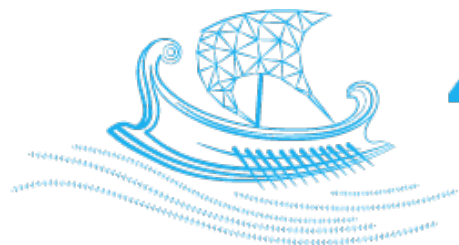


Christopher Docksey

Hon. Director General, EDPS

Guernsey Data Protection Authority



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The ICDPPC and Accountability

Madrid Resolution on International Standards for the Protection of Privacy

6 November 2009, Article 11

The responsible person shall:

- Take all the necessary measures to observe the principles and obligations set out in this Document ..., and
- Have the necessary internal mechanisms in place for demonstrating such observance both to data subjects and to the supervisory authorities

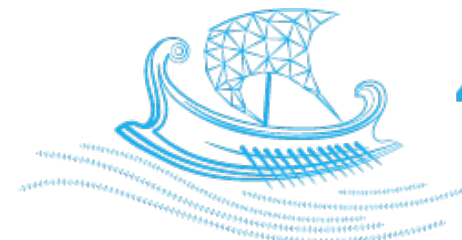


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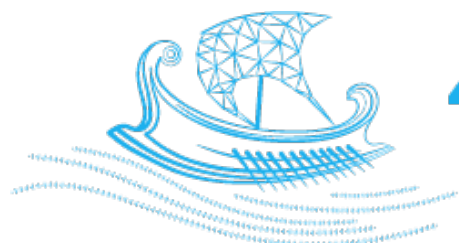
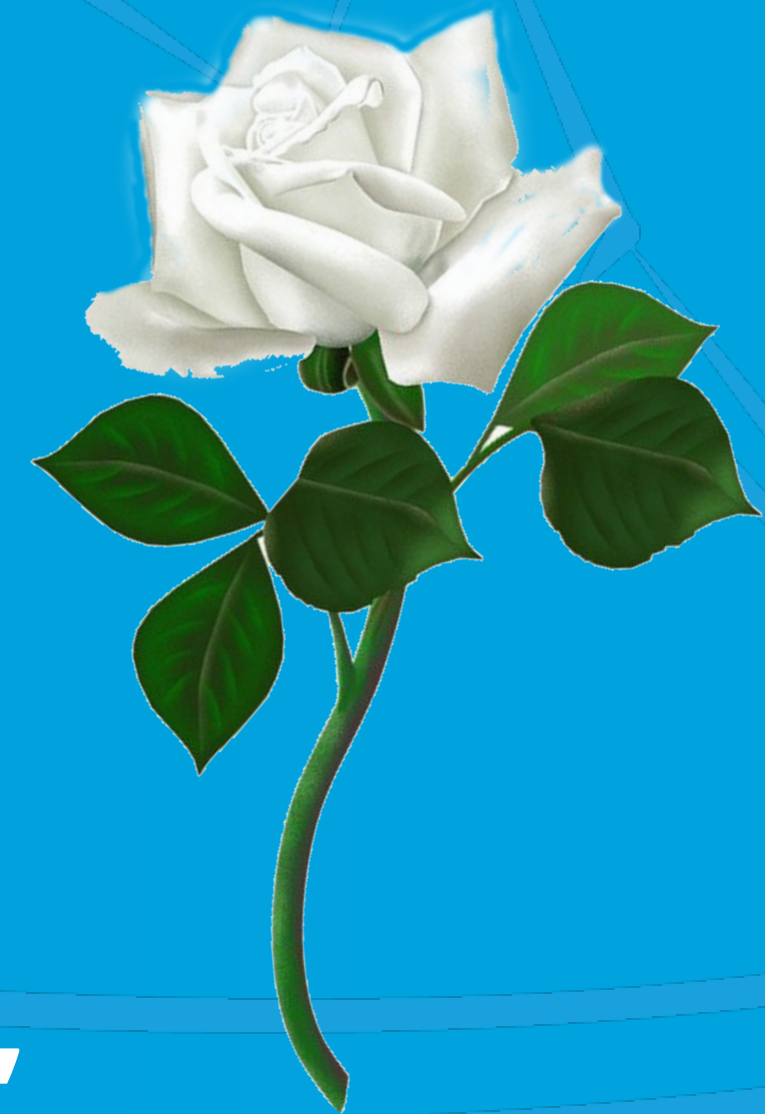
The Meaning of Accountability

