

PRIVACY – GOOD FOR BUSINESS

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Agenda

1. What is Privacy?
2. Privacy Regulations
3. Upcoming Privacy Regulations
4. Impact of Current and Emerging Privacy Regulations
5. Privacy at HP
6. Q&A



How Are Security and Privacy Different?

Personal Information-Handling Mechanisms

"Individual Rights"

- Fairness of Use
- Notice
- Choice
- Access
- Accountability
- Security

CPO



Protection Mechanisms

- Authentication
- Access controls
- Availability
- Confidentiality
- Integrity
- Retention
- Storage
- Backup
- Incident response
- Recovery

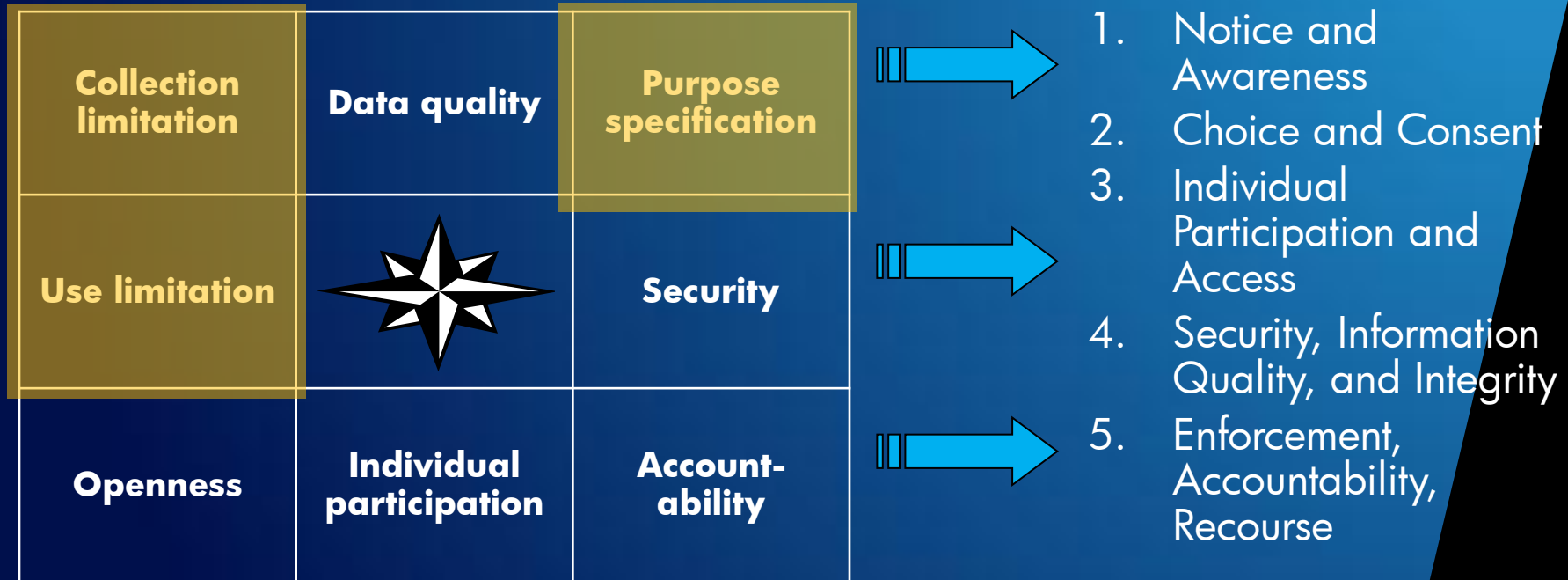
Many Privacy Laws Also Restrict Trans-Border Data Flow of Personal Information

Privacy Regulations cover Personal Information?

- Personal information is any data that relates to an identifiable individual
- Even basic contact information such as names, email and business addresses and phone numbers are considered personal information
- Privacy laws in Europe are referred to as Data Protection laws.



OECD Privacy Principles defined in 1980 form the basis of all Data Protection and Privacy Laws



OECD - Organization for Economic Cooperation and Development

Privacy Principles' Considerations

Purpose - What are individuals told about how their information will be used

- Primary Purpose
- Secondary Purposes

Collection - Data collected should be limited to specified purposes

- Privacy Statement/Policy

Use - For secondary purposes, consent is often required by law

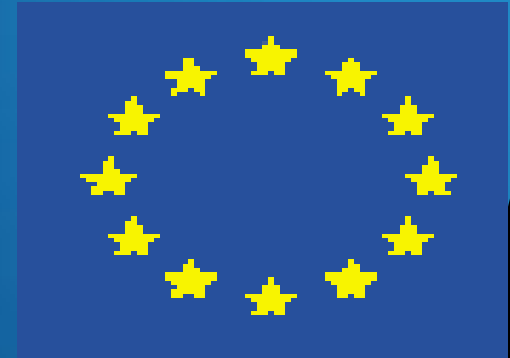
- Marketing
- Sharing with third parties



Significant Privacy Legislation Exists Outside U.S.

