via a tender procedure), involves several instances of personal data transfers to the organisation.

The second panellist ████████████████████ clarified the scope of application of the GDPR as well as the provisions applying to transfers to third countries and international organisations, highlighting the provisions that would be relevant to the situation of IOs.

The third panellist ██████████████████████████ gave a presentation on a recent example of non-binding administrative arrangement on transfers between EEA and non-EEA authorities. Some details were shared as to how the negotiations were carried out and as to the main features of the agreement.

The discussion concerned several issues, including the scope of application of art. 49 derogations, the relationships between IOs and processors subject to the GDPR, the concept of "public interest".

The **fifth session**, moderated by ██████████ (OECD), was a practical "How to" session aimed at providing hands-on advice on three different topics.

- Part 1: Creating an inventory of data processing operations. The panellist (██████████ ██████████ gave a presentation on how to create an inventory or mapping of data processing operations, by highlighting the challenges as well as the usefulness of this exercise.

- Part 2: Performing a risk assessment. The first panellist ██████████████████████ presented a tool to perform DPIAs and its main features. The second panellist ████████████ ██████████ gave a presentation on the practical issues faced by a IO when engaging in a risk assessment and highlighted that the risk assessment should not be a static exercise but it should follow the project throughout its lifecycle.

- Part 3: Individual redress and oversight mechanisms. The panellist ██████████████ gave a presentation on the practical way her organisation has implemented a data subjects review and redress mechanism, allowing individuals to request information on his or her personal data being processed by the IO and to seek redress if he or she reasonably believes the processing violates the general privacy policy. The development of the review and redress mechanism had to balance its objectives with considerations unique to the IO given its status with associated immunities.

FOLLOW UP

Conclusions/Ideas to Take Home/Further steps:

- The workshop should be organised next year, in order to keep this forum alive as a useful tool to facilitate exchange of best practices and ideas among IOs. We need to contact a possible co-host for next year (possibly the World Food Programme).

- The results of the evaluation questionnaire should be taken into account in the organisation of next session.