

Data Protection at a crossroads

Re-inventing wheels or chasing windmills?



Data Protection at a crossroads: re-inventing wheels or chasing windmills?

An information seminar organised by [the Malta Information Technology Law Association](http://www.mitla.org.mt) (MITLA) and supported by [Microsoft Malta](http://www.microsoft.com/malta).

- **DATE:** 1st April 2015, 13.00
- **VENUE:** SmartCity Malta (Meeting Room 6), Ricasoli, Malta

Seminar abstract:

The proposed new EU General Data Protection Regulation aims at bringing current data protection legislation in line with recent technological and social developments. But will the strengthening of concepts such as the right to be forgotten, data portability, privacy by design and privacy by default inhibit technological innovation? Are our businesses ready for this new privacy landscape where the data subject will take centre stage? Will the new Regulation succeed in raising our appreciation for data privacy?

The aim of the seminar will be to provide an update on the latest legislative proposals as well as discuss the impact that the proposed Regulation will have on current data protection practices.

Securing your place at the event:

You can secure your place at the event by visiting: <http://www.mitla.org.mt/conference>

Event tickets are a €15 for members, €25 for students who are not MITLA members (the price includes one year membership as well as conference access) and €50 for individuals who are not MITLA members (the price includes one year membership as well as conference access).

PROGRAMME:

13:00 Registration

13:20 Welcome and Introduction

Dr. Antonio Ghio, President MITLA

13:25 Minister's Address

Hon. Dr. Helena Dalli, Minister for Social Dialogue, Consumer Affairs and Civil Liberties

13:40 Session 1 – The long and winding road towards the new General Data Protection Regulation

Mr. Bruno Gencarelli, Head of Unit – Data Protection, European Commission, DG Justice

14:20 Session 2 – Privacy in the Cloud – Building Trust

Dr. Remco Hendrikse, Commercial Attorney, Microsoft CEE

15:00 Questions and Discussion

15:15 Networking Break

15:45 Session 3 – Does the new Data Reform Package go far enough?

Prof. Joseph A. Cannataci, Faculty of Media and Knowledge Sciences (University of Malta), European Information Policy & Technology Law (University of Groningen)

16:35 Session 4 - Introduction to Malta's IDPC followed by a Round Table Discussion with Mr. Saviour Cachia - Information and Data Protection Commissioner, Prof. Cannataci, and Dr. Gencarelli.

17:00 Session 5 - Q&A with Dr. Remco Hendrikse on the aspects of standardisation in processes for legal compliance.

17:45 Closing remarks

Dr. Gege Gatt, Vice-President, MITLA

SESSION ABSTRACTS AND SPEAKER PROFILES

Session 1 – The long and winding road towards the new General Data Protection Regulation

Mr. Bruno Gencarelli, Head of Unit – Data Protection, European Commission, DG Justice

Session Abstract:

The Commission's reform package aims at building a single, modern, strong and comprehensive data framework for the EU. This is all the more necessary in a digitalized society. By strengthening individuals' confidence in the online environment, robust and clear data protection rules can be a key trust enabler and an essential element for the growth of the digital economy. The speaker will provide an update on the state of play of the EU Data Protection Reform, including the most recent developments.

Speaker Profile:

Mr. Bruno Gencarelli is the Head of the Data protection Unit at the European Commission (DG Justice). The unit is responsible for all aspects of the European Commission's policies and activities in the area of data protection: negotiation of the current reform of EU data protection legislation, addressing data protection issues at international bilateral/multilateral level, monitoring the implementation in Member States of the EU data protection legislation, ensuring the secretariat of the "Article 29 Working Party", and mainstreaming of data protection in EU policies. He previously served as a Member of the Commission's Legal Service and as an assistant (référénaire) to a judge at the European Court of Justice after having practised law in the private sector. He holds degrees in law and political science. He is an Associate Professor in EU Competition Law at Sciences Po Paris.



Session 2 – Privacy in the Cloud – Building Trust

Dr. Remco Hendrikse, Commercial Attorney, Microsoft CEE

Session Abstract:

For organizations looking to reap the benefits of cloud computing it is important they understand how a service provider will use the data they store in the cloud. They must be able to trust that the service provider will only use their data in a way that is consistent with their expectations. Microsoft is committed to earning customer trust by incorporating industry-leading data protection measures into its products. Microsoft values its customers' trust so its products are designed and operated in ways that help ensure customer data remains private and secure.

