

PRIVACY HORIZONS: TERRA INCOGNITA

29th International Conference of
Data Protection and Privacy Commissioners

September 25 to 28, 2007
Montreal, Canada



LES HORIZONS DE LA PROTECTION DE LA VIE PRIVÉE : TERRA INCOGNITA

29^e Conférence internationale des commissaires
à la protection des données et de la vie privée

du 25 au 28 septembre 2007
Montréal, Canada

Data Flows and Data Mirroring

Martin Abrams
September 2007

mabrams@hunton.com

972.781.6667

We Are In the Infancy Of An Information Revolution

- Volume of information is expanding geometrically.
 - We talk of exabytes of data today vs. terabytes yesterday and gigabytes the day before.
- Data processes are expanding the data that we can understand using computers.
 - So usable data is expanding geometrically as well.

We Are in the Infancy of an Information Revolution (Cont.)

- Analytics are also improving at geometric rates.
 - Information yields more value.
- Emerging economies generate growth via knowledge based employment.
- Communications improvements mean that work will be done where it may most effectively be done.

Data Flows Over a Ten Year Period

1997

- Data transferred via tape or disk
- Data located and processed in same location
- Access and location the same
- Small network of controllers and processors
- Fairly simple regulatory challenge

Data Flows Over a Ten Year Period

2007

- Data flows electronically
- Data processed remotely and in many locations at the same time
- Access maybe anywhere
- Long chain of controllers and subcontractors all adding value
- Complex challenge

What Is A Transfer Today?

- 24/7/365 customer service
- Processing a payment for a purchase in China with a card issued in Germany from a phone in a Canadian hotel room
- Business process re-engineering in India
- Global project teaming in Spain, Russia, China, Australia, US and Canada
- Social networking in a global community

An Example of Global Teaming

- Team created to address a medical problem
 - Doctors and scientists in 10 countries with various expertise working as a virtual team
 - New members might be added
- All need to look at the same data sets

An Example of Global Teaming (Cont)

- Data sets comprised of
 - Clinical data
 - Epidemiological data
 - Data on compounds and materials
- Data located in servers in all ten countries, but mirrored on every screen
- What regulatory scheme covers this teaming?

Nature of Privacy Compounds Our Issue

- Privacy is local
 - Personal information protection
 - Domain for autonomy
 - Security
- Data flows are global
- Yet individuals demand and expect that their local expectations be met in an increasingly networked world

Emerging Model of Governance

- Privacy is local
- Data flows are global
- Obligations are universal
 - Accountability based systems of governance
 - Binding Corporate Rules
 - Cross Border Privacy Rules
 - Growth of accountability agents and methods
 - Linkages based on common principles

Conclusion

- Data transfers and mirroring are a simple reflection of information and communications revolution.
- Information will drive growth and change.
- Individual expectations must be met no matter where the data is seen.
- That means governance structures that are consistent with privacy being local, data flows being global, and obligations being universal.