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Books based on papers presented at previous CPDP conferences:


COMPUTERS, PRIVACY & DATA PROTECTION 4 5
### Online Sessions

#### 8.30 Welcome and Introduction
- **by Paul De Hert**

#### 8.45 Closed Session
- **organised by CPDP**

#### 10.00 Coffee Break

#### 10.30 Getting AI right – can data protection help safeguard other fundamental rights?
- **organised by FRA**

#### 11.45 Practicalities of Compliance with EU International Transfer Rules following Schrems II
- **organised by CPDP**

#### 12.00 Lunch

#### 13.00 EU Digital Strategy: A holistic vision for a digital Europe?
- **organised by CPDP**

#### 14.15 Closing the GDPR enforcement gap and looking at the enforcement model of the future
- **organised by BEUC**

#### 15.30 Coffee Break

#### 16.00 E2EE: Stuck Between a Rock and a Hard Place
- **organised by Microsoft**

#### 17.15 Enhancing Personal Data Protection through Digital Sovereignty
- **organised by EDPS**

#### 18.30 Panel TBC
- **organised by PDP4E**

### Online 2

#### 8.45 Closed Session
- **organised by CPDP**

#### 10.00 Coffee Break

#### 10.30 Ready for the next “Dieselgate” in data protection: the new reality of collective redress in the EU
- **organised by Euroconsumers**

#### 11.45 User Choice and Freedom through Portability and Interoperability Rights?
- **organised by EFF**

#### 12.00 Lunch

#### 13.00 I spy with my little eye, something beginning with... F: intelligence agencies and fundamental rights
- **organised by Privacy Platform (Renew Europe)**

#### 14.15 Closing the GDPR enforcement gap and looking at the enforcement model of the future
- **organised by BEUC**

#### 15.30 Coffee Break

#### 16.00 Connecting the dots: Privacy, data, racial justice
- **organised by LSE**

#### 17.15 New Police Surveillance Technologies: Combatting the Science Fiction Collectively
- **organised by EDRI**

#### 18.30 Granular of holistic approach? Enforcing privacy rights in complex ICT ecosystems
- **organised by PDP4E**

### Online 3

#### 8.45 Closed Session
- **organised by CPDP**

#### 10.00 Coffee Break

#### 10.30 To record or not to record?
- **organised by CPDP**

#### 11.45 Data Protection by Design and by Default in the Post-Covid World
- **organised by IRI (Swedish Research Institute)**

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#### 13.00 Global AI Governance: Perspectives from Four Continents
- **organised by NCIS**

#### 14.15 Data Protection (R)Evolutions in the BRICS Countries
- **organised by FGV**

#### 15.30 Coffee Break

#### 16.00 Data Protection in Africa
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#### 17.15 Augmented Compliance: the case of Algorithmic Impact Assessment
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#### 18.30 Ready for a crisis: accelerated digitalization in education
- **organised by VUB Data Protection on the Ground**

### Online 4

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#### 10.30 Global Youth Privacy: Amplifying Youth Needs & Voices
- **organised by Privacy Salon**

#### 11.45 The role of OECD in Latin America: the dynamics of regulatory convergence in personal data protection
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#### 12.00 Lunch

#### 13.00 The end of data retention: Long live the protection of fundamental rights?
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#### 14.15 The use of AI in state surveillance: Challenges for privacy
- **organised by TILT**

#### 15.30 Coffee Break

#### 16.00 E2EE: Stuck Between a Rock and a Hard Place
- **organised by Microsoft**

#### 17.15 US Privacy Law: The beginning of a new era
- **organised by FPF**

#### 18.30 Technical standards bringing together data protection with telecommunications regulation, digital regulations and procurement
- **organised by IEEE**

### Online Sessions

#### 27.1 GRANDE HALLE ONLINE

#### 8.30 Welcome and Introduction
- **by Paul De Hert**

#### 8.45 Closed Session
- **organised by CPDP**

#### 10.00 Coffee Break

#### 10.30 Getting AI right – can data protection help safeguard other fundamental rights?
- **organised by FRA**

#### 11.45 Practicalities of Compliance with EU International Transfer Rules following Schrems II
- **organised by CPDP**

#### 12.00 Lunch

#### 13.00 EU Digital Strategy: A holistic vision for a digital Europe?
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<td>Children’s Rights in the Digital Environment: Risks, Opportunities, and Responsibilities organised by LIDERLAB</td>
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<td>Standard for consent: still a dream or a soon-to-be reality? organised by INRIA</td>
<td>Securing personal data: the “new” normal organised by ENISA</td>
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<td>Shifting Responsibilities: The Challenges of Joint-Controllership organised by Facebook</td>
<td>Emotional AI in Smart Cities organised by Chuo University</td>
<td>Collateral Damages of Enforcement - Digital Services Act, Network Enforcement Act, and Loi Avia organised by PinG and DAV</td>
<td>Cybersecurity for Europe: Fostering rights through technology organised by Cybersec4Europe</td>
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<td>14.15</td>
<td>Oversight and enforcement: Taking stock of design choices and trade-offs organised by Mozilla</td>
<td>AI Audits: Black Box vs. White Box perspectives organised by Haifa University</td>
<td>Algorithm-assisted decision-making in the public sector: Govern algorithms, while governing by algorithms organised by Microsoft</td>
<td>Protecting Consumers in the Data Society: It’s the Enforcement, Stupid! organised by Digital Clearing-house</td>
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<td>16.00</td>
<td>Place vs flows: how will data sovereignty impact technology organised by Intel</td>
<td>Automated decision-making: towards effective remedies in a changing world? organised by LCII</td>
<td>Social media monitoring and movement tracking of political dissidents. The end of political asylum in the EU? organised by LSTS-DIGIACT</td>
<td>Where are the missing data subjects? Democratising data protection through participation organised by SPECTRE</td>
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<td>Multi-party data sharing and data subject rights: how to accelerate accountable data sharing? organised by CSLR</td>
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<td>Panel TBC organised by TBC</td>
<td>AI &amp; humanitarian action: Raising the standards? organised by Brussels Privacy Hub</td>
<td>Privacy of Contact Tracing Apps in Pandemic, The Role of Giant Data Collectors, and EU Sovereignty organised by TU Darmstadt</td>
<td>Fundamental rights implications of recent trends in digital forensics organised by University of Luxembourg</td>
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<td>Is 'no' still 'no' in an online world? Discussing non-consensual distribution of intimate images and deepfakes organised by Belgian Institute for the Equality of Women and Men</td>
<td>Radical insights – the fight against online radicalisation and its data protection implications organised by EDEN</td>
<td>The Effective Supervision of Law Enforcement Authorities: A Reality or A Myth? organised by MATIS</td>
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<td>14.15</td>
<td>Automated Gender Attribution: It’s a Boy! It’s a Girl! Said the Algorithm organised by CPDP</td>
<td>AI Regulation in Europe &amp; Fundamental Rights organised by AI Ethicist</td>
<td>Government Access to Data after Schrems II, Brexit, and the CLOUD Act organised by Cross-Border Data ForumPanel</td>
<td>‘Smile for the camera, you are being watched’. Workplace surveillance: enforcing workers’ rights organised by European Trade Union Institute</td>
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<td>16.00</td>
<td>Data Governance Act: Data protection meets competition, IP rights, and innovation organised by Uber</td>
<td>Analysis of private communications in the fight against child sexual abuse online organised by KU Leuven</td>
<td>International data transfers: what shall we do to avoid a Schrems III? organised by NOYB</td>
<td>Toward research access for platform data organised by IVIR</td>
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<td>17.15</td>
<td>A Fireside Reunion: Data Protection at a Time of Uncertainty organised by IAPP</td>
<td>Artificial Intelligence and discrimination risks in the health sector organised by iHUB/Radboud University</td>
<td>Modern Digital Identity: Plumbing, Permissioning, and Privacy organised by IoT Privacy Forum</td>
<td>Data Portability, Competition, Privacy, and Cybersecurity organised by Georgia Tech</td>
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<td>18.30</td>
<td>Closing remarks by Paul De Hert (VUB) and Wojciech Wiewiorowski (EDPS)</td>
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The Schrems II decision has engendered a considerable amount of commentary. Much of this commentary, however, has taken the form of general insights, rather than a practical analysis of the impact of the decision. To understand the implications of the decision, it is necessary to consider the following questions:

- What does transparency really mean?
- DPIAs: are they effective to address rights beyond data protection?
- To what extent can data protection requirements address all fundamental rights?
- How to ensure that AI is compliant with fundamental rights?

This panel will provide an opportunity to reflect on how legally binding fundamental rights standards can be protected through existing data protection law. Building on evidence from FRA's study on AI and fundamental rights, panelists will be invited to discuss how the existing data protection laws and potential future regulatory frameworks can best protect fundamental rights standards.

As artificial intelligence (AI) and related technologies are being integrated into nearly all areas of our lives, discussions around the regulation of AI have remained at the forefront of the political agenda. One key aspect of these discussions is the impact – both positive and negative – of AI on fundamental rights, including, but not limited to, privacy, data protection and non-discrimination. They are also increasingly highlighting how AI could affect a range of other fundamental rights, from freedom of assembly and expression to the right to an effective remedy.

This panel will provide an opportunity to reflect on how legally binding fundamental rights standards can be protected through existing data protection law. Building on evidence from FRA's study on AI and fundamental rights, panelists will be invited to discuss how the existing data protection laws and future regulatory frameworks can best protect fundamental rights in the development and use of AI.

- How to ensure that AI is compliant with fundamental rights?
- To what extent can data protection requirements address all fundamental rights?
- DPIAs: are they effective to address rights beyond data protection?
- What does transparency really mean?

11:45 – PRACTICALITIES OF COMPLIANCE WITH EU INTERNATIONAL TRANSFER RULES FOLLOWING SCHREMS II

Organised by CPDP
Moderator: Alisa Vekeman, DG Just (EU)
Speakers: Nikolas Theodorakis, Wilson Sonsini Goodrich & Rosati (BE); Eduardo Ustaran, Hogan Lovells (UK); Ciara Tormpatzoudi, Mastercard (BE)

The Schrems II decision has engendered a considerable amount of commentary. Much of this commentary, however, has taken a political and/or academic perspective. There thus remains a great deal of unexplored space regarding how the decision has affected the practice of compliance with EU data protection law's international transfer requirements. There remains a lack of exploration, for example, as to how the decision has been interpreted in practice and as to how this interpretation has fed strategies for allowing continued international data flows. Despite the lack of extended consideration, the impact of jurisprudence in relation to international data flows will surely be extensively shaped by pragmatic approaches taken to compliance. In this regard, this panel will seek to explore this space and, in particular, will consider the following questions:

- To what degree has the Schrems II decision impacted the practicalities of compliance regarding international transfers of personal data?
- What, from a practical perspective, is the key issue the judgment has raised and how effective have efforts to remedy these issues been?
- Are there differences in how the decision has impacted compliance between sectors and between different jurisdictions - how has the decision impacted non-EU jurisdictions?
- What novel strategies are being developed/deployed to facilitate practical compliance following Schrems II?

14:15 – EU DIGITAL STRATEGY: A HOLISTIC VISION FOR A DIGITAL EUROPE?

Organised by CPDP
Moderator: Jules Polonetsky, FPF (US)
Speakers: Finn Lutzwow-Holm Myrstad, Norwegian Consumer Council (NO); Thomas Boué, BSA (BE); Karolina Mojszoszczewska, DG Just (EU); Mireille Hildebrandt, VUB (BE)

INTRODUCTORY SPEECH BY EU COMMISSIONER FOR JUSTICE DIDIER REYNERS

The EU digital strategy sketches an ambitious approach to sculpt Europe’s digital future - covering areas and issues as diverse as the digital economy and value extraction from industrial data, to the impact of digital transformation on the environment, to the shaping of open and democratic societies. Yet, the optimal content and implementation of digital policy in Europe - of any form - is always subject to fierce contestation. A policy as ambitious as the EU Digital Strategy is no exception. In this regard, this high-level panel will seek to explore the space of the EU Digital Strategy and, in particular, will consider the following questions:

- What are the key goals of the strategy, how will they be implemented, and how will this impact exiting EU law and policy?
- To what degree does the strategy effectively balance the competing interests implied in digitisation and data processing?
- What factors will influence the successful implementation of the strategy?
- What impacts should/will the strategy have beyond Europe’s borders?

16:00 – E2EE: STUCK BETWEEN A ROCK AND A HARD PLACE

Organised by Microsoft
Moderator: Christian Wiese Svanberg, Danish National Police (DK)
Speakers: Scott Charney, Microsoft (UK); Susan Landau, Tufts University (US); Christine Runnegar, Internet Society (AU)

For more than two decades, the debate over End-to-End (E2E) Encryption has defied simple solution. The deployment of E2E encryption impacts a range of complementary and competing interests, including privacy, security, civil liberties, national security, public safety, and ICT innovation. While societies often seek policy solutions that balance such competing interests, encryption technology is, in a word, binary: E2E encryption is either breakable or it is not. As such, its use – or its restriction – will affect important societal values in ways both good and bad. And since governments often have different agencies and individuals addressing these values (e.g., privacy/data commissioners, law enforcement personnel), they may offer conflict-guiding influence on the way forward, thus highlighting the need for better communication and coordination between those
interested in EU encryption, including representatives from government, private companies, academia, and civil society. The panel will frame and discuss the fundamental dilemmas this complex gets rise to.

- Encrypted devices and encrypted communications present different problems to law-enforcement investigations and different challenges in terms of ensuring security to the public. Of the most serious illegal activity that occurs online, do encrypted devices or encrypted communications present the greatest difficulty to law enforcement? What are the types of threats posed? What solutions do researchers and industry propose for enabling law-enforcement investigations?
- How do we ensure public safety, national security, and privacy when much of our economic, business, and social activity has moved online?
- Aside from access to encrypted communications and locked devices, what tools and techniques are needed by law enforcement agencies to conduct investigations in a digital world?
- How can we find a coordinated approach between lawmakers, companies, and academia to come up with an alternative to the “going dark debate” that serves all parties?