Speaker Profile:

Remco Hendrikse is a commercial attorney at Microsoft. He received law degrees from the University of Leiden, the Netherlands, and the University of Washington, Seattle, USA. Prior to joining Microsoft, Remco worked in private practice in Seattle. At Microsoft, he has supported clients in various locations around the world. In his current role he supports clients in Central and Eastern Europe in the areas of cloud computing, IP licensing, antitrust, privacy, and compliance. From 2003-2005, Remco was the Honorary Consul of the Netherlands for Washington, Idaho, and Montana. Remco is currently based in Munich, Germany.



Session 3 – Does the new Data Reform Package go far enough?

Prof. Joseph A. Cannataci, Faculty of Media and Knowledge Sciences (University of Malta), European Information Policy & Technology Law (University of Groningen)

Session Abstract:

The current version of the EU's Data Protection Reform Package (DPRP) is a messy compromise at best. In the area of police use of personal data it adds little to the current situation on the ground and defies the logic of the original intentions of both the Commission and many MEPs. Even if the current version of the DPRP goes through Council unchanged, a big IF since there is no guarantee that it will not be watered down further, it would still leave important areas uncovered. Since, in terms of Art 4 (2) of the Treaty of the Union, the EU currently does not have competence in matters of national security, this means that we may need to look beyond the Europe of the 28 for solutions in areas such as on-line surveillance. This, over and above the clear need for further more detailed regulation of all types of surveillance and especially smart surveillance.

Speaker Profile:

Prof. Cannataci studied law at the University of Malta and the University of Oslo. He qualified in the UK as a Chartered Information Technology Professional and holds Chartered Fellowship of the British Computer Society. Joe was T54 Project Director at the Norwegian Research Center for Computers and Law during 1986-1987 before he joined the Department of Public Law at the Faculty of Law of the University of Malta, where in 1988 he established the Law & IT Research Unit. In 2006 he was appointed Professor of Law at the University of Central Lancashire in the UK. Between 2006 and 2007 he was Head of Lancashire Law School and from 2007-to 2011 he was Director of the Centre for Law, Information & Converging Technologies at UCLAN. In 2011 he was appointed Head of the Department of Information Policy & Governance at the Faculty of Media & Knowledge Sciences of the University of Malta and Chair of European Information Policy & Technology Law at the University of Groningen. He is additionally Adjunct Professor at the Security Research Centre at Edith Cowan University, Australia.



Round Table Discussion

Mr. Saviour Cachia, Information and Data Protection Commissioner

Speaker Profile:

Mr. Cachia joined the Public Service in 1976 where he was assigned to the Ministry for Commonwealth and Foreign Affairs, the DOI, the Government Computer Centre (eventually MSU and subsequently MITA). He has experience in Systems Development, Data Management activities, introducing data sharing protocols and mechanism as well as setting up data architecture standards. He was appointed on a number of inter ministerial committees to draft a legal framework to regulate and enable information practices, covering also data protection regulations in the Police and Telecommunications sectors, and participating in the vetting process of the draft Data Protection Act (DPA) by the European Commission, to bring it in line with Directive 95/46.

When the DPA was enacted, he articulated and implemented a strategy to set up the Office of the Commissioner. Apart from representing Malta in the Article 29 Working Party he was also the national expert attending the experts' working party for data protection and information exchange (DAPIX), to discuss the proposed data protection framework.

On 16th April 2014, Saviour Cachia took oath of Office as Commissioner for Information and Data Protection.





ABOUT MITLA

The Malta Information Technology Law Association has been set up late in 2014 and brings together various legal practitioners in the fields of information and technology law as well as an array of technology professionals. The objects and purpose for which the MITLA has been constituted are:

- To promote the advancement and development of information technology law, including but not solely limited to computer law, internet law, electronic communications law, information law, electronic commerce law, remote gaming law and cybercrime, (hereinafter referred to as “ICT Law”) in Malta and the advancement of Malta as an international centre of excellence in ICT Law;
- To actively research, discuss and circulate information on legal developments taking place on the international plane and within the European Union with respect to ICT Law and the knowledge economy;
- To promote with international and regional organisations or associations and other national government and non-government bodies legislative and regulatory changes related to ICT Law and to consider together with these entities proposals for legislative interventions having the same aim;
- To afford opportunities for the discussion and consideration of matters of interest to members of the Association and to undertake or assist in the preparation of legal instruments and papers in respect of such matters; and
- To collect and circulate statistical and other information of interest to the members of the Association and to form a collection of publications and documents accessible to the members of the Association.

More information can be found at <http://www.mitla.org.mt>

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