Rechenschaftspflicht – rozliczalność - responsabilité

la responsabilidad proactiva y demostrada

Actively developing compliance and being able
to demonstrate compliance

“A rose by any other name would smell as sweet”



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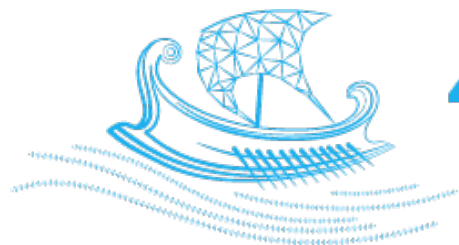
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Accountability across the world



Accountability as the solution

- **accountability is a global standard**
- **both law and guidance are required**
- **GPEN 2018 Data Sweep**
- **IAPP / EY 2018 Report**
- **the solution, not the problem**



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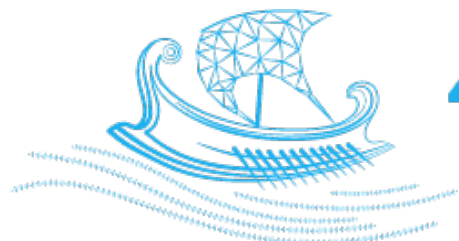
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Accountability as a toolbox



- Privacy by design and privacy by default
- Records of processing activities
- Security measures and data breach notification procedures
- DPO – privacy officer
- DPIA – privacy impact assessment
- Codes of conduct
- Certification



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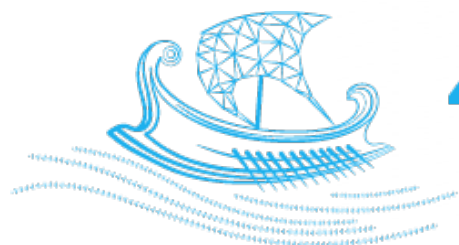


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The “Aha!” Moment

A philosophy of being a responsible and ethical steward of personal information



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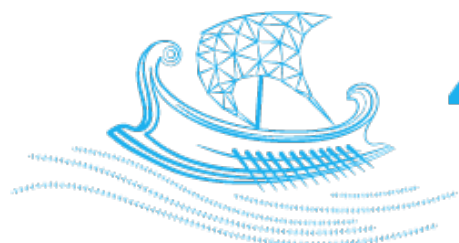
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Accountability in action

“the first among the principles because it is the means by which organisations are expected to give life to the rest”.

- Organisational commitment
- Privacy Management Program
- DPO – privacy officer
- Transparency – to individuals, regulators and the public



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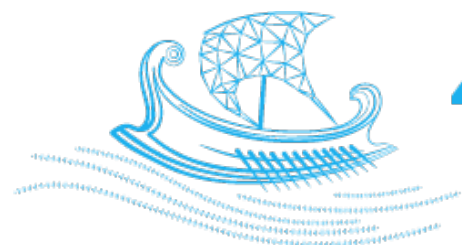


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Why accountability: advantages for regulators

- Satisfies due diligence, enables prioritisation
- Minimises over-reporting
- Provides a bridge between jurisdictions
- Means leadership, support and guidance, in addition to enforcement



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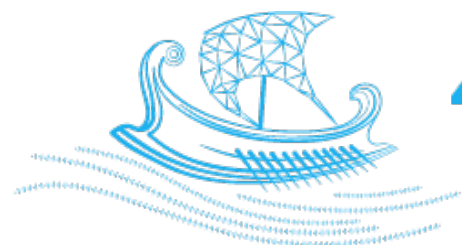


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Why accountability: advantages for organisations

- Preparation for the known unknowns
- Ready for the regulator
- Reputation and competitive advantage
- Methodology for dealing with AI



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Accountability when things go wrong

“Whatever can go wrong will go wrong”

- Fail to plan, plan to fail
- Fines support accountability
- Enforced accountability
- Damage to reputation, damage to business



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Accountability and the courts

- “Privacy has a cost” – US Supreme Court
- “Privacy is the constitutional core of human dignity” – Indian Supreme Court
- “Effective and complete protection” - CJEU
- by way of “high levels of accountability” in view of the “central theme” of accountability