17:15 – ENHANCING PERSONAL DATA PROTECTION THROUGH DIGITAL SOVEREIGNTY

Organised by: EDPS
Moderator: Sjoera Nas, Privacy Company (NL)
Speakers: Thomas Zerdick, EDPS (EU); Stéphane Dumond, Gendarmerie Nationale (FR); Marco-Alexander Breit, German Federal Ministry for Economic Affairs and Energy (DE)

Digital sovereignty refers to Europe’s ability to make autonomous technological choices in the digital domain, while fostering digital innovation. The European Commission has identified digital policy as one of the key priorities of her 2019-2024 term and has stated that Europe must achieve “technological sovereignty” in critical areas. The October 2020 European Council stressed that for digital sovereignty, the EU needs to inter alia, reinforce its ability to define its own rules, and to develop and deploy strategic digital capacities and infrastructure. One key objective therefore is to ensure that the processing of personal data happens in line with EU values and privacy legislation, such as the General Data Protection Regulation (GDPR).

One such example, “Gaia-X” strives to set up a high-performance infrastructure for Europe, aiming at an open, digital ecosystem, which could allow (personal) data sharing in a secure and compliant manner. While Gaia-X could be a necessary element of EU industrial policy, additional actions may be necessary to create an EU technology policy, which follows neither a model of state controlled development, nor a model of market libertarianism.

- How is the progress and the public and private sector support for EU sovereign Infrastructures such as Gaia-X?
- Which instruments do we need for Digital Sovereignty, e.g. in the domain of Software (EU Public License and other open source)?
- How can EU entities develop Insourcing strategies for innovation in the EU, e.g. by changing public procurement?
- How could Digital Sovereignty benefit privacy and protection of personal data?

18:30 – CLOSED SESSION

19:45 – CPDP LATAM SIDE EVENT: NEW REGULATIONS, CROSS-BORDER DATA FLOWS, AND COVID19 IN LATIN AMERICA

Organised by: FGV-Rio Law School - Fundação Getúlio Vargas Law School (BR)
Moderator: Luca Belli, FGV-Rio Law School (BR)
Speakers: Katitza Rodriguez, EFF Policy Director for Global Privacy (PE); Renato Leite Monteiro, Data Privacy Brasil (BR); Pablo Palazzi, Co-Director of Center for Technology and Society Universidade de San Andrés (AR); Hannah Draper, Open Society Foundations (INT); Nelson Remolina, Superintendent for the Protection of Personal Data (CO); Miriam Wimmer, National Data Protection Agency (BR)

This side event will explore the latest data protection advancements, trends, and challenges in Latin America. Particular attention will be dedicated to new data protection frameworks in the region, challenges for cross-border data flows, and the impact of the COVID-19 pandemic on data protection.

This debate aims at opening the path to CPDP LatAm (www.cpdplatam.org), a new Latin American platform to discuss privacy, data protection and technology. CPDP LatAm encompasses the Latin American editions of the Computers, Privacy and Data Protection (CPDP) conference, the MyData conference, and Privacy Law Scholars Conference (PLSC). The 1st Latin American edition of the CPDP conference will be held in July 2021 in Rio de Janeiro, at Fundação Getulio Vargas.

This side event will focus on key issues to be further explored by CPDP LatAm 2021, which will be dedicated to Data Protection in Latin America: Democracy, Innovation and Regulation.

- Cross-Border Data Flows
- New Data Protection frameworks in LatAm
- Data protection best practices and worst practices in LatAm
- International data transfers and adequacy mechanisms

8:45 – CLOSED SESSION

10:00 – Coffee Break

10:30 – READY FOR THE NEXT “DIESELGATE” IN DATA PROTECTION: THE NEW REALITY OF COLLECTIVE REDRESS IN THE EU

Organised by: Euroconsumers
Moderator: Marco Scialdone, Università Europea di Roma and InnoLawLab (IT)
Speakers: Ursula Pachl, BEUC (BE); Bart Volders, ARCAS LAW (BE); Laura Somaini, winner My Data Is Mine Award

In 2020 the EU adopted a new law on collective redress which will allow citizens in all EU countries to go to court as a group if they have suffered the same damage, something consumer groups have been advocating for since more than 30 years. Data protection is one of the areas specifically covered in the new law. Consumer organisations have been pioneers in this area in those countries where collective redress was already allowed under national law, as demonstrated by the class actions launched in 2018 in Spain, Portugal, Italy and Belgium against Facebook. Now the possibility to claim collective redress for data protection damages becomes a reality across the EU. What does this mean for consumers? How will this new collective redress instrument be designed? And how will the compensation for a breach of privacy rights be defined?

- What are the main elements of the new EU directive on injunctions and collective redress?
- What are the possibilities and benefits it brings to consumers when it comes to the protection of their personal data and their privacy?
- What are the main challenges for collective redress in the area of data protection?
- What mechanisms can be envisaged to define the compensation for data protection damages?
Our online experience is designed by platforms having power of user and their data. A key mechanism to give users genuine data protection infringements inherent to the widespread commercial surveillance in our digital world have not is showing its shortcomings and enforcement against Big Tech is uncertain. The expectations that the GDPR would tackle since it became applicable, the GDPR now risks becoming a “broken promise”. The one-stop-shop enforcement mechanism for cooperation between DPAs and the consistent application of the rules across the EU. Over two years publishing mechanisms for cooperation between these agencies is necessary to keep Europe safe, but also has enormous consequences for our right to privacy and intelligence cooperation?

- What role can the rights to data portability and interoperability play in the data economy and what are the limits?
- Why is data portability so challenging to enforce?
- How can rights and standards enable SMEs to compete with incumbent platforms and what are the right economic incentives to build the necessary digital infrastructure?
- What can the Digital Services Act and the Data Act do to make portability and interoperability rights truly effective?

13:00 – I SPY WITH MY LITTLE EYE, SOMETHING BEGINNING WITH... F: INTELLIGENCE AGENCIES AND FUNDAMENTAL RIGHTS

Organised by Privacy Platform (Renew Europe)
Moderator Sophie jr’t Veld, Member of European Parliament, Renew Europe (EU)
Speakers Jan-Jaap Oerlemans, Utrecht University (NL); Edin Omanovic (UK); Nico van Eijk, Review Committee on the Dutch Intelligence and Security Services (CTIVD) (NL)

The activities of intelligence and security agencies are rapidly digitalising. New powers to analyse large amounts of data are being created, and every year, the pile of available information gets higher. Increasing cooperation and exchange between these agencies is necessary to keep Europe safe, but also has enormous consequences for our right to privacy and data protection. How can our rights and freedoms be reinforced, in balance with newly gained powers by these agencies? Scandal after scandal, we see that adequate supervision and enforcement is lacking. Which legal safeguards are supposed to protect us today, and which gaps are still existing and to be filled, and how? And how does Brexit affect our rights in intelligence cooperation?

14.15 – CLOSING THE GDPR ENFORCEMENT GAP AND LOOKING AT THE ENFORCEMENT MODEL OF THE FUTURE

Organised by BEUC
Moderator Ursula Pachl, BEUC (BE)
Speakers Andrea Jelínek, European Data Protection Board (EU); Gro Mette Moen, Forbrukerrådet (NO); Jean Goné, Snap Inc (US); Gloria Gonzalez Fuster, Review Committee on the Dutch Intelligence and Security Services (CTIVD) (NL)

The GDPR introduced an innovative enforcement system for tackling cross-border data protection infringements by establishing mechanisms for cooperation between DPAs and the consistent application of the rules across the EU. Over two years since it became applicable, the GDPR now risks becoming a “broken promise”. The one-stop-shop enforcement mechanism is showing its shortcomings and enforcement against Big Tech is uncertain. The expectations that the GDPR would tackle systemic data protection infringements inherent to the widespread commercial surveillance in our digital world have not materialised. All this is having a negative impact on the protection of millions of consumers across Europe. We are at a turning point. It is necessary to close this enforcement gap before it is too late. It is also necessary to draw lessons from this experience and start shaping the ideal enforcement model for the future.

- What is creating the GDPR enforcement gap and how can we address it?
- What are the problems with the one-stop-shop mechanism and how can we address them?
- What should be the ideal model for enforcement to protect consumers in the digital world?
- What model would ensure desired balance between EU-level and national enforcement structures, bridging the gap between the quintessential territoriality of enforcement and the cross-border nature of digital services?

15:30 – Coffee Break

16:00 – CONNECTING THE DOTS: PRIVACY, DATA, RACIAL JUSTICE

Organised by LSE
Moderator Seda Gürses, TU Delft (NL)
Speakers Yasmine Boubia, No Tech for Tyrants (UK); Sarah Chander, European Digital Rights (BE); Nakeema Stefflbauer, FrauenLoop (DE); Nani Jansen Reventlow, Digital Freedom Fund (DE)

Historically, privacy advocates and data protection professionals envision privacy as a universal right. In practice, however, there are deep inequities in how privacy gets enforced, who can safeguard their privacy, and what privacy means for different populations. These inequities raise the question of whether a universalist framework befits the lived experience of many subgroups, especially members of marginalized communities. In this provocative panel, we will ask how would an inclusive, collective vision of privacy look? A diverse group of practitioners, scholars, and advocates will put privacy and data protection in conversation with issues of racial injustice, migration control, and structural exclusion, exploring the exceptionalism, the excluded, and the exploitative nature of privacy discourse and practice in Europe.

- When and why do privacy and data protection intersect with racial justice? When do they not?
- How are privacy rights and wrongs maldistributed? And with what effect?
- Are surveillance capitalists better positioned to support racial justice efforts than digital rights advocates?
- What or who needs to change in the current configuration in the realm of privacy and data protection in order to advance racial justice?

17:15 – NEW POLICE SURVEILLANCE TECHNOLOGIES: COMBATTING THE SCIENCE FICTION COLLECTIVELY

Organised by EDRi
Moderator Chloé Berthélemy, EDRi (BE)
Speakers Yasmine Boubia, Vrije Universiteit Brussel (BE); Amba, Kak, AI Now (US); Alyna Smith, PICOUM (INT); Aydan Iyigüngör, FRA (EU)

From tracking protesters to “controlling” migration, law enforcement authorities across the world increasingly employ sophisticated technologies to do their work. Experiments with data and algorithms purportedly aim to predict crime and assist the criminal justice decision-making system. While facial recognition technologies have attracted public attention and resistance, it is only the tip of the surveillance iceberg. The assumption is that these systems are beneficial because crime fighting becomes more efficient. This quest for efficiency and innovation fuels the never-ending expansion of police databases as supporting infrastructures for those data-hungry technologies. However, despite being pictured as benign tools, impacts on people’s lives, rights and freedoms is unprecedented, especially for those who already suffer from hyper-surveillance and over-policing like marginalised communities. This panel analyses the intersection between the deployment of new technologies, intensified surveillance and social justice fights.

- What does the deployment of new surveillance and policing technologies look like in Europe? What is the role of the EU in these developments?
• How do the use of new technologies interconnect with the ever-growing collection of personal data and the criminalisation of certain communities?
• How does this affect people’s rights and freedoms?
• How can we encourage civil society, activists and relevant institutions to adopt a comprehensive approach to these issues and work at their intersection?

18:30 – GRANULAR OF HOLISTIC APPROACH? ENFORCING PRIVACY RIGHTS IN COMPLEX ICT ECOSYSTEMS

Organised by PDP4E
Moderator Antonio Kung, PDP4E (FR)
Speakers Naomi Lefkowitz, NIST (US); Member from PRISE team, KU Leuven (BE); Alejandra Ruiz, TECNALIA (ES); Massimo Attorei, EDPS (EU)

ICT ecosystems are complex systems of devices, networks, backends operated and managed by multiple stakeholders. They are the backbone of infrastructures such as healthcare, smart manufacturing, transport, defense, energy, and others, which process massive amounts of personal data. There is no convergence on how to ensure the enforcement of privacy rights in such complex ecosystems. Most approaches are granular in that they focus on implementing privacy controls in every piece of the system, while others advocate for a more holistic approach to privacy (inter-organizational privacy) where all components share one common set of rules or principles or are based on interoperable frameworks or architectures. This panel aims at finding a solution to this debate, while covering aspects such as risk identification, governance, transparency, the engineering of control and protection capabilities, and the role of assurance to trustworthiness.

• Is privacy preserved when composing privacy-friendly systems? Should we move away from a one-shot, static, monodisciplinary and single perspective privacy impact assessment towards a multi-stakeholder perspective?
• How can a framework (e.g., the NIST privacy framework) help address the data protection issues raised by the multiplication of actors? Can we use it as a common framework to create an ecosystem practice for privacy rights enforcement, for instance in a data space?
• Are there specific collaboration needs between stakeholders in the ecosystem, concerning risk management, architecture and engineering practice, and contractual agreements?
• Do we need to define a roadmap on ecosystem practice, including the definition of further regulations and standards (on systems of systems, interoperability and assurance)?

CPDP2021 PANELS AT ONLINE 2

8:45 – CLOSED SESSION

10:00 - Coffee Break

10:30 – TO RECORD OR NOT TO RECORD? COVID-19, BODY TEMPERATURE SCREENINGS AND THE GDPR MATERIAL SCOPE

Organised by CPDP
Moderator Istvan Böröcz, VUB/LSTS (BE)
Speakers Nerea Peris Brines, European Data Protection Board (EU); Daniela Galatova, Pan-European University of Law in Bratislava (SK)

With the onset of the Covid-19 pandemic, body temperature screening, thermal imaging and symptom tracking were some of the first measures considered in the combat against Covid-19. For a long time, there have been debates at Member State level as to whether thermal imaging and body temperature checks fall under the GDPR scope and the respective national implementing laws. Nonetheless, diverse conclusions appear to have emerged by national supervisory authorities, which reflect national differences in the application of the data protection law with respect to the use of automated and non-automated processing means, the definition of processing and the registration/archiving or not of the processed data. With body temperature screening techniques as point of departure, in this panel we will deliberate how the Covid-19 pandemic has re-heated the discussion around the GDPR material scope.

• Discuss national Covid-19 measures which may be purely analogue or combine analogue and digital components, enacted during the pandemic with emphasis on body temperature checks, and assess the importance of non-automation in EU data protection law.
• Explore national legislations and opinions issued by the national supervisory authorities in a form of a comparative analysis and in juxtaposition with the EU institutional response.
• Present and debate remarkable stances and views and explain the observed divergences and similarities.
• Study the GDPR material scope through the lenses of the pandemic.