- In Europe, the European Data Protection Directive & its supporting country legislation considers privacy (data protection) a human right
- Legislation, similar to European Data Protection Directive, has been & continues to be enacted in many other countries
 - Canada *
 - Australia
 - New Zealand
 - Hong Kong
 - Japan
 - Argentina *
 - APEC
 - Mexico
 - Uruguay*
 - Costa Rica
 - Colombia
 - Brazil

* Deemed 'adequate' by EC



Most International Privacy Laws Place Restrictions on Trans-Border Data Flow

U.S. Approach To Privacy Legislation, Historically Sector-Based, Has Been Growing



U.S. Privacy Laws Place Few If Any Restrictions on Trans-Border Data Flow

- **Fair Credit Reporting Act**
- **Privacy Act**
- **Family Educational Rights and Privacy Act**
- **Right to Financial Privacy Act**
- **Cable Communications Privacy Act**
- **Electronic Communications Privacy Act**
- **Video Privacy Protection Act**
- **Driver's Privacy Protection Act**
- **Telephone Consumer Protection Act**
- **FCC CPNI Rules**
- **Children's Online Privacy Protection Act**
- **Wireless Communications and Public Safety Act**
- **Gramm Leach Bliley Act (GLBA)**
- **HIPAA/HITECH**
- **FTC Do Not Call Registry & Telemarketing Sales Rules**
- **CAN-SPAM Act**
- **Fair & Accurate Credit Transactions Act (FACTA)**

US State Data Breach Laws

- 46 US States now have Data Breach laws, also Puerto Rico and DC
- Triggered by “Unauthorized Access” of personal data likely to result in Identity Theft; any combination of Name with SSN or Drivers License or Credit/Debit Card Number or Bank Account Number
- Triggered in most states even without unauthorized access (e.g. lost laptop, disc drive, media)
- Encrypted data not considered personal data so does not trigger breach laws
- Laws require notification, but standard practice now includes 12 or 24 months of credit monitoring



Recent Privacy Regulatory Developments

- Enforcement has not been strong in the past but is increasing greatly
 - HIPAA/HITECH (US), TSR, CAN SPAM, Europe, State AGs
- Online Behavioral Advertising and “location” are hot topics today with regulators
- Location based services have been problematic with mobile devices
 - e.g. iOS and Android devices collecting location information without adequate consent
- Digital Advertising Alliance (DAA) has launched Ad-Choices program
 - Provides option to Opt-Out of third party web tracking




DAA Ad-Choices



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- ▶ The Argyllshire Advertiser
- ▶ Ayrshire Post
- ▶ Banffshire Journal (Banffshire)
- ▶ The Berwick Advertiser
- ▶ The Berwickshire News & East Lothian Herald
- ▶ Blairgowrie Advertiser
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- ▶ The Buchan Observer (Peterhead, Aberdeenshire)

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+ AdBrite	Ad Platform		
+ Adconion	Ad Network		
+ Adify (100 networks)	Ad Network		
+ Admeld	Sell Side Platform (SSP)		
+ AdMob	Ad Network		
+ AOL	Ad Network		
+ AppNexus	Sell Side Platform (SSP)		
+ AppSense	Ad Network		

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Recent Privacy Regulatory Developments in Europe

- EU Regulation to replace Directive published on January 25th, 2012, but will not take effect for 3+ years
- EU e-Privacy Directive (aka “Cookie” Directive)
 - Implementation date was May 25th, 2011 but few countries have laws in place
 - UK law in place with stringent requirements for explicit consent before 1st and 3rd party cookies can be set.
 - Laws do not just cover use of cookies but all user tracking (e.g. email opens, click throughs, etc)
 - Use of browser settings and other reactive measures are not considered adequate by the EU Regulators (i.e. Article 29 Committee)
 - Exceptions for cookies used for operational purposes e.g. shopping cart



Impact of Privacy Laws on Companies

- Major implications related to EU Directive for any company with operations in Europe or customers in Europe
- US healthcare companies (Covered Entities) and their service providers (Business Associates) now under increased scrutiny by HHS and State AGs and subject to significant fines and data breach obligations
- As data breach laws proliferate globally, international companies will incur significant costs when breaches occur
- Companies must pay particular attention to “secondary uses” of personal information (e.g. marketing)



Privacy Office – Who are we?

- Team of Privacy SMEs within the HP Ethics and Compliance Office in HP Legal organization
- Aligned by Region and Business Group/Line
- Oversight provided by HP Privacy & Data Protection Board



HP Privacy Advisor

- Tool developed by HP Labs to ensure compliance with privacy policies, standards and specifications
- Business Rules Engine based on Privacy Rulebook
- Is recognized by regulators as a tool to support “Corporate Accountability” and “Privacy by Design (PbD)”
- Is currently in pre-production deployment
- Is targeted for use with all future HP products, services and marketing programs



Closing Comments

- Privacy Regulations are evolving at a rapid pace
- Data breach laws driving all organizations to review risks and plan accordingly
- Encryption, encryption, encryption – look at self-encrypting disc technology
- Transparency is critical
- A good privacy program can be a business enabler



QUESTIONS?