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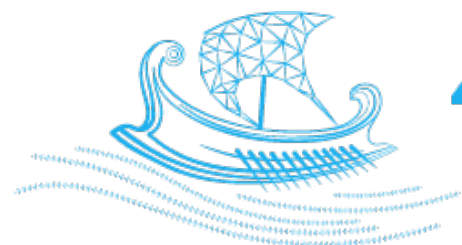
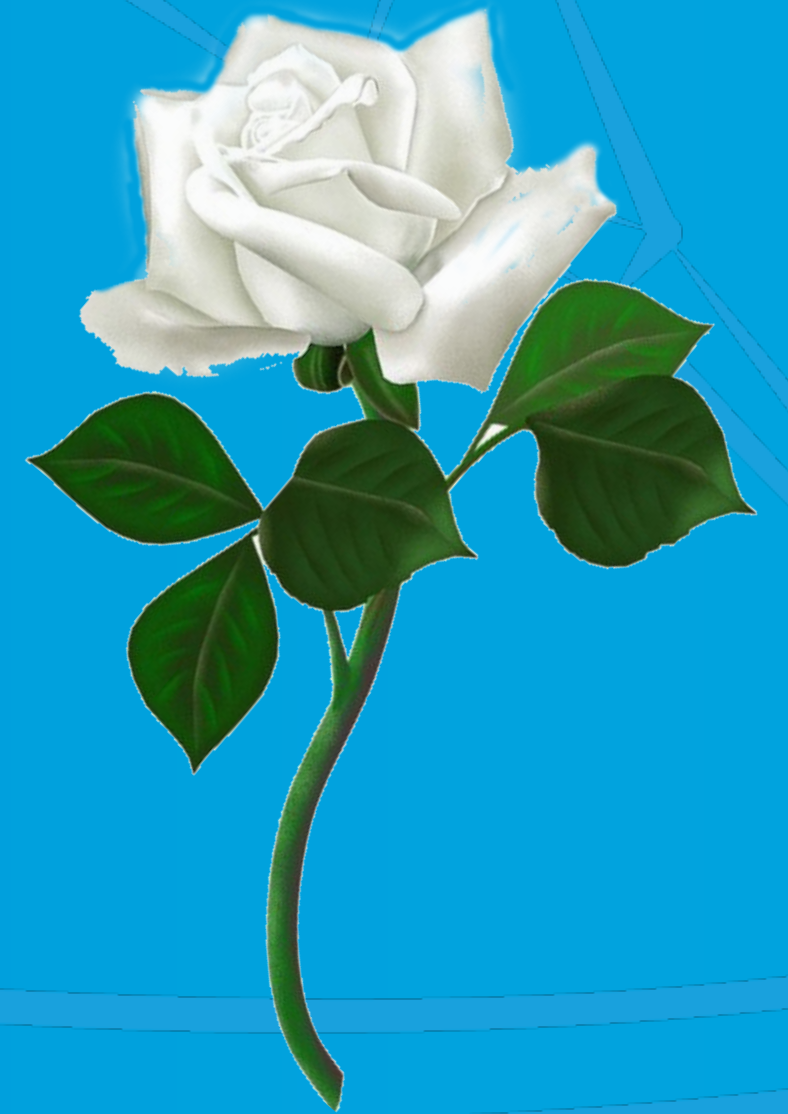


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Conclusions

- **Accountability is world-wide**
- **“Crucial, crucial” for data protection**
- **Proactive and demonstrable responsibility woven into the cultural and business fabric of organisations**
- **Regulators must explain and enforce**
- **Leads to the flowering of Accountability 2.0**



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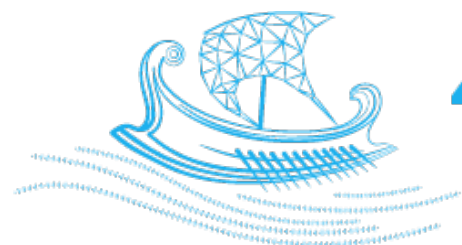


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**“Not everything that is legally
compliant and technically
feasible is morally sustainable”**

**- Giovanni Buttarelli
1957 - 2019**



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