11:45 – DATA PROTECTION BY DESIGN AND BY DEFAULT IN THE POST-COVID WORLD

Organised by The Swedish Law and Informatics Research Institute (IRI)
Moderator Liane Colonna, The Swedish Law and Informatics Research Institute (IRI), Stockholm University (SE)
Speakers Cecilia Magnusson Sjöberg, The Swedish Law and Informatics Research Institute (IRI), Stockholm University (SE); Athena Bourka, European Union Agency for Cybersecurity (ENISA) (EU); Veronica Buet, Norwegian Data Protection Authority (NO); Achim Klabunde, Advisor to the Supervisor on Data Protection and Technology (EPDS) (EU)

Data Protection by Design and by Default (DPbDD) refers to the design and existence of embedded measures and safeguards and mechanisms that effectively protect the personal data protection principles, the rights and the freedoms of the data subject to data protection throughout the processing lifecycle of an application, service or product. In many ways, DPbDD can be seen as the sleeping giant of the GDPR: the entire burden of compliance hinges on this article where the data controller must design appropriate technological and organizational measures to address not just the core data protection principles listed in Article 5 but also the rights and the freedoms of the data subject and the requirements of the GDPR in general. This panel will consider the scope and enforcement of Article 25, particularly in the context of the pandemic and in the post-pandemic context. The discussion will cover issues including:

• What are the specific roles, responsibilities and liabilities of controllers, processors, hardware and software providers etc. when it comes to implementing this legal requirement?
• What does the concept of “the state of the art” mean and, who should be responsible for driving it?
• How should controllers demonstrate the effectiveness of a safeguard or measure?
• What is the relationship between AI and DPbDD?

13:00 – Lunch Break

14.15 – GLOBAL AI GOVERNANCE: PERSPECTIVES FROM FOUR CONTINENTS

Organised by The Nordic Centre for Internet and Society (NCIS) at BI Norwegian Business School
Moderator Samson Esevas, the Nordic Centre for Internet and Society (NCIS), BI Norwegian Business School (NO)
Speakers Sofia Ranchordas, University of Groningen (NL); Amar Ashar, Harvard University (US); Angela Daly, University of Strathclyde (UK); Celina Bottino Beatriz, the Institute for Technology & Society of Rio de Janeiro (ITS Rio), Darcy Vargas Foundation, and the Children’s and Adolescent’s Rights Protection in Rio de Janeiro (BR)

The development and implementation of Artificial Intelligence (AI) within all domains of business, society, and governance...
Can we imagine several layers of explanation of Automated Decision-Making under the GDPR?

The aim of the panel is to show how Data Protection by Design in the GDPR could encourage a holistic Algorithmic Impact Assessment under the GDPR, combining the DPIA requirements with the individual rights related to Automated Decision-Making. The panel wants to analyse what the concept of Algorithmic Impact Assessment is across different legislations and how different layers of automated decisions explanations might contribute to a dynamic DPIA of complex algorithmic data processing. The role of compliance software might also be pivotal in this process.

Salient features in the respective regions, both in terms of the concerns and the mechanisms for tackling them:

- What are the salient concerns and drivers of AI governance in your region?
- How has the policy response been so far?
- What effect is the COVID-19 pandemic having on the AI governance discourse? Has it intensified the urgency to deploy AI technologies as much as the need for regulatory responses?
- What do you think other regions can learn from the initiatives and responses in your region?
- Is it practical and desirable to think about global AI governance?

15:30 – Coffee Break

16:00 – DATA PROTECTION IN AFRICA

Organised by CPDP

Coming soon

17:15 – AUGMENTED COMPLIANCE: THE CASE OF ALGORITHMIC IMPACT ASSESSMENT

Organised by Augmented Law Institute - EDHEC Business School
Moderator Gianclaudio Malgieri, EDHEC Augmented Law Institute (FR)
Speakers Margot Kaminski, Colorado Law (US); Olivier Guillo, Smart Global (FR); Henrik Junklewitz, European Commission (EU); Björn Fasterling, EDHEC Augmented Law Institute (FR)

The aim of the panel is to show how Data Protection by Design in the GDPR could encourage a holistic Algorithmic Impact Assessment under the GDPR, combining the DPIA requirements with the individual rights related to Automated Decision-Making. The panel wants to analyse what the concept of Algorithmic Impact Assessment is across different legislations and how different layers of automated decisions explanations might contribute to a dynamic DPIA of complex algorithmic data processing. The role of compliance software might also be pivotal in this process.

- How an Algorithmic Impact Assessment should look like across different Data Protection Legislations?
- Can Algorithmic DPIA and individual rights in the GDPR be connected in one only tool, as a disruptive and convenient compliance models for all data controllers?
- Can we imagine several layers of explanation of Automated Decision-Making under the GDPR?
- Can we “automate” compliance in case of algorithmic decisions?

18:30 – READY FOR A CRISIS: ACCELERATED DIGITALIZATION IN EDUCATION

[ENDS AT 19:45]

Organised by VUB Data Protection on the Ground
Moderator Paul Timmers, European University Cyprus (CY)
Speakers Alexandra Giannopoulou, University of Amsterdam (NL); Carrie Klein, Future of Privacy Forum (US); Michael Gallagher, University of Edinburgh (UK); Felix Seyfarth, Berinfor (CH)

A notable effect of corona-related confinement measures was the introduction of ‘emergency remote teaching’; educa-

tional processes had to be moved online in record time. While a plethora of tools was available, concerns about data protection and online safety arose instantly. Few educational organisations were ready to make a considered assessment of the reliability of options under pressure.

The education sector is in a constant state of flux. It is hard for many educational professionals to keep up with developments, especially technological advances. Recent years have also seen an interest in ‘revolutionizing’ education from the technology sector, promising to radically improve learning.

- What has the corona crisis done to (digital) education?
- How do you evaluate EdTech platforms?
- Privacy as a form of power in schools
- What to expect? The future of Digital Education

CPDP2021 PANELS AT ONLINE 3

8:45 – CLOSED SESSION

10:00 – Coffee Break

10:30 – GLOBAL YOUTH PRIVACY: AMPLIFYING YOUTH NEEDS & VOICES

Organised by Privacy Salon
Moderator Jasmine Park, FPF (US)
Speakers Kim Noble (UK); Amelia Vance, Future of Privacy Forum (US); Sonia Livingstone, London School of Economics and Political Science (UK)

Youth encounter both risks and opportunities online. In a rapidly evolving digital environment, efforts to defend youth privacy must delicately balance protecting and empowering youth online while allowing them to gradually develop resilience. This panel seeks to convene global youth, technology, and privacy experts to discuss existing and emerging global child privacy protection policies and strategies, key considerations for the public and private sectors, and the need to amplify youth voices in informing and shaping these policies.

- Why do youth warrant special privacy protections?
- How do youth feel about their privacy and what are their self-expressed needs and desires? How can youth voices be amplified in shaping youth privacy protections?
- How is youth privacy being protected globally? (Which ages should receive greater privacy protections, and should the parent or youth “own” those privacy rights? Should consent-based or rights-based legislation protection youth? Should youth privacy protections be included in comprehensive consumer privacy frameworks or are additional youth privacy policies necessary?)
- What youth privacy resources are available for youth, their families, and institutions working on their behalf?

11:45 – THE ROLE OF OECD IN LATIN AMERICA: THE DYNAMICS OF REGULATORY CONVERGENCE IN PERSONAL DATA PROTECTION

Organised by Data Privacy Brasil
Moderator Bruno Bioni, Data Privacy Brasil (BR)
Speakers Giovanna Carloni, Centre for Information Policy Leadership/CIPL (UK); Carolina Botero Cabrera,
Historically, OECD has been a forum for the creation and dissemination of principles for the protection of personal data and there has been a convergence towards the implementation of these principles globally. The advancement of technology brings new legal and regulatory challenges, which are the subject of intense discussion within the OECD. So, in addition to the guidelines, today among its policy issues are privacy enforcement cooperation, digital identity and electronic authentication, cryptography, etc. As the global south catches up with Europe in terms of privacy and data protection regulation and as new countries are welcomed into the club, questions of how the OECD framework can (and should) shape its policies, as well as what precisely is OECD’s role in issues such as enforcement and mechanisms for transnational data flow, become pressing. This panel aims to cover these topics.

- What are some of the main points of the renewed agenda of the OECD in terms of personal data protection?
- What is the possible role of the OECD in facing the problem of data protection enforcement in the Global South?
- What is the scope of the OECD’s power in defining public policy in Latin American countries and how does that affect data protection in the region?
- What is the role of “soft power” and civil society in setting the agenda for data protection at the OECD?

13:00 – Lunch Break

14:15 – DATA PROTECTION (R)EVOLUTIONS IN THE BRICS COUNTRIES

Organised by FGV
Moderator Luca Belli, FGV-Rio Law School (BR)
Speakers Danilo Doneda, Public Law Institute (IDP) (BR); Wei Wang, University of Hong Kong (CN); Andrey Shcherbovich, Higher School of Economics (RU); Smriti Parshera, CyberBRICS project (IN); Sizwe Snail, Information Regulator of South Africa (SA)

The panel will explore tremendous evolutions that happened in the BRICS (Brazil, Russia, India, China, South Africa) data protection frameworks, over the past 12 months:

- the new Brazilian General Data Protection Law (LGPD) just entered in force and a new National Data Protection Authority (ANPD) will be established soon
- Russia is implementing data-intensive measures related to covid19 and a new Artificial Intelligence strategy
- India is finalising the new Data Protection Bill and is planning a new Data Empowerment and Protection Architecture (DEPA)
- China has just released its draft Personal Information Protection Law and plans a Global Initiative on Data Security
- Sections of the South African Protection of Personal Information Act (POPIA) entered in force. POPIA is now under “12-month grace period”
- How the enforcement Data Protection instruments in BRICS’s countries converge (or not)?
- Is data protection legal frameworks tied or even dependent in some level with cybersecurity frameworks?
- Which roles and institutional functions do the BRICS’ Data Protection Authorities (DPAs) play?
- Are there specific elements of resonance and harmonization among the data protection frameworks in BRICS’s countries?

15:30 - Coffee Break

16:00 – DPA’S SUPERVISION AND COMPLIANCE OF ICT, CLOUD AND COMMUNICATIONS’ PROVIDERS

Organised by EDPS
Moderator Wojciech Wiewiórowski, EDPS (EU)

Speakers Paul van den Berg, Dutch Ministry of Justice and Security (NL); Andres Barreto Gonzalez, Data Protection Authority of Colombia (CO); Maryant Fernandez Perez, BEUC (BE); TBC

EU controllers’ accountability includes the creation design of compliant processing systems, e.g. by observing data protection by design and by default. In practice, public authorities in the EU are using the systems and applications provided by large companies, often with built-in tracking and data collection features, based on the companies’ standards, frequently unilateral terms and conditions. Some argue that the available technology limits their capability to achieve data protection compliance and that terms and conditions cannot be adapted to specific processing operations.

In line with its 2020-2024 strategy, the EDPS concluded an investigation on widely used office automation tools by the EU institutions. Findings and recommendations on the use of Microsoft products and services by EU institutions are likely to be of interest to all public authorities in EU/EEA Member States. This concrete case helps to assess the EDPS’ strategic objective, like that of other DPAs, to ensure that public administrations in their contractual relationships with ICT service providers use terms that reinforce the public administrations’ control over how and for which purpose personal data is processed.

- How do DPAs use their enforcement powers through supervision of public authorities to influence the data protection compliance of ICT service providers, including cloud service and communications providers?
- What is the role of ICT providers with regard to public administrations and how do their practices affect consumers and clients of public authorities?
- How should public authorities shape their contractual and business relationships with service providers and systems developers in order to improve data protection compliance?
- What should be a controller-processor contract in terms of form and content and how it could guarantee that controller, keep control and ensure fair and lawful processing of personal data of citizens?
The PSI Directive has helped to make data held by public sectors open for the use and training of AI systems which is not the case for privately held data specifically human-created works protected by copyright or neighbouring rights. Moreover, private companies who benefit from access to ‘open data’ are often in a position to create proprietary or quasi-proprietary entitlements around the outcomes of data processing, thereby turning open access into de facto exclusive rights in reverse.

To address the challenges posed by and for AI access to data we may need to redefine what ‘openness’ means.

Following the introduction of an exception for text and data mining in the Directive on copyright in the Digital Single Market (2019/790); the proposed panel will discuss

• the dangers created by unregulated use of AI
• how the norm introduced by the new copyright directive can be used
• to mitigate such dangers and
• enable privately held data to become more accessible, allowing AI to flourish in ways that are beneficial to all stakeholders involved.

CPDP2021 PANELS AT ONLINE 4

8:45 – ALGORITHMIC CRIMINAL JUSTICE

Organised by CPDP
Moderator Georgios Bouchagiar, University of Luxembourg (LU)
Speakers Silvia Allegrezza, University of Luxembourg (LU); Erik Valgaeren, STIBB (BE); Ben Winters, EPIC (US);
Plamen Angelov, EDPS (EU); Anna Moscibroda, DG Just (EU)

Criminal justice algorithms can now inform judicial decisions by foretelling future criminal behaviour. More concretely, they can contribute to the evaluation of the accused by assessing the risk of reoffending. In the name of correct risk foreseeing, these technologies may use any supposedly accuracy-enhancing factor. Criteria, including financial status, gender or age, may be considered as valid for the purpose of calculating probabilities; albeit, they may be neither blameworthy per se nor controllable by the defendant. Such algorithmic implementations have raised serious concerns. Different individuals accused of having committed the same criminal offence may be treated/punished in a different way. Furthermore, the defence may be unaware of the application of such risk assessment tools that can moreover be unchallengeable, due to their proprietary nature and/or unintelligible decision-making.

• How can traditional approaches to crime and/or punishment justify the application of these risk assessment tools?
• What is the state-of-the-art of these technologies in terms of regulation, practice and performance and how prepared is the EU to introduce these tools into criminal courts?
• To what extent can the right to the protection of personal data be interfered with by these technologies and how could the GDPR and the Data Protection Directive for Police and Criminal Justice Authorities safeguard this right?
• Which defence rights are at stake and how effective, but also desirable, could the possible contribution of data protection laws to the regulation of criminal areas be?

