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Report to ISO/IEC JTC 1
on
Canadian National Activities
related to Privacy Standardization

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Background:

The Canadian National Body, the Standards Council of Canada, was asked by the ISO/IEC JTC 1 Plenary to report on National Level activities related to Privacy Standardization. This report is written in response to that request.

Summary of Activities:

The Standards Council of Canada, initiated a series of meetings and workshops to consider the topic of Privacy Standardization. The scope included both National Standards and International Standards. These activities have run over the last 15 months and are still ongoing, with future meetings and workshops planned as required. Phase One ended with both the 29th International Data and Privacy Commissioners Conference held in Montreal¹, and the follow on National meetings held after this event which concluded at the beginning of December 2007. This report covers Phase One.

The prime objective of these activities is to determine the best way forward for Canada with regard to the need for Privacy related standards covering both technical and non-technical aspects. Even though there was a general belief that these types of standards are needed, it was decided that, as a first step, this belief should be confirmed.

This initial work was performed by a series of meetings and workshops as well as the use of an on line Forum participation. Over 60 people took part in these activities. Participants were drawn from a wide range of organizations and disciplines, with varying perspectives on Privacy, including consumers, vendors, regulators, users and general interest. The primary outcomes and conclusions of these activities are set out below.

¹ Report on the 29th International Data Protection and Privacy Commissioners Conference,
http://www.privacyconference2007.gc.ca/workbooks/Terra_Incognita_summary_E.html

Canada has created two national level groups to support the work of Privacy Standardization. One of these groups is specifically tasked with supporting and creating Canadian input to the work of ISO/IEC JTC 1/SC 27/WG 5. The second group has a much broader focus and includes all aspects of Privacy Standardization, both technical and non-technical, and National and International standards. The detailed working relationships of these two groups is still being established.

Conclusions thus far:

1. Standards of all types, both technical and non-technical, are required for effective and efficient Privacy.
2. Privacy standards in no way supplants or replaces the role of Privacy and Data Commissioners, but do support their efforts.
3. International standards are preferred, but Canada is prepared to develop and implement National Standards if International ones prove to be inadequate or non-existent.
4. Canada is, and will continue to, actively support the work of ISO/IEC JTC 1/SC 27/WG 5 in its efforts to develop standards for Privacy Protection:
 - 4.1. However, Canada also believes that there are many aspects of Privacy Standardization, both Technical and non-Technical, that lie way beyond the scope and purview of WG 5. The ITU-T Focus Group on Identity Management refers to the protection of personally identifying information (PII) instead of privacy. This appears to be essentially the same thing as data protection, the term that seems to be more frequently used in Europe. Developing standards for data protection is relatively straightforward and well within the mandate of SC27 and WG5. Some of the other areas of privacy (e.g., territorial or bodily privacy) don't fit, or don't fit well, with the mandate SC 27 and WG 5 mandates;
 - 4.2. Should the scope of WG 5 be extended or augmented to include some of these areas, Canada would NOT support this action for the following reasons:
 - 4.2.1. Canada believes that such expansion with require the influx of large numbers of experts from other disciplines:
 - 4.2.1.1. This would have the effect of disrupting, diverting and diluting the focus of WG 5 on its current work program,
 - 4.2.1.2. Canada believes the current work program of WG 5 is very important;

- 4.2.2. The focus, direction and heritage of WG 5 and SC 27 is not conducive to working in these broader areas;
 - 4.2.3. The work are of WG 5 and SC 27 is very important and should not be perturbed;
 - 4.2.4. SC 27 is already extremely large and becoming difficult to manage, even after it has recently had to undergo reorganization.
- 5. Privacy Technical Standards aspects do fit within the mandate of ISO/IEC JTC 1 as well as some of the non-technical aspects, however some of the broader non-technical aspects do not fit well within the JTC 1 scope.
 - 6. In the Immediate term, Canada will continue to support and work towards the formation of an SC within ISO/IEC JTC 1 to address Privacy Technical Standards and those non-technical aspects that are appropriate.
 - 7. Canada will continue to consider and discuss those aspects that do not easily fit within the scope of ISO/IEC JTC 1, and how they might best be dealt with, including consideration of the formation of a separate TC within ISO, to address Privacy Standardization.
 - 8. Canada will initiate development of National Standards for Privacy for those areas deemed not appropriate or beyond the scope of International Standards.

This work in ongoing and further meetings and workshops are planned for 2008.