



Asia-Pacific
Economic Cooperation

2006/SOM1/ECSG/SYM/007

Agenda Item: 5

Presentation to APEC Privacy Symposium

Purpose: Information
Submitted by: United States



**APEC Symposium on Information
Privacy Protection in E-Government
and E-Commerce
Ha Noi, Viet Nam
20-22 February 2006**

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PRESENTATION TO APEC
PRIVACY SYMPOSIUM

February 20, 2006



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The Privacy Office

Introduction to the DHS Privacy Office

- The Setting:
 - First Statutorily Mandated CPO in the U.S. Gov't.
 - International Policy Concerns: Privacy does not end at the water's edge
- Triad of U.S. Privacy Authorities:
 - Privacy Act of 1974: Public Notice and Accountability
 - Freedom of Information Act (FOIA): Transparency and Privacy Protections
 - E-Government Act of 2002: Introduced PIAs



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Overview of the DHS Privacy Office

Organization

1. Legal
 2. International
 3. Disclosure
 4. Education
 5. Compliance
 6. Technology
- + Officers in Place



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International Privacy Frameworks

- APEC: 2003 Privacy Framework
- OECD: 1980 Guidelines on Transborder Flows
- EU
 - Directive 95/46/EC
 - Directives 97/66/EC and 2002/58/EC
- Various Bi-lateral Agreements, Political Commitments



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Current DHS International Issues

- **APEC:** Privacy Subgroup; Lost and Stolen Passports part of RMAL
- **EU:** U.S. – EU PNR Cases before the ECJ
- **OCED:** WPISP, Enhanced Information Travel System (EITS); Biometrics
- **Various Bilateral:** Data Sharing Arrangements, e.g., Lost and Stolen Passports
- **Annual Int’l Data Protection Conference** (U.S. Observer Status)
- **“Berlin Group”** (Telecom)



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STRENGTHS of APEC FRAMEWORK

- FLEXIBILITY and CONSENSUS: founded on principle of reducing barriers while maintaining privacy
- CONSISTENT WITH: 1980 OECD Guidelines
- PRIVATE and PUBLIC: flexible for both
- SELLING POINT: Privacy Awareness and Cross-border cooperation on privacy matters should be the goal for APEC Economies.



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APEC Framework Compatible with Private and Government Spheres

...we are part of a global network and that in order for that network to function, people and goods have to be able to move across borders rapidly, efficiently, and safely but without sacrificing either security or privacy.

--DHS Secretary Michael Chertoff, Speech before the Woodrow Wilson School of Public and International Affairs, October 1, 2005



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