10:00 - Coffee Break

10:30 - THE END OF DATA RETENTION: LONG LIVE THE PROTECTION OF FUNDAMENTAL RIGHTS?

Organised by University of Liège
Moderator Nora Ni Loideain, University of London (UK)
Speakers Vanessa Franssen, ULiège (BE); Jaroslaw Lotarski, DG Home (EU); Cristina Vela, Telefónica/ETNO WG
Data Protection, Trust & Security (ES); Anna Buchta, EDPS (EU); Monika Kopcheva, Council of the EU (EU)

The issue of data retention has been at the centre of much legal reflection ever since the Court of Justice invalidated the 2006 Data Retention Directive. While this annulment was very much welcomed by the data protection community and civil society, police and judicial authorities expressed strong concerns about the impact on numerous criminal investigations. After more than six years and several preliminary references to the Court of Justice, legislators and judicial authorities are still in search of clarity, while citizens and businesses remain confronted with a lack of legal certainty. This panel aims to make an intra-disciplinary assessment of the current legal situation, involving different stakeholders, and reflect on future solutions that are ‘Court-proof’ and strike an adequate balance between the protection of private life and personal data, and the need for effective criminal investigations to safeguard fundamental rights.

• Is data retention fundamentally incompatible with the rights to protection of private life and personal data, or should one rather focus on the distinction between data retention and data access? What are acceptable (and better?) alternatives to data retention?
• How to deal with the limitations imposed by the Court of Justice?
• What is the role of the EU legislator in this debate? Is an EU-wide legislative solution necessary? What issues should be covered by such new legal instrument (e.g. the material and personal scope of application – serious crime only, new types of service providers, etc.)? How would such legislative initiative relate to other ongoing reforms (e.g. e-evidence and e-privacy)?
• What are the risks of not having a solid legal framework on data retention at national and EU level?

11:00 – Lunch Break

11:45 – THE USE OF AI IN STATE SURVEILLANCE: CHALLENGES FOR PRIVACY

Organised by TILT
Moderator Elien Kosta, TILT (NL)
Speakers Theodore Christakis, UGA (FR); Plixavra Vogiatzoglou, CITIP (BE); Lotte Hoving, Bits of Freedom (NL);
Christian Wiese Scanberg, Politi (DK); Zoi Kardasiadou, DG Just (EU)

Advanced AI and machine- and deep learning algorithms enhance the surveillance capabilities of Law Enforcement Authorities (LEAs) and Security and Intelligence Agencies (SIAs) and are used to capitalise on new technological possibilities for modelling, processing and exploiting large data sets in unique and unexplored ways, making determinations and predictions about (innocent) people. In this way AI creates a paradigm shift in surveillance, and in state surveillance in particular, opening the doors to a new era of state surveillance, namely algorithmic state surveillance (ASS). This panel will discuss the challenges that ASS raises for existing safeguards in privacy protection and propose ways to address them in order to ensure effective privacy protection.

• What safeguards already exist against state surveillance for the protection of privacy?
• How does AI change the way how state surveillance functions?
• What challenges do algorithmic state surveillance technologies and practices raise for privacy?
• How can citizens become more aware of the use of AI in state surveillance in order to exercise their rights?

13:00 - Lunch Break

14:15 – CIVILIAN OVERSIGHT FOR THE USE OF SURVEILLANCE TECHNOLOGY

Organised by VUB Chair in Surveillance Studies
Moderator Rosamunde van Brakel, Vrije Universiteit Brussel (BE)
Speakers Arne Hintz, Cardiff University (UK); Quirine Eijkman, College voor de Rechten van de Mens (NL); Marion Oswald, Council of Europe Expert Working Group on Artificial Intelligence and Criminal Law (UK); TBC

The VUB Chair in Surveillance Studies panel aims to bring together members of different parts of society to think about citizen participation and civilian oversight for the implementation of intrusive surveillance technologies. Aiming to foster an environment of exchange of ideas and learning opportunities from abroad, our panel is made up of a civil liberties representative, an academic expert, an expert/experienced member of citizen oversight mechanisms in the US, and a member of a Belgian oversight body with no citizen involvement.

- Pros and cons: why (or why not) consider civilian oversight?
- Under what conditions is civilian oversight preferred?
- How does it relate to traditional mechanisms of oversight?
- Can we learn something from a US perspective?

15:30 – Coffee Break

16:00 – TOWARDS DEVELOPING COMPREHENSIVE PRIVACY CONTROLS THAT MINIMIZES RISKS

Organised by UIUC (US)
Moderator Chris Shenefiel, Sisco Corp (US)
Speakers Masooda Bashir, UIUC (US); Lisa Bobbitt, CISCO Corp (US); Guy Cohen, Privitar Corp (UK); Zee Kin, Deputy Commissioner at Personal Data Protection (SG)

Advancement of technologies has created new threat landscapes in the Privacy/Security domains. Therefore, information privacy protections have become a vital element for all computing environments. We can no longer presume that information privacy refers only to the confidentiality of personal information, but rather it is to include the protection of personal information and safeguarding of the collection, access, use, dissemination, and storage of personal and sensitive information. One approach to ensure privacy preserving environments is to minimize privacy risks. To achieve this goal, we propose the development of a comprehensive set of privacy criteria and controls that can serve as the framework for privacy researchers, practitioners, and auditors as well any organization. We call this framework the Comprehensive Criteria for Privacy Protection (C2P2) and the proposed panel will present and discuss this newly developed framework and provide their perspective.

- What is the Comprehensive Criteria for Privacy Protection (C2P2) framework and which are its related opportunities and challenges?
- How can controls, such as C2P2, be systematically engineered into cloud-based products, services, and enterprise applications?
- Considering technical and legal challenges, how is it possible to design comprehensive privacy risk management strategies by which personal data can be used safely while building users’ trust and mitigating privacy regulatory risks?
- Which are the perspectives on the development of a risk-based certification for Singapore’s data protection standards that addresses APEC cross border privacy rules and privacy recognition for processors systems?

17:15 – TECHNICAL STANDARDS BRINGING TOGETHER DATA PROTECTION WITH TELECOMMUNICATIONS REGULATION, DIGITAL REGULATIONS AND PROCUREMENT

Organised by IEEE
Moderator Rob van Eijk, Future of Privacy Forum (NL)
Speakers Paul Nemitz, European Commission (EU); Mikulas Pecka, European Parliament (EU); Amelia Andersdotter, IEEE 802.11 (SE); Clara Neppel, IEEE (AT); Francesca Bria, Self (IT)

Since the European Union passed the GDPR, data protection is a key component of the Union’s strategies in areas ranging from citizenship policies to industrial policy. Ensuring the systematic application of data protection principles across many policy areas is, however, a difficult task with many policy areas still lagging behind or sometimes outright contradicting this fundamental rights goal. Technical standards can and do play a role in bridging these gaps, and since the entry into force of the GDPR there have, in fact, been major advances from the most fundamental infrastructural levels of networked infrastructure to the end-consumer oriented interfaces that incorporate privacy leadership. This panel will deal with the challenges of ensuring that privacy-enhancing technical standards are developed in different parts of the European policy-making machinery.

- Is the GDPR providing moral leadership?
- How does this leadership manifest in privacy-enhancing technologies? How can the EU absorb industry-developed standards that incorporate privacy considerations?
- In which ways can we ensure cooperation across policy areas (procurement, consumer, data protection, communications)?
• How to navigate the challenges of joint-controllership?
• What are the merits and challenges of a joint liability for different actors?
• What new proposals on the construction of joint-controllership are on the table?

With over two billion users today, Facebook impacts our social, economic and political lives in an unprecedented way. In response, artist Jonas Staal and lawyer Jan Fermon initiated a collective action lawsuit to force legal recognition of Facebook as a public domain that should be under ownership and control of its users. During this pre-trial, Staal and Fermon will introduce the legal argumentation of their indictment, and invite "witnesses of the future" to provide testimony of the possible futures of Facebook and other trillion-dollar companies under collective ownership.

- In what ways have Facebook and other trillion-dollar companies undermined the right to self-determination of peoples and individuals as enshrined in Article 1 of the United Nations Charter?
- What could be new forms of collective ownership over trillion dollar companies beyond the corporation and the state?
- Can we envision a collectivized Facebook as a transnational cooperative under user governance and ownership?
- What would be the new social contract of a collectivized/cooperatized Facebook? Do we ensure encryption, decentralize servers, ban algorithms, dismantle its extractivist infrastructures?

With their guidelines on the concepts of controller, processor and joint-controllership, and the one on targeting of social media users, the EDPB has shown the desire to provide guidance about the allocation of data protection responsibilities. This gives rise to new complications and questions.

- What new proposals on the construction of joint-controllership are on the table?
- What are the merits and challenges of a joint liability for different actors?
- Which sectors will be impacted?
- How to navigate the challenges of joint-controllership?
As technology evolves in the digital world, privacy and data protection should be at the core of these developments. Different and innovative ways technologies can do more with less data is one key topic the industry has been discussing and investing resources.

This panel will discuss recent technological advances in differential privacy, federated learning, homomorphic encryption, and anonymization and how they fit into existing regulatory schemes, and the challenges and trade-offs involved. It will also talk through how these new technologies support users’ right to privacy and how the academia, civil society, private and public sector can collaborate on these developments.

- How can privacy preserving technology enhance digital rights and data protection?
- What are some practical advantages of privacy preserving technologies that people have benefited from already?
- In which ways can academia, civil society, and the public and private sectors collaborate further to the development and application of these technologies?
- Could public authorities accelerate the progress and adoption of this technology? In what ways?
Automated decision-making is becoming increasingly popular among public administrations and private actors. In times of algorithmic decision-making has spread throughout the public and private sector, and with it, growing concerns of unfairness and accuracy. The panel will strive to establish which of these two strategies provides an optimal balance of competing equities and constraints in various contexts.

- How do emerging technologies change our life and what is the state of the art of emotional AI in smart cities?
- What can we learn from cross cultural perspectives on affect/emotion sensing in Japan and Europe?
- What are the appropriate data subjects rights and governance mechanisms for invisible sensing in smart cities?
- How do we design for an ethical life in smart cities?

13:00 – Lunch Break

14:15 – AI AUDITS: BLACK BOX VS. WHITE BOX PERSPECTIVES

Organised by Leiden University
Moderator: Tal Zarsky, University of Haifa, Faculty of Law (IL)
Speakers: Courtney Bowman, Palantir Technologies (US); Sandra Wachter, Oxford University (UK); Gianclaudio Maggieri, EDHEC Business School in Lille (FR); Jane Bambauer, University of Arizona (US)

Algorithmic decision-making has spread throughout the public and private sector, and with it, growing concerns of unfairness. These concerns have led to calls for greater transparency, especially when the processes are generated by artificial intelligence and premised on personal information. Such calls have joined actual and proposed legal requirements.

A common approach to resolve transparency concerns calls for “breaking open the black box”; providing detailed information as to the algorithm’s inner workings. However, algorithm developers often strongly object to such measures, while arguing that they undermine their trade secrets and compromise integrity by enabling gaming. These responses have led to considering auditing methods which examine the algorithm’s inputs and outputs to establish verifiable measures of accuracy and fairness. The panel will strive to establish which of these two strategies provides an optimal balance of competing equities and constraints in various contexts.

- What solutions is industry already providing, and are they sufficient?
- Can firms meet disclosure requirements sufficiently by providing counter-factual-based explanations?
- What are the limits and benefits of auditing methods analyzing the inputs and outputs of algorithmic processes? Does a shift to this form of evaluation reflect a broader structural change from relying on procedure to examining outcomes?
- Are there lessons to be learned from the managing of the COVID-19 crisis, as to how information about AI systems should be revealed?

15:30 - Coffee Break

16:00 – AUTOMATED DECISION-MAKING: TOWARDS EFFECTIVE REMEDIES IN A CHANGING WORLD

Organised by Liège Competition and Innovation Institute (LCII), University of Liège
Moderator: Pieter Van Cleynhenegbel, LCII-University of Liège (BE)
Speakers: Sarah Esken, University of Amsterdam (NL); Hans Ingels, European Commission (EU); Julia Reda, GFF Society for Civil Rights (DE); Alexandre Biard, BEUC (BE)

Automated decision-making is becoming increasingly popular among public administrations and private actors. In times of economic recession, having in place tools that allow for refined decisions at lower cost are more appealing than ever before. However, in those circumstances, individuals should also have access to remedies that allow to challenge, review and overturn those automated decisions.

At EU level, particular administrative or private remedial structures have been or are being created in data protection, mutual recognition and copyright in that regard.

The purpose of this panel is to assess the relationship between those new (proposed) sector-specific structures and the fundamental right to an effective remedy.

- Is the right not to be subject to automated decision-making in Art. 22 GDPR sufficient to ensure fundamental rights protection?
- Beyond the GDPR, does automated decision-making require the introduction of new or modified remedies under EU law?
- Could the EU develop a more streamlined remedial approach instead of a sector-specific one?
- Should the non-contractual liability remedy be modified in light of automated decision-making risks?

17:15 – ARTACCOUNTABILITY: ACCOUNTABILITY, ART, AND ART

Organised by Leiden University
Moderator: Eduard Forsch-Villaronga, Leiden University (NL)
Speakers: Lucas Evers, WAAG Foundation (NL); Fiona McDermott, University of Dublin (IE); Piera Riccio, Oslo Metropolitan University (NO); MetaLAB at Harvard (US); Vincent Rioux, National Superior School of Fine Arts (FR); Marianne Wieringa, Utrecht University, Daatted Society (NL)

This panel combines perspectives on Art, Society, & Technology. In particular, it focuses on artistic perspectives on algorithmic accountability. The panel starts with an overview of how the Arts play an essential role in intervening in critical social issues, such as labor politics, privacy, and education. The panel will then draw our attention to a specific case scenario, i.e., urban algorithmic accountability. We will learn about the digitization of cities and how municipal data professionals can give testimony of algorithmic-based decisions that affect citizens. The panel closes with some artistic perspectives on transparency and the role that education plays in stressing the importance of being accountable in an increasingly algorithmic society.

- The Interplay of Art, Society and Technology
- Algorithmic Accountability and Art
- Art, Education, and Responsibility

18:30 – HOW CAN REGULATION HELP BUILD TRUSTWORTHY ARTIFICIAL INTELLIGENCE?

Organised by Workday
Moderator: Audrey Plonk, OECD (INT)
Speakers: Barbara Cosgrove, Workday (US); Daniel Braun, European Commission (EU); Francesca Fellowes, Squire Patton Boggs (UK); Raphaël Gellert, Radboud University (NL); TBC

Public policy on Artificial Intelligence is progressing in Europe, and around the world. The European Commission is expected to publish draft legislation this spring. The Commission has set out its dual objectives of creating an AI ecosystem of trust and an ecosystem of excellence. This means investing in AI capabilities and incentivising uptake by public and private sectors. And, it means setting a legislative framework that mitigates risks to fundamental rights, and ensures that technologies are built and deployed with regard to the interests of individuals whose lives are affected by AI-enabled decision-making.

Companies that integrate AI and machine learning capabilities in a growing array of products and applications, are developing processes to build tools that are human-centric, trustworthy, transparent and fair. This panel will discuss the issues the forthcoming policies should address, from the perspectives of policy makers, academia and the private sector.
How should future policy and legislation frame the responsibilities of companies, authorities and regulators?

What can companies do to build AI tools that are trustworthy-by-design?

What role can standards organizations play in creating solutions?

What are the similarities and differences between the EU approach and policies being developed in other parts of the world?

CPDP2021 PANELS AT ONLINE 2

8:45 - CHILDREN’S RIGHTS IN THE DIGITAL ENVIRONMENT: RISKS, OPPORTUNITIES, AND RESPONSIBILITIES

Organised by: LIDER LAB, Scuola Superiore Sant’Anta
Moderator: Denise Amram, Scuola Superiore Sant’Anta (IT)
Speakers: Ruggero G. Pesca, University of Turin (IT); Jordi Albo-Canals, Lighthouse - DIG (US); Juan Marín Otero, iCmedia (ES); Katharina Kaesling, University of Bonn (DE)

IoT services develop new forms of free expression, organisation and association, providing unprecedented access to information and ideas, addressing political, economic, and social trends.

This panel focuses on children as vulnerable users. Access to IoT contributes to the promotion of children’s well-being (essential for education purposes during the pandemic), but it also intensifies existing inequalities (digital divide for cultural and economic differences) and risks (fake news, cyberbullying, monitoring and profiling AI-based toys, applications, sexting, grooming).

Data protection and privacy-preserving shall be boosted in terms of i) technical safety for service providers&developers, ii) parents, caregivers, institutions (starting from Schools) awareness and responsibilities, iii) skills, access, and education for children, iv) inclusion and equality.

The panel promotes a roadmap for the best interests of the child in the IoT, discussing best practices, measures to enhance rights and mitigate risks in the digital environment.

- Enhancing equal access to information society: from education needs to a cultural evolution, boosting inclusion and non-discrimination;
- Facing digital divide and promoting awareness for risks & opportunities in the information society: best interests of the child in the IoT.
- Enhancing privacy and data protection within social networks, AI-based toys, IoT App: boundaries for parental responsibilities, institutions, and services’ providers and developers.
- Digital skills and competence for new educational and learning path.

10:00 - Coffee Break

10:30 - STANDARD FOR CONSENT: STILL A DREAM OR A SOON-TO-BE REALITY?

Organised by: INRIA
Moderator: Nataliia Bielova, INRIA (FR)
Speakers: Armand Heslot, CNIL (FR); Cristina Santos, University of Utrecht (NL); Romain Robert, NOYB (AT); Aurelie Pons, Mind Your Privacy (ES); Benoît Oberlé, Sirdata (FR)

While users surf the Web, trackers collect their data for purposes that often require consent, according to Article 5(3) of the ePrivacy Directive. The amount of website audits, complaints and regulatory enforcement actions on consent - both from DPAs and the Court of Justice - have substantially increased. However, all these actions depend on complex manual analysis of websites that includes detection of a tracking technology; identification of a purpose of each tracking technology; analysis whether consent is required; evaluation of consent validity.

Recent guidelines by the EDPB and DPAs clarify and strengthen the rules for consent requirements and propose best practices, but the implementation of consent on websites still diverges. The panel is going to discuss the following questions:

- What are the next steps for a streamlined, auditable and scalable consent?
- How can legal and technical experts help to devise a compliant-by-design consent?
- Would standardization of consent help?
- What concrete building blocks need to be defined by policy-makers and the legislator?

11:45 - COLLATERAL DAMAGES OF ENFORCEMENT - DIGITAL SERVICES ACT, NETWORK ENFORCEMENT ACT, AND LOI AVIA

Organised by: Privacy in Germany (PmG) / Deutscher Anwaltsverein (DAV)
Moderator: Niko Häring, PmG (DE)
Speakers: Arnd Haller, Google (DE); Bojana Bellamy, Hunton Andrews Kurth LLP (UK); Suzanne Vergnolle, Université Paris II Panthéon Assas (FR); Tiemo Wölken, European Parliament (EU)

In the past years, member states like Germany (Network Enforcement Act) and France (Loi Avia) have passed laws containing new obligations for social media providers to protect and enforce rights in the digital sphere. This controversial legislation (the Loi Avia has been declared partly unconstitutional) is about to be amended on the national and EU level. The EU Digital Service Act is supposed to set new rules for the liability of intermediaries and improve enforcement.

While it seems hard to argue with the goals of fighting hate speech, fake news and the spread of conspiracy ideologies, this legislation has some serious side effects: Overblocking, blurred lines between public and private tasks, and - of course – data protection issues concerning social media users. This panel will discuss experiences with national legislation and possible "collateral damages" of the new European approach.

- How will the EU Digital Service Act change the role of intermediaries?
- How will it help to improve the enforcement of laws in the digital sphere?
- What side effects might it bring for free speech, data protection, and other goods?
- How does the Digital Service Act relate to similar national legislation?

13:00 - Lunch Break

14:15 - ALGORITHM-ASSISTED DECISION-MAKING IN THE PUBLIC SECTOR: GOVERN ALGORITHMS, WHILE GOVERNING BY ALGORITHMS

Organised by: Microsoft
Moderator: Olivier Miclo, DG Just (EU)
Speakers: Matthias Spielkamp, AlgorithmWatch (DE); Cornelia Kutterer, Microsoft (BE); Ger Baron, City of Amsterdam (NL); Jennifer Cobbe, University of Cambridge (UK)

Governments and authorities across Europe increasingly deploy automated decision-making systems and AI-powered data analysis to provide ‘better public services’. Yet, this development has met with parallel concerns over negative and unfair outcomes for citizens, or potentially denial of consequential services altogether. This panel will discuss strategies to achieve transparent and accountable systems and mitigate these risks, both during development and deployment of Algorithm-assisted decision-making systems. The discussion will shed light on current approaches to responsible AI, including through practices, tools, standards and legislation.
The session deals with current challenges to the right to political asylum in the European Union, both from within and beyond its borders. Exiled dissidents who have taken refuge in the EU are threatened with different tactics of transnational repression. Illiberal regimes use digital surveillance, online attacks as well as extradition requests and Interpol red notices to target political emigrants outside their territory. But the EU itself also exercises extraterritorial power, for instance by targeting political emigrants outside their territory. And finally, internal dissenters lack political protection too, as illustrated by the cases of whistleblowers and separatist movements. From different angles, the panel highlights the pressures on fundamental human rights in the 21st Century, resulting from the impacts of globalization and digitalization.

- How is the right to political asylum in the EU currently challenged and undermined?
- What are the EU governments’ legal obligations in protecting political refugees on their territory?
- What role do digital technologies play in threats against the human rights of political refugees?
- How to protect and strengthen asylum seekers against digitally enabled threats to their rights?

17:15 – VIOLENT EXTREMISM, VULNERABILITY AND THE LIMITS OF CONFIDENTIALITY
Organised by Fundamental Rights Research Centre, Vrije Universiteit Brusel / FRC, VUB
Moderator Carlotta Rigotti, Fundamental Rights Research Centre, Vrije Universiteit Brusel (BE)
Speakers Harald Weilnböck, Bundesministerium für Inneres (AT); Jedrzej Niklas, School of Journalism, Media and Culture, Cardiff University (UK); Schelten Babat, Türkische Gemeinde in Schleswig-Holstein e.V./PROvention (DE); Nora Ni Laideain, Institute of Advanced Legal Studies, University of London (IALS) (UK)

Exit counselling means to facilitate deradicalisation and personal growth, so that clients distance themselves from anti-democratic and violent-extremist thinking and behaviour. Exit counselling therefore implies intensive work with most sensitive personal and family/community issues – sometimes resembling psychotherapy; it thus requires voluntary participation, confidentiality and the processing of personally identifiable data. Yet, by working in an inter-agency setting, exit practitioners are often asked to report and/or give risk-assessments about clients. Besides, data protection issues around exit programs are often misunderstood as conflict between individual rights and state security interests, with the consequence of disregarding the vulnerability of both the clients and democracy itself and its quintessential separation of powers/functions. Although the GDPR does not explicitly define vulnerable data subjects, clients should be protected because of the higher risks of damages arising to data processing and/or to the outcomes of such processing.

- How to define vulnerable data subjects in exit counseling, within the data protection framework?
- How is the right to data protection of clients ensured in the inter-agency setting of exit programs?
- To what extent is the professional secrecy of exit practitioners limited by security concerns, having special regard to the right not to testify in court?
- Are there alternatives to further balance the vulnerability of clients and the professional secrecy of exit workers against security concerns?

18:30 – 40 YEARS OF DATA PROTECTION AND MANY MORE TO COME: CONVENTION 108 AND 108+
Organised by Council of Europe
Introduction by Paul De Hert, VUB (BE)
Moderator Vincent Manancourt, Politico (BE)
Speakers Joseph A. Cannataci, Special Rapporteur on the Right to Privacy (INT); Fanny Hidvegi, Access Now (BE); Ulrich Kelber, Federal Commissioner for Data Protection and Freedom of Information (DE); Sophie in’t Veld, Member of the European Parliament (EU); Alastair MacTaggart, Californians for Consumer Privacy (US)

Data protection day marks an important celebration this year. The Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (more commonly known as “Convention 108”) celebrates its 40th anniversary. 40 years later, it counts 55 Parties from Africa, Latin-America and Europe, and is still the only legally binding multilateral instrument on the protection of privacy and personal data open to any country in the world.

Looking back at those 40 years, the normative developments deriving from Convention 108 are immense and need to be acknowledged. Looking ahead, this landmark instrument has recently been modernised to better match the new realities of an increasingly connected world and to strengthen its effective implementation. The Convention aims at delivering two essential objectives: facilitating data flows and respecting human rights and fundamental freedoms, including human integrity and dignity. Has it lived up to its promises and what is its role at global level in the digital age?

- The Modus operandi of data protection in Convention 108
- Convention 108: utopic vision or achieved objective?
- An element of response to the contemporary transborder data flows dialectic?
- 108+: cosmetic or functional?

CPDP2021 PANELS AT ONLINE 3

8:45 – PANEL TBC
Coming soon

10:00 – Coffee Break

10:30 – SECURING PERSONAL DATA: THE “NEW” NORMAL
Organised by ENISA
Moderator Prokopios Drogetaris, ENISA (EU)
Speakers Rosa Barcelo, Squire Patton Boggs (BE); Cédric Lauradoux, INRIA (FR), Zoi Kardasiadou, DG Justice (FR); Fabian Prasser, Charité – Universitätsmedizin Berlin (DE); Peter Kraus, EDPB (EU)

The Covid-19 pandemic has changed our everyday habits in several ways, bringing digital communication into the front line and new processes that require the processing of our personal data. The wide adoption of online videocconferencing tools, both for professional and personal reasons, is one prominent example of this change. Contact tracing apps is another
example of the so-called "new normal", being considered by several EU Member States as an appealing option to support public health against the pandemic spread. While clearly beneficial, there are often serious questions raised over the security and privacy of this new mode of operation and related applications. Both Member State authorities, EU bodies and EU commission have issued a number of guidance documents on the considerations that should be taken into account, e.g. on the security of online communication tools or the contact tracing apps.

- In what ways has the “new” normal affected the existing considerations related to security of personal data processing?
- What are the key strengths and the new challenges we face when considering security of personal data?
- How can Privacy Enhancing Technologies support this transition? How can end users (Data subjects) be better prepared and how can they protect themselves?

**11:45 – CYBERSECURITY FOR EUROPE: FOSTERING RIGHTS THROUGH TECHNOLOGY**

**Organised by**: CyberSec4Europe - Trust in Digital Life

**Moderator**: Athena Bourka, ENISA (EU)

**Speakers**: Alessandro Mantelero, Polytechnic University of Turin (IT); Giuseppe Vacciagi, R&P Legal, University of Insubria (IT); Vanesa Gil Laredo, BBVA (ES); Marko Hölbl, University of Maribor (SI)

The recent global pandemic experience has confirmed the key role of IT infrastructures and digital services in our societies. It has also shown the fragile nature of digital ecosystems when not based on responsible and common cybersecurity strategies. This is even more important in the context of European interoperable services and critical infrastructures.

Against this background, this panel deals with data security and cybersecurity from a business perspective, focusing on relevant legal provisions and linking them to technological and organizational measures supporting their implementation. This will reveal interconnections between legal instruments and the technology-focused backbone of the EU approach in this field. The panel will identify the key elements of the different regulations that are crucial for data security and contribute to define a framework based on five main pillars: risk-based approach, by-design approach, reporting obligations, resilience, and certification schemes.

- How can the legal framework on data protection and data security provide a favourable environment for the development of harmonised data security policies and strategies?
- How can the interconnection between different legal framework (GDPR, NIS, PSD2 e eIDAS) stimulate best practices and legal tech tool to facilitate integrated compliance with similar obligations (i.e. reporting, risk assessment and security measures)?
- What are the main elements to consider when designing and implementing an information security management strategy, based on regulatory requirements and security standards and with the aim of guaranteeing operational resilience of the organisation?
- Which new technologies are the most important to meet the requirements of EU cybersecurity and data security regulations?

13:00 – Lunch Break

**14:15 – PROTECTING CONSUMERS IN THE DATA SOCIETY: IT’S THE ENFORCEMENT, STUPID!**

**Organised by**: Digital Clearing House

**Moderator**: Alexandre de Streef, University of Namur (BE)

**Speakers**: Andreas Mundt, German Bundeskartellamt (DE); Marie-Laure Denis, CNIL (FR); William Kovacic, George Washington University Law School and former chairman of the US Federal Trade Commission (US); TBC

Discussions about the protection of individuals in the digital era often focus on whether the rules are adequate. However, experience from the Digital Clearinghouse shows that effective enforcement is at least as important as the substance of the rules and yet sometimes neglected in the policy debate.

The panel looks back at recent key enforcement actions that aimed to improve the effectiveness of consumer rights, including the Facebook decision of the Bundeskartellamt and the Google decision of the CNIL. Lessons are drawn for optimizing the institutional set-up for enforcement and collaboration between authorities.

- What lessons can be drawn from recent cases at the national level to improve the enforcement of consumer rights in the areas of data protection, competition and consumer law?
- What modes of cooperation between different regulatory authorities should be further developed?
- Is there a need for more focused enforcement where cases are prioritized and assessed in accordance with the impact of the practices under investigation?
- Should the future Digital Services Act establish an equivalent in Europe of the US Federal Trade Commission?

15:30 – Coffee Break

**16:00 – WHERE ARE THE MISSING DATA SUBJECTS? DEMOCRATISING DATA PROTECTION THROUGH PARTICIPATION**

**Organised by**: SPECTRE Project

**Moderator**: Athena Christofor, SPECTRE project (BE)

**Speakers**: Mihalis Kritikos, STOA/EPRS - European Parliament (EU); Max von Graevenitz, Einstein Center Digital Future, University of the Arts (DE); Roos Groothuizen, Independent Media Artist and Designer (NL); TBC

EU data protection law wants to empower individuals through consent and data subject rights. Yet, in practice, crucial decisions like the assessment of risks and the balancing of interests at stake, features of GDPR’s risk-based approach, are fully entrusted to controllers. Individuals, as data subjects and citizens of an increasingly datafied society, have little influence on desirability, necessity, proportionality and design of a processing operation. In an era where ubiquitous computing - by private and public data controllers - brings out profound changes in the enjoyment of fundamental rights, but also to the economy and society, this panel discusses public participation in DPIAs as a tool for ex-ante control, legitimisation and democratisation of data protection. In other risk-based frameworks (e.g. Technology Assessments), opening up to the public is agreed to be highly desirable, and in some instances even clearly legislated.

- Is there an obligation to engage individuals in DPIAs under the GDPR?
- Stakeholder participation in DPIAs can contribute to enforcing the right to data protection but why is no one doing it?
- Who to engage and how?
- Technocracy vs societal input and legitimization: irreconcilable values?

**17:15 - MULTI-PARTY DATA SHARING AND DATA SUBJECT RIGHTS: HOW TO ACCELERATE ACCOUNTABLE DATA SHARING?**

**Organised by**: Computer Law and Security Review

**Moderator**: Sophie Stalla-Bourdillon, University of Southampton (UK)

**Speakers**: Else Feikje van der Berg, Datawallet (DE); Malte Malte Beyer-Katzenberger, European Commission (EU); Paul Comerford, Information Commissioner’s Office (UK); Alexis Wintour, Lapin Ltd (PT); Denise Amram, Scuola Superiore Sant’Anna (IT)

Attempts to set up repeatable mechanisms or structures to support the accountable multi-party sharing of personal data have not yet succeeded, although different models are now emerging. The extraordinary situation of the global pandemic makes it crystal clear that there is an urgent need to accelerate the sharing of personal data among different types of stakeholders, e.g. healthcare providers, social care providers, researchers and public health authorities. However, the danger is that data subject rights will be watered down, and more generally that such data sharing will de facto enable extensive surveillance programmes and irremediably undermine fundamental rights and liberties of data subjects.
What are the main issues involved in using health data for research purposes?

What should be the regulatory framework of health records of deceased people?

What are the legal issues involved in using AI in a pandemic situation?

How can we deal with data produced by digital health devices?

The purpose of this panel is to discuss barriers to the sharing of personal data as well as necessary safeguards, and explore a variety of emerging multi-party data sharing models across jurisdictions.

- How can we accelerate data sharing between multi parties without watering down data subject rights?
- What are the emerging multi-party data sharing models?
- How do these models compare with each other?
- To what extent arrangements that have been built for health data in the context of the covid crisis can be repeated and generalized?

18:30 – TITLE TBC

Organised by EPIC

Coming soon
This panel will discuss possible interventions, including regulatory decisions interpreting data protection principles, guidelines on best design practices, awareness-raising initiatives, and empirical studies demonstrating the influence of manipulative designs.

- How pervasive are manipulative designs in online services and what is their impact on users?
- Which tools, skills, and resources are needed to support the enforcement of rules that regulate manipulative designs?
- Which incentives might encourage businesses to prefer fair designs over dark patterns?
- How might we design interventions that enhance people’s ability to protect themselves from online manipulation?

15:30 - Coffee Break

16:00 - PRIVACY, GLOBALIZATION AND INTERNATIONAL DATA TRANSFERS: TOWARDS A NEW PARADIGM AFTER SCHREMS II?

Organised by CEU San Pablo University - Google Chair on Privacy, Society and Innovation

Moderator: José Luis Piñar Mahas, CEU San Pablo University (ES)

Speakers: Yann Padova, Baker McKenzie (FR); Noah Joshua Phillips, Federal Trade Commission (US); Isabelle Vereecken, EDPB (EU); Alisa Vekeman, European Commission (EU)

In the context of globalization and an increasingly interconnected world, an analysis of the scenario following CJEU Judgment in the Schrems II case is essential. Identifying how companies and different actors in the field of technological innovation will operate is a real challenge. In any case, DPAs will play a key role when interpreting and applying the content of this court decision. Experts’ opinion on this matter will be essential to understand how data flows will be carried out on both sides of the Atlantic.

- What will be the real impact of this Case in the near future, in particular in relation to data transfers between the different EU countries and the USA?
- What impact will this CJEU Judgment have in our economy, taking into account the current pandemic and the economic recovery and its links with data flows and technological innovation?
- Would it be relevant at this juncture to assess the need for an in-depth analysis of what the concept of an essentially equivalent level of personal data protection entails?
- With the aim of optimizing the possibilities offered by international data flows between public and private actors, how will the different GDPR transfer tools be articulated in this new scenario?

17:15 - SCHREMS II: LOOKING BACK AND LOOKING FORWARD

Organised by The Cordell Institute for Policy in Medicine & Law (Washington University in St. Louis)

Moderator: Judith Rauhofer, University of Edinburgh (UK)

Speakers: Alan Butler, EPIC (US); Ashley Gorski, ACLU (US); Neil Richards, Washington University in St. Louis (US); Andrew Serwin, DLA Piper (US)

Hear from the experts whose evidence in Schrems II was the basis for the CJEU’s blockbuster decision last July. Learn more about the trial in Dublin and what they found surprising, or not, about the Schrems II decision from the Luxembourg court. Experts’ opinion on this matter will be essential to understand how data flows will be carried out on both sides of the Atlantic.

- What was the evidence that the CJEU relied on that brought us here, and how was it produced?
- What aspects of the Schrems II decision were surprising to you as a participant, or not?
- How should we navigate the fallout of Schrems II unless or until other laws are changed to comply with the decision?
- What are the ideal and most realistic paths forward for the trans-Atlantic data trade – localization, Safe Harbor 3, adequacy, or something else?

18:30 - WHEN REGULATORY WORLDS COLLIDE – THE INTERSECTION OF PRIVACY, COMPETITION AND CONSUMER PROTECTION

Organised by GPA’s Digital Citizen and Consumer Working Group / DCCWG

Moderator: Brent R. Homan, Canadian Office of Privacy Commissioner (CA)

Speakers: Anna Colaps, EDPS (EU); Erika M. Douglas, Temple University (US); Ian Cohen, Lokker (US); Alan Thoma, CT Advogados (BR)

As consumers and businesses continue to develop technology-driven commercial relationships and with personal data increasingly representing the currency of digital commerce, the overlap between the regulatory spheres of privacy, consumer protection, and anti-trust has become more apparent than ever. Regulators and global networks have been living and examining this intersection of regulatory spheres. Privacy and consumer protection regulators are increasingly taking enforcement action over the same privacy-related conduct. At the same time, privacy considerations have become a subject of increased discussion in the anti-trust realm, revealing complements and tensions between the two disciplines. Through this session, the cross-disciplinary panel will:

- Provide insights into the factors that have driven the intersection between privacy, competition and consumer protection and examples of intersection related enforcement cases;
- Learn how different stakeholders (companies, regulators, policymakers) perceive and navigate the growing intersection;
- Discuss complements and tensions between the Privacy and Anti-Trust regulatory spheres;
- Discuss examples of cross-regulatory collaboration – what has worked; challenges faced; and the potential benefits.
FRIDAY 29th JANUARY 2021

Please note that this is a preliminary version of the programme.

CPDP2021 PANELS AT GRANDE HALLE ONLINE

8:45 - CLOSED SESSION

10:00 - Coffee Break

10:30 - CLOSED SESSION

11:45 - CLOSED SESSION

13:00 - Lunch Break

14:15 - AUTOMATED GENDER ATTRIBUTION: IT’S A BOY! IT’S A GIRL! SAID THE ALGORITHM

Organised by CPDP
Moderator: Gloria Gonzalez Fuster, VUB/LSTS (BE)
Speakers: Os Keyes, Washington University (US); Sonia Katyal, University of California Berkeley Center for Law & Technology (US); Daniel Leufer, AccessNow (BE); Karen Melchior, Member of the European Parliament (EU)

Computer says ‘male’. Computer says ‘female’. Or computer says ‘unknown’, ‘unclear but 63% chances of (X)’, or maybe just ‘error’, or ‘no’. Machines are increasingly being asked to classify individuals on the basis of their presumed gender. Daily online activities are interpreted as signs of belonging to a gender category, often without data subjects knowing about this at all, and relying on opaque grounds that can hide extremely problematic gender stereotyping. Major big tech companies base on first names crucial decisions on supposed demographics, with a direct impact on who sees which online content exactly. Bodies are being read, compared and sorted out while people just walk around in public. Automated Gender Attribution – often called Automated Gender ‘Recognition’ – is increasingly ubiquitous.

• How extensive and insidious is Automated Gender Attribution today?
• How does it affect individual rights and freedoms, including those of trans and gender non-confirming individuals?
• Can privacy and data protection laws offer meaningful protection, and how?
• What must the legislator do, notably in the context of AI regulation?

15:30 - Coffee Break

16:00 - DATA GOVERNANCE ACT: DATA PROTECTION MEETS COMPETITION, IP RIGHTS, AND INNOVATION

Organised by Uber

Moderator: Eduardo Ustaran, Hogan Lovells (UK)
Speakers: Simon Mania, Uber (NL); Elizabeth Renieris, Berkman Klein Center for Internet & Society (US); Andrea Toth, DG CNECT (EU); Oliver Milcz, DG Just (EU); Gaspar Pisanu, Access Now (AR)

The European Commission recently published the Digital Governance Act. With this Act, the Commission looks to create mechanisms to ease the sharing of public data, a system of ‘data intermediaries’ - to encourage trust in sharing personal and non-personal data - and a set of ‘data altruism organisations’ - to facilitate the ability of individuals and companies to make data available for the common good. In this panel, we will discuss how the EC policy ambitions meet and interact with data protection, competition, and intellectual property rights as well EU fundamental rights more broadly. We will discuss what operationalizing this Act could mean in practice for cities, platform companies, and individuals.

• What tools are already available to foster data sharing in a data protection compliant manner?
• Would data sharing affect the intellectual property rights of businesses over their activities and techniques used to process personal data?
• Is centralization of data in data trusts the answer that we are looking for?
• What consequences might have the intended European data sovereignty (i.e. data must be stored in Europe) within the context of international commerce and free trade?

17:15 - A FIRESIDE REUNION: DATA PROTECTION AT A TIME OF UNCERTAINTY

Organised by IAPP
Moderator: Omer Tene, IAPP (US)
Speakers: Julie Brill, Microsoft (US); Helen Dixon, DPC Ireland (IR); Bruno Gencarelli, European Commission (EU)

2020. Even just the name of the last year sends shivers down our spine. A global pandemic. Unprecedented political upheaval. Economic carnage. A fast warming planet. How do privacy and data protection fit into a dense and tumultuous policy agenda? The past year has brought to the fore issues such as access to data to mitigate a pandemic; global data transfers pursuant to Schrems II; new privacy laws in Brazil and California; and rapid developments in China and India. How do policymakers see the state of data protection at the start of 2021? What will be the issues and challenges, enforcement priorities and legislative initiatives for the coming year? Are global powers on a collision course or is a grand bargain within reach on surveillance, privacy and data protection?

• What is on the top of data protection agendas?
• What are some of the learnings from a year of privacy in a pandemic?
• What is the future of global data flows?
• What can we expect from enforcement in the EU, US and emerging data protection regimes?

18:30 - CLOSING REMARKS BY PAUL DE HERT (VUB) AND WOJCIECH WIEWIOROWSKI (EPDS)
CPDP2021 PANELS AT ONLINE 1

8:45 – CLOSED SESSION

10:00 – Coffee Break

10:30 – AI & HUMANITARIAN ACTION: RAISING THE STANDARDS?
Organised by: Burselen Privacy Hub/ ALTEP-DP project
Moderator: Michalina Nadolna Peeters, VUB/LSTS (BE)
Speakers: Aaron R. Martin, Tilburg University (NL); Xabier Lareo López de Vergara, EDPS (EU); Julia Zomignani Barboza, VUB (BE); Catherine Lennman, FDPIC (CH)

The humanitarian sector is, like many, exploring how to use AI to do things better, while also ‘doing no harm’. Uses of AI in the humanitarian field range from detecting and evaluating the need of aid to helping in its delivery, and can emerge in complex realities where different interests coalesce – e.g. related to security, or border control. As those benefiting from the work of humanitarian actors are frequently vulnerable populations, potentially targeted by a multitude of harmful actors, the stakes of mishandling their data, or making wrong decisions based on AI, can have consequences that go much beyond the usual risks in the digital realm. These issues demand a constant reflection on how to make sure that the potential benefits of using AI in humanitarian action are not outweighed by risks; in other terms, how to make sure that AI in humanitarian action is fully compatible with humanitarian goals.

- Which are the most pressing challenges and main opportunities of AI in humanitarian action?
- What are the implications of partnerships between humanitarian organisations and public and private actors to develop and deploy AI in the humanitarian sector?
- How to reconcile technical standards and data protection law with the humanitarian principles that humanitarian organisations are bound to respect, especially the principle of do no harm?
- How are the (best) practices developed in the humanitarian field informing data-driven Covid-19 responses?

11:45 – IS ‘NO’ STILL ‘NO’ IN AN ONLINE WORLD? DISCUSSING NON-CONSENSUAL DISTRIBUTION OF INTIMATE IMAGES AND DEEPFAKES
Organised by: Belgian Institute for the Equality of Women and Men
Moderator: Liesbet Stevens, Institute for the equality of women and men (BE)
Speakers: Cindy Southworth, Facebook (US); David Wright, UK Safer Internet Centre (UK); Catherine Van de Heyning, University of Antwerp (BE), TBC

As all aspects of human behaviour translate to the online world, so does sexual activity and interaction. With the normalisation of sexting as a regular feature for sexual development and interaction, also the abuse of such images has become a persistent digital phenomenon. Intimate images are made and distributed without consent, resulting in trauma and further abuse online as well as offline for the victims. In addition to the loss of their sexual privacy and integrity, victims are further confronted by criminal exploitation of these images through sextortion and online harassment. They suffer offline consequences such as loss of professional opportunities or relationships, and are hunted by phenomena of doxing to expose their identities. The protection of online sexual integrity is just to become even trickier with the facilitation of AI to create deepfakes without any expert knowledge required. This seminar will focus on the online transgression of sexual integrity and how to tackle this phenomenon, including the role of social media and law enforcement to prevent or tackle the distribution of these intimate images. In particular following questions will guide the seminar:

- What do we define as online transgression of sexual integrity and where does the line of illegitimate behaviour?

13:00 – Lunch Break

14:15 – AI REGULATION IN EUROPE & FUNDAMENTAL RIGHTS
Organised by: AI Ethicist
Moderator: Merve Hickok, Alethicist.org (US)
Speakers: Peggy Valcke, Council of Europe Ad-Hoc Committee on Artificial Intelligence (CAHAI) (INT); Friederike Reinhold, AlgorithmWatch (DE); Oreste Pollicino, OECD Global Partnership on Artificial Intelligence (IT); Alexandra Geese, MEP, European Parliament (EU)

If we are building AI for the future we envision, AI applications must serve humanity and respect fundamental rights. Inter-governmental institutions and supra-national entities which have published their AI principles in the last couple of years are now facing the challenge of how to regulate the use and effects of AI applications. The biggest risks and impact on rights are considered to be in health, education, security, defense and public services. In a global landscape where Europe is positioning itself for AI governance leadership and setting the standards in AI for protection of fundamental rights, the panelists will discuss the impact they strive for and the challenges associated.

- How does the work of Council of Europe (CAHAI) - Ad hoc Committee on Artificial Intelligence, European Commission (AI HLEG - High-Level Expert Group on Artificial Intelligence), complement other AI policy initiatives under OECD, G20 & UNESCO? Are all these initiatives aligned with each other in terms of AI regulation and priorities?
- How has the experience of COVID-19 changed the perspective, approach and priorities for regulation of AI?
- Is global regulation of high-risk AI applications a possibility in the face of AI race and national strategies?
- The public sector encapsulates most of the high-risk areas for AI and its impact on fundamental rights. What are the biggest challenges regulating the use of AI by the public sector?

15:30 – Coffee Break

16:00 – ANALYSIS OF PRIVATE COMMUNICATIONS IN THE FIGHT AGAINST CHILD SEXUAL ABUSE ONLINE
Organised by: KU Leuven
Moderator: TJ McIntyre, University College Dublin (IE)
Speakers: Brendan van Alsenoy, EDPS, EU (regulator); Catherin Bauer-Bulst, DG-Home (EU); Diego Naranjo, EDRI (BE); Mallory Knodel, CDT (US)

The European Electronic Communications Code (ECCC) expands the notion of electronic communication services. As a result, services such as web-mail, voice over IP, instant messaging platforms and applications fall under the scope of the ePrivacy Directive as of 20 Dec 2020. To ensure that providers of online communications services can continue detecting and reporting child sexual abuse online, the European Commission has proposed an interim Regulation allowing voluntary scanning of private communication channels through “well-established” technologies. The interim Regulation attempts to provide safeguards for privacy and protection of personal data, however the instrument raises numerous concerns about its legality and proportionality.

- What technologies are currently used to scan for CSAM (image matching, text, speech analysis for child solicitation)?
- Is scanning of private communication a necessary and proportionate measure?
- What is a legal basis for the processing of personal data occurring during such scanning?
- Do the proposed safeguards ensure effective protection of the right to privacy and data protection?
17:15 – ARTIFICIAL INTELLIGENCE AND DISCRIMINATION RISKS IN THE HEALTH SECTOR
Organised by iHUB, Radboud University
Moderator Frederik Zuiderveen Borgesius, Radboud University (NL)
Speakers Minna Ruckenstein, University of Helsinki (FI); Tena Simonović Einwalter, Equinet (HR); Carlos Castillo, Universitat Pompeu Fabra (ES); Tamar Sharon, iHUB, Radboud University Nijmegen (NL)

Risks of discrimination related to the use of artificial intelligence (AI) and automated decision-making are already well-documented in several domains, including policing, hiring, loans, and benefit fraud detection. In the past year, a number of cases have indicated that the health and medical sector are not immune to the discriminatory effects of AI. Studies have shown that algorithms widely used across hospitals and health systems to guide patient care, on everything from heart surgery and kidney care, to caesarean birth and prioritizing patients following the backlog of appointments caused by coronavirus, can be racially and culturally biased, and can exacerbate existing health inequalities.

- In this panel we will discuss the risks of bias, AI-driven discrimination, and unfair differentiation in the health sector. Is there something specific to discrimination risks in the health sector?
- Are the trade-offs between the benefits and risks of AI different in this sector as opposed to other sectors?
- Is there a health sector-specific notion of fairness? If so, are sector-specific rules needed for AI in the health?
- Should legal protection against AI-driven discrimination and unfair differentiation be improved and who should attend to this: non-discrimination scholars or bioethicists?

We aim for a lively discussion panel: no presentations and no slides, but a discussion among the panelists and with the audience. The panel will be made up of experts from different disciplines and backgrounds.

18:30 – CLOSING REMARKS BY PAUL DE HERT (VUB) AND WOJCIECH WIEWIOROWSKI (EPDS)
in Grande Halle Online

CPDP2021 PANELS AT ONLINE 2

8:45 – PANEL TBC
Coming soon

10:00 – Coffee Break

10:30 – PRIVACY OF CONTACT TRACING APPS IN PANDEMIC, THE ROLE OF GIANT DATA COLLECTORS, AND EU SOVEREIGNTY
Organised by TU Darmstadt
Moderator Ahmad Reza Sadeghi, TU Darmstadt (DE)
Speakers TBC

Many countries have introduced and deployed digital contact tracing apps to fight the COVID-19 pandemic. They range from heavily centralized to completely decentralized approaches, each with its own advantages and disadvantages in terms of tracing effectiveness and impact on user privacy. During the dynamic evolution of these approaches, surprisingly, Google and Apple established an unprecedented friendship and agreed on a very special scheme for contact tracing, realizing this in the form of an API called GAEN that they quickly integrated into their mobile operating systems. A multitude of nationally rolled out tracing apps are now based on the GAEN approach.

We will discuss problematic aspects and threats that the GAEN approach creates through its security and privacy weaknesses but also through the threats that it poses on the European technological sovereignty as well as the public health system:

- Digital Contact Tracing: What happened to European technological and data sovereignty?
- What happens if Google and Apple stop supporting their API or provide the app themselves?
- To what extent can sensitive information from GAEN-based app users be collected and shared?
- Despite solid alternative proposals from European scientists and experts for a digital contact tracing system, the EU has failed to establish a common system independent of giant data collectors. Why?

10:45 – PRIVACY OF CONTACT TRACING APPS IN PANDEMIC, THE ROLE OF GIANT DATA COLLECTORS, AND EU SOVEREIGNTY

11:45 – RADICAL INSIGHTS – THE FIGHT AGAINST ONLINE RADICALISATION AND ITS DATA PROTECTION IMPLICATIONS
Organised by EDEN
Moderator Daniel Drewer, Data Protection Officer, Europol (EU)
Speakers Victoria Baines, University of Oxford (UK); Stephanie Duguin, CyberPeace Institute (CH); Jan Ellermann, Europol (EU); Milo Comerford, Institute for Strategic Dialogue (UK)

This panel focuses on online radicalisation in its various contexts including right wing as well as Islamist extremism. It reflects on the role of law enforcement and highlights in how far data protection plays an important role being an asset in generating trust of citizens by determining what authorities can and cannot do when processing personal data in the performance of their duties.

- Which mechanisms do extremists use in order to lure new victims into a radicalisation process?
- What are the differences between the modus operandi of right wing and Islamist extremists, if any?
- In how far do data protection rules restrict the work of law enforcement in the fight against online radicalisation and why?
- What is the role of social media and the underlying algorithms?

13:00 - Lunch Break

14:15 – GOVERNMENT ACCESS TO DATA AFTER SCHREMS II, BREXIT, AND THE CLOUD ACT
Organised by Cross-border Data Forum
Moderator Theodore Christakis, Université Grenoble Alpes (FR)
Speakers Joe Jones, International Data Transfers (UK); Florence Raynal, CNIL (FR); Ralf Sauer, European Commission (EU); Peter Swire, Georgia Tech (US)

Anxiety concerning the future of international data flows has reached an unprecedented peak during these last months. The Schrems II Judgment of the CJEU cast doubt about the possibility to use Standard Contractual Clauses (SCCs) for data transfers from Europe to countries that do not benefit from an adequacy decision. The post-Schrems II guidance issued by the EDPB in November 2020 accentuated this anxiety. At the same time, the CJEU, in its data retention/collection judgments of October 2020, insisted once again on the importance of adequate safeguards when data are processed for the purposes of public security. On the law enforcement side, the CLOUD Act, which has been criticized in Europe for being potentially in conflict with the GDPR, provides for the possibility to conclude agreements on LEA access to data with "qualified governments" meeting a series of safeguards. The main aim of this panel will be to examine whether democracies could be able, through international cooperation, to respond to the challenge of setting satisfactory global standards for intelligence and law enforcement agencies access to data and to find solid and long lasting solutions for international data transfers.

- Where do we stand with the negotiations on UK adequacy?
Where do we stand in EU/US negotiations concerning adequacy following the invalidation of the Privacy Shield? Could non-statutory interventions respond adequately to the deficiencies in US law highlighted by the CJEU?

Where do we stand with the EU-US negotiations for an agreement on e-evidence and CLOUD Act government access to data? What could be the effect of Schrems II on these negotiations?

More generally, what is the future of cross-border data flows in a time of debate about "digital sovereignty"?

10:30 – FUNDAMENTAL RIGHTS IMPLICATIONS OF RECENT TRENDS IN DIGITAL FORENSICS
Organised by University of Luxembourg
Moderator Mark Cole, Institut für Europäisches Medienrecht (DE)
Speakers Catherine Van de Heyning, Public Prosecutor (BE); Georgios Bouchagiar, Université du Luxembourg (LU)/Vrije Universiteit Brussel (BE); TBC

Digital forensics can now assist police and judicial authorities in an unprecedented way. Contemporary technologies may promise speed, precision and accuracy, as well as address both past and future crime more effectively. However, today’s digital forensics-technologies can pose new risks to the people. The active and decisive role of private actors can over-emphasise efficiency and bring questions of legitimacy. Intellectual property rights may deny scrutiny or accessibility to the modus operandi of forensic tools. New forms of AI, involving specialised expertise and unintelligibility, can render reliability-testing hard or impossible. The aura of truth and objectivity, often accompanying high-levelled certainty, can result in misinterpretations or mislead human decision-making. Further challenges can be posed by intangibility, invisibility, non-audibility or volatility of digital information.

What is the state-of-the-art of digital forensics-technologies in terms of regulation and practice?

What are the opportunities and benefits promised by digital forensics-technologies and how can their implementations interfere with fundamental rights?

What are the key legal, practical and technical problems in criminal proceedings, where digital information is collected, analysed and, ultimately, presented before courts?

To what extent could these problems be overcome and how could a fair balance be struck to prevent the interference of efficiency-promising technologies with fundamental rights proportionate to the goals pursued?

11:45 – THE EFFECTIVE SUPERVISION OF LAW ENFORCEMENT AUTHORITIES: A REALITY OR A MYTH?
Organised by MATIS Project
Moderator Juraj Sajfert, Vrije Universiteit Brussel (BE)
Speakers Frank Scheurmann, Supervisory Body for Police Information (BE); Fanny Coudert, European Data Protection Supervisor (EU); Johnny Ryan, Irish Council for Civil Liberties (IE); Anna Moccirolo, European Commission (EU)

It has been two and a half years since the Member States of the European Union had to transpose the new rules on data protection for the law enforcement sector into their national laws. This includes the extensive provisions on the independent supervisory authorities in Chapter IV of the Directive (EU) 2016/680. However, its Article 47 of the powers of supervisory authorities is weak and vague. This panel will therefore analyse the practice of supervision of the law enforcement sector in the Digital Age.

What do supervisory authorities need in order to have effective powers against law enforcement sector?

Do national laws endow supervisory authorities with effective powers? How are such powers being used in everyday practice?

Can digital investigatory measures be reconciled with the fundamental rights of privacy and data protection? What is the role of supervisory authorities in that process?
What can we learn from statistics of inspections and corrective measures under the Directive (EU) 2016/680?

13:00 – Lunch Break

Organised by: European Trade Union Institute
Moderator: Alexander Fanta, Netzpolitik (AT)
Speakers: Ella Jakubowska, EDRI (BE); Aida Ponce Del Castillo, ETUI (BE); Clément Nayletossi Voule, UN Special Rapporteur on Freedom of Assembly (INT); Birte Dedden, UNI-EUROPA (DE); Johannes Caspar, Hamburg Commissioner for Data Protection and Freedom of Information (DE)

In recent years a worrying trend has become more and more visible. Surveillance practices have increased, with not only governments tracking their citizens (China’s social scoring system) but also with companies using increasingly affordable technology to monitor their workforce and collect their data. Video, tracking software, algorithmic management tools and biometric technologies, coupled with artificial intelligence and facial recognition, are bringing surveillance to potentially unprecedented levels. This raises numerous questions about privacy, workers’ and fundamental rights.

The panel will address these and other questions, present cases of workplace surveillance, as reported by European trade unions and look at the possible risks and consequences of workplace surveillance. Importantly, it will examine how fundamental rights can be used by workers and their representatives for better protection.

• Does GDPR article 88 provide sufficient protection, or does it have to be reviewed?
• What lessons can we learn from case law?
• What is the role of national Data Protection Authorities?

15:30 – Coffee Break

16:00 – TOWARD RESEARCH ACCESS FOR PLATFORM DATA
Organised by: IViR
Moderator: Mackenzie Nelson, AlgorithmWatch
Speakers: Mathias Vermeulen, AWO (BE); Bernhard Rieder, University of Amsterdam (NL); Rebekah Tromble, George Washington University (US); Kritszlina Stump, European Commission (EU)

This panel explores the legal challenges of data access for public interest research into online platforms. Research access has become a key issue in platform governance debates, including not only self-regulatory initiatives such as Social Science One but also in recent ongoing reforms in the EU Digital Services Act. Platforms have commonly argued that privacy and data protection considerations pose legal and ethical barriers to research access, but these claims are now under scrutiny by academics and policymakers. Building on a recent report from the IViR, commissioned by AlgorithmWatch, this panel explores how the law in general, and data protection in particular, can help to empower the research community whilst protecting personal data.

• What access do researchers need to properly study platforms, and what legal and technical barriers do researchers face in procuring this data?
• How can platforms and governments revise their policies to facilitate independent research, and how should this be reconciled with the General Data Protection Regulation?
• What is the role of art. 40 GDPR in facilitating research access through Codes of Conduct?
• What is the role of the Digital Services Act in fostering independent research access

17:15 – DATA PORTABILITY, COMPETITION, PRIVACY, AND CYBERSECURITY
Organised by: Georgia Tech
Moderator: Peter Swire, Georgia Tech (US)
Speakers: Régis Chatellier, CNIL (FR); Inge Graef, Tilburg University (NL); Wolfgang Kerber, Philipps Universität Marburg (DE); Nizan Packin, Baruch College CUNY (US)

Many current competition initiatives in the European Union, including the European Data Strategy, have stressed the importance of data portability for the individual, and other required transfers (often called “data sharing”) at greater than the individual scale. Portability issues have become especially timely due to: (i) their inclusion in GDPR and the California Consumer Privacy Act; (ii) intense policy focus on competition and privacy issues for the largest data-intensive platforms; and (iii) sectoral initiatives such as the Payment Services Directive II. Benefits of portability can include greater innovation and competition, and individuals’ free choice about their personal data. Risks can include privacy, cybersecurity, and anti-competitive standards.

• How should portability goals be built into important sectors such as smart cars and financial services?
• How should competition proceed on these topics, which involve data protection, consumer protection, and competition concerns?
• To what extent and when should data portability be considered primarily a fundamental rights issues, as contrasted with other regimes that seek economic efficiency and other goals?
• What should be the general lessons, during the creation of data strategies for the EU, concerning data portability?

18:30 – CLOSING REMARKS BY PAUL DE HERT (VUB) AND WOJCIECH WIEWIOROWSKI (EPDS)
in Grande Halle Online

CPDP2021 PANELS AT ONLINE 4

8:45 – CLOSED SESSION

10:00 – Coffee Break

10:30 – JUNIOR ACADEMIC SESSION I
Academic ******
Organised by: CPDP
• Niko Tsakalakis, Sophie Stalla-Bourdillon, Laura Carmichael, Dong Huynh, Luc Moreau and Ayah Helal (UK): The dual function of explanations: Why it is useful to compute explanations
• Silvia De Conca (NL): Smart speakers, spam and robocalls: testing the boundaries of the e-Privacy regulation
• Thiago Moraes, José Renato Pereira and Eduarda Costa (BR): Smile, you are being identified: Risks and measures for the use of facial recognition in (semi-) public spaces

11:45 – ACADEMIC SESSION ON COVID-19 CRISIS
Academic ******
Organised by: CPDP
• Wanshu Cong (IT): From Pandemic Control to Data-Driven Governance: the case of China’s health code
• Johannes Thumfart (BE): The Covid-crisis as catalyst for digital sovereignty: Building barriers or improving digital policies?
• Aiste Gerybaite (IT): Ensuring data protection rights and public safety in pandemics: lessons learnt from the Italian “Immuni” App

13:00 – Lunch Break

14:15 – TITLE TBC
Academic *****
Organised by EDPL Young Scholar Award

15:30 – Coffee Break

16:00 – SENIOR ACADEMIC SESSION
Academic *****
Organised by CPDP
• Andrea Bertolini and Sümeyye Elif Biber (IT): The Role of (Human) Dignity in AI Design Shattering the Ile of Self-Determination
• Roger Clarke (AU): A Comprehensive Framework for Regulatory Regimes as a Basis for Effective Privacy Protection
• Mira Burri (CH): Interfacing privacy and trade

17:15 – JUNIOR ACADEMIC SESSION II
Academic *****
Organised by CPDP
• Thomas Tombal (BE): Data protection and competition law: friends or foes regarding data sharing?
• Cemre Bedir (NL): Contract Law in the Age of Big Data

18:30 – CLOSING REMARKS BY PAUL DE HERT (VUB) AND WOJCIECH WIEWIROWSKI (EPDS)
in Grande Halle Online

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PLATINUM SPONSORS

EUROPEAN DATA PROTECTION SUPERVISOR (EDPS)
The European Data Protection Supervisor is an independent supervisory authority, with responsibility for monitoring the processing of personal data by the EU institutions and bodies, advising on policies and legislation that affect privacy and cooperating with similar authorities at national level. The EDPS remit includes:
• developing and communicating an overall vision, thinking in global terms and proposing concrete recommendations;
• providing policy guidance to meet new challenges in the area of data protection;
• operating at the highest levels and developing effective relationships with diverse stakeholders in other EU institutions, Member States, non EU countries and other national or international organisations.

GOOGLE
Google’s mission is to organize the world’s information and make it universally accessible and useful. Through products and platforms like Search, Maps, Gmail, Android, Google Play, Chrome and YouTube, Google plays a meaningful role in the daily lives of billions of people and has become one of the most widely-known companies in the world. Google is a subsidiary of Alphabet Inc.

INTEL
Intel is the leading manufacturer of computer, networking and communications products. Intel develops semiconductor and software products for a range of computing applications. Headquartered in Santa Clara, California, it has 100,000 employees operating in 300 facilities in 50 countries. Intel’s mission is to create and extend computing technology to connect and enrich the lives of every person on earth. ➤

FACEBOOK
Founded in 2004, Facebook’s mission is to give people the power to build community and bring the world closer together. People use Facebook to stay connected with friends and family, to discover what’s going on in the world, and to share and express what matters to them.
European researchers and engineers, such as Nokia or Skype, as well as employed thousands of employees, working alongside more than 180,000 partners ever since, and today we have over 25,000 local employees dedicated to making the best products on earth, and to leaving the world better than we found it.

Microsoft
Founded in 1975, Microsoft is the leading platform and productivity company for the mobile-first, cloud-first world, and its mission is to empower every person and every organization on the planet to achieve more. Our software innovations generate opportunities for the technology sector, businesses, public sector and consumers worldwide. Microsoft opened its first office in Europe in 1982. We have been investing in and growing with Europe ever since, and today we have over 25,000 local employees, working alongside more than 180,000 partners to empower millions of European consumers and to help transform businesses. In the last decade alone, Microsoft has invested nearly $20 billion in European companies, such as Nokia or Skype, as well as employed thousands of European researchers and engineers.

Apple Inc.
Apple revolutionized personal technology with the introduction of the Macintosh in 1984. Today, Apple leads the world in innovation with iPhone, iPad, Mac, Apple Watch and Apple TV. Apple's four software platforms — iOS, macOS, watchOS and tvOS — provide seamless experiences across all Apple devices and empower people with breakthrough services including the App Store, Apple Music, Apple Pay and iCloud. Apple’s more than 100,000 employees are dedicated to making the best products on earth, and to leaving the world better than we found it.

Mozilla
Mozilla’s mission is to promote openness, innovation and opportunity on the web. We produce the Firefox web browser and other products and services, together adopted by hundreds of millions individual internet users around the world. Mozilla is also a non-profit foundation that educates and empowers internet users to be the web’s makers, not just its consumers. To accomplish this, Mozilla functions as a community of technologists, thinkers, and builders who work together to keep the Internet alive and accessible.

UBER
Good things happen when people can move, whether across town or towards their dreams. Opportunities appear, open up, become reality. What started as a way to tap a button to get a ride has led to billions of moments of human connection as people around the world go all kinds of places in all kinds of ways with the help of our technology.

Workday
Workday is a leading provider of enterprise cloud applications for finance and human resources, helping customers adapt and thrive in a changing world. Workday applications for financial management, human resources, planning, spend management, and analytics have been adopted by thousands of organizations around the world and across industries—from medium-sized businesses to more than 60 percent of the Fortune 50.

Berlin & Bird
Bird & Bird is an international law firm with a focus on helping organisations being changed by technology and the digital world. With more than 1,300 lawyers and legal practitioners across a worldwide network of 29 offices, Bird & Bird specialises in delivering expertise across a full range of legal services.

Campos Thomaz Advogados
Campos Thomaz Advogados is a Brazilian boutique law firm that provides a wide range of services in the regulatory, transactional, and litigation spheres, with extensive expertise in the technology industry, privacy, and data protection areas. The firm assists national and international clients in pursuing compliance with local legislation in Brazil and LATAM, including, among other matters, the recently enacted Brazilian Data Protection Act (LGPD).

European Union Agency for Fundamental Rights (FRA)
The European Union Agency for Fundamental Rights (FRA), established by the EU as one of its specialised agencies in 2007, provides independent, evidence-based advice on fundamental rights to the institutions of the EU and the Member States on a range of issues. The staff of the FRA, which is based in Vienna, includes legal experts, political and social scientists, statisticians, and communication and networking experts.

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Founded in 1975, Microsoft is the leading platform and productivity company for the mobile-first, cloud-first world, and its mission is to empower every person and every organization on the planet to achieve more. Our software innovations generate opportunities for the technology sector, businesses, public sector and consumers worldwide. Microsoft opened its first office in Europe in 1982. We have been investing in and growing with Europe ever since, and today we have over 25,000 local employees, working alongside more than 180,000 partners to empower millions of European consumers and to help transform businesses. In the last decade alone, Microsoft has invested nearly €20 billion in European companies, such as Nokia or Skype, as well as employed thousands of European researchers and engineers.

European Union Agency for Fundamental Rights (FRA)
The European Union Agency for Fundamental Rights (FRA), established by the EU as one of its specialised agencies in 2007, provides independent, evidence-based advice on fundamental rights to the institutions of the EU and the Member States on a range of issues. The staff of the FRA, which is based in Vienna, includes legal experts, political and social scientists, statisticians, and communication and networking experts.

Mozilla
Mozilla’s mission is to promote openness, innovation and opportunity on the web. We produce the Firefox web browser and other products and services, together adopted by hundreds of millions individual internet users around the world. Mozilla is also a non-profit foundation that educates and empowers internet users to be the web’s makers, not just its consumers. To accomplish this, Mozilla functions as a community of technologists, thinkers, and builders who work together to keep the Internet alive and accessible.

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS (FRA)
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Workday
Workday is a leading provider of enterprise cloud applications for finance and human resources, helping customers adapt and thrive in a changing world. Workday applications for financial management, human resources, planning, spend management, and analytics have been adopted by thousands of organizations around the world and across industries—from medium-sized businesses to more than 60 percent of the Fortune 50.

workday
The company’s goal is to increase privacy, minimize risk, and enhance efforts to comply with international privacy regulations. Lokker’s executive team are renowned experts in privacy, data, and content delivery.

**ELECTRONIC PRIVACY INFORMATION CENTER (EPIC)**
EPIC is an independent non-profit research center in Washington, DC. EPIC protects privacy, freedom of expression, and democratic values; and promotes the Public Voice in decisions concerning the future of the Internet. EPIC’s program activities include public education, litigation, and advocacy. EPIC files amicus briefs, pursues open government cases, defends consumer privacy, and testifies about emerging privacy and civil liberties issues.

**HOGAN LOVELLS INTERNATIONAL LLP**
Straight talking. Thinking around corners. Understanding and solving the problem before it becomes a problem. Performing as a team, no matter where we’re sitting. Delivering clear and practical advice that gets your job done. Our 2,500 lawyers work together, solving your toughest legal issues in major industries and commercial centers. Expanding into new markets, considering capital from new sources, or dealing with increasingly complex regulations. Lokker’s executive team are renowned experts in privacy, data, and content delivery.

**STIBBE**
Stibbe is a global law firm that helps clients maintain the highest standards for data protection while successfully pursuing their business interests. We have a fully integrated global practice with substantial experience in advising companies on all facets of global and EU privacy laws, including on topics such as big data, connected cards, cloud computing, and the Internet of Things. We have unique experience with complex multi-jurisdictional privacy investigations, enforcement actions, and litigation. We also counsel clients on the review of the EU data protection legal framework.

**STEPTOE**
Steptoe is one of the world’s strongest integrated law firms, providing insight at the point where law, business and government meet. The firm delivers commercially focused business solutions by combining legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients from long established leading corporations to emerging businesses, startup visionaries and sovereign nations. With more than 1,500 lawyers in 47 offices across 20 countries on five continents, Steptoe provides unrivalled access to expertise.

**LOKKER**
Lokker is a Silicon Valley-based privacy technology company that offers a robust Privacy Management Platform that enables instantaneous visibility and control over all integrated 3rd-party applications for enterprise clients. The company’s goal is to increase privacy, minimize risk,