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Member Bulletin

While iappANZ aims to provide its Members with timely and relevant information about what’s happening in the Australia and New Zealand privacy environments, we are also aware that our membership is part of a unique community of practice - where access to practical strategies for accomplishing the tasks of a privacy professional are as valuable as a resource as the legal, academic and political discourse available through iappANZ and other sources.

The Member Bulletin is a regular publication, exclusive to Members, that highlights the issues affecting today’s privacy professionals as part of their day-to-day business and points Members toward information and strategies that may assist them.

Foreword:

In the time prior to (and since!) accepting the honour of an executive position on the iappANZ Board, my day-to-day work in the privacy profession has been much like yours - solving simple and complex challenges involving the handling of personal information, investigating complaints of privacy breach, championing the privacy principles in the workplace... Sounds fairly ‘blah’ if you put it that way. And I don’t put it that way.
Ask me what I do for a living, and I tell people that I am in a cutting edge profession where the debate around personal information handling cuts across everything an organisation does (and everything society expects). To me, privacy is personal, privacy is sexy, privacy matters. Expressing privacy, how it impacts my organisation and how it impacts the community is, to me, the essence of being a privacy professional.

Let me ask you: What is your answer when someone asks “So, what do you do”? Your answer could mean the difference between being taken seriously, exciting your organisation, being a catalyst for positive information handling practices and... blah, boring, buried in other people’s visions of the mundane.

Just a thought...

**John Pane**

Vice President
iappANZ Board

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**Pressing the Flesh - A View from 'The Top’**

One of the great things about our association is the breadth and depth of experience and knowledge that one can draw upon for help. It really only becomes apparent when one has got to know ones fellow members through attending iappANZ functions, and if one is lucky enough, through working with fellow members in delivering on our privacy responsibilities at work.

Some time ago I was fortunate enough to be responsible for Information Security and Privacy while working for a dynamic and rapidly expanding Australian based multinational with major operations in Africa, Europe, and North America.

The organisation had gone through the process of outsourcing some of its business processes, including finance and human resources, with a major outsource and technology provider; and much focus and diligence had gone into defining and detailing technical and contractual requirements.

During a risk management meeting it was requested that a security and privacy review of the outsourcing arrangement be conducted, and shortly thereafter we began a process of mapping out the organisation’s exposure and responsibilities from a global perspective.

It soon became apparent that identifying and understanding privacy risks and obligations across many jurisdictions and ensuring that the compliance requirements were clearly detailed for both parties in the contract was no trivial task, and was one which had not been adequately addressed.

The approach and actions of the organisation to an outsourcing project was in likelihood no different to many other multinationals, based here and abroad, as financial, time, technical, and yes even security imperatives often
drive privacy compliance to the end of the queue. The focus on privacy regulatory compliance in such environments is often restricted to the jurisdiction in which the head office operates.

With the review complete, a number of lessons were learnt, and the contractual arrangements adjusted so both the organisation and the outsource provider were much better able to meet the range of privacy compliance requirements they faced. Some of the things I took away may be obvious to many, but I will share them in the spirit that it is one of the benefits of a group of professionals such as ours for us all to develop through sharing our “war stories”.

• Do not assume that both legal and technical professionals in your organisation understand privacy compliance, and in particular multi regional compliance. They often are working under tight deadlines and great pressure and may not have been exposed to privacy obligations or the risks they face in not meeting these.

• Do not rely on your outsource provider to manage your privacy requirements, you may find that you will wear some of the compliance and incident remediation obligations which should rest with the outsourcer.

• Even if your outsource provider is a multinational do not assume they will provide a global overview.

• Develop and maintain a high profile in the organisation, build relationships that allow you to become involved in business initiatives and supporting ICT projects very early in the process.

• Reach out to fellow members, both in the iappANZ and abroad for help and advice. It was through contacts made in the IAPP and iappANZ that we were able to engage with the privacy officer for the outsource provider, based in the US, who was able to provide much needed support and focus to the remediation effort.

While reviewing and adjusting the outsourcing arrangements, I was fortunate enough to have the help and support of many association members who gave of their time and experience, and my thanks goes out to all.

In the end we did go so far as to engage one member and his organisation to provide a formal report and an external view from a global perspective.

The benefits of utilising the association network both free and paid for, was immense and the role of the privacy professional in the organisation was greatly enhanced.

Could I encourage all members to make the most of the activities planned and scheduled for 2010, keep an eye on the website and read the newsletters for upcoming event details. I look forward to seeing you at an iappANZ function soon. Kevin Shaw President iappANZ
Feet on the Ground… Privacy in the Cloud

Many of us have heard of the term ‘cloud computing’ - but what does it really mean and how does it impact your work as privacy professionals?

Cloud computing is essentially a term given to information technology services provided over the Internet. The type of information technology services can include storage of data, including email accounts, provision of software and infrastructure as a utility service.

Cloud computing enables organisations to outsource many of their computer processing needs, thus removing the burden of having to install, maintain, upgrade, store and manage data, software or infrastructure. It can be a great cost saving to organisations as they can downscale their in-house information technology staffing, storage, software and infrastructure costs.

The rise of cloud computing can be attributed to a number of factors, including:

• The extensive networking capabilities of the Internet;

• Software companies wanting to offer software as a service rather than as a licensed product;

• Organisations not wanting to invest in the next generation of internal processing power; and

• Major technology companies developing economies of scale in order to provide cloud computing solutions.

A recent example of the use of cloud computing is in the outsourcing of email accounts and their associated storage requirements. Major technology providers, such as Google and Microsoft are providing major clients, including government agencies and universities, with cloud computing solutions to host their email accounts and storage needs on the cloud. In recent months, there has been a spate of Universities transitioning their staff and student email accounts to the cloud.

As privacy professionals, there are number of privacy issues that we need to ensure our organisations take into account when assessing the business case and risks of entering into cloud computing transactions. They include:
• Whose privacy policy is the data subject to - the client’s or the cloud service provider’s privacy policy?

• Where will the data and backups be stored? Will it be stored with other clients’ data? Is the data located in politically and environmentally stable regions, for example not prone to earthquakes?

• What legal jurisdiction(s) will the data be located in?

• What are the data retention policies of the cloud service provider?

• What security mechanisms are in place to transfer the data to and from the organisation and the cloud service provider, ie: is data encrypted during transfer?

• Is the data encrypted during storage? Who controls the encryption keys, the client or the cloud service provider?

• What happens when the data cannot be accessed or retrieved from the cloud service provider due to technical or other difficulties?

• Can upgrades to software or other services be refused?

• What happens when there is an unauthorised breach of privacy and data have been accessed inappropriately, used or compromised (for example by a competitor)?

• Does the cloud service provider have sufficient financial resources or insurance to cover the costs of catastrophic privacy breaches?

• How will you know if the data have been accessed or used inappropriately?

• What happens when the cloud service provider ceases to exist?

• Can the data be easily relocated if necessary, ie: can the data be migrated easily to another service provider?

• What privacy response and contingency plans are in place to deal with the public relations issues and brand damage that may arise if there is a breach of privacy?

**Annelies Moens**

iappANZ Treasurer
Privacy After Hours

iappANZ continues to hold Privacy After Hours and other events for its members and guests around the country. You can find out more about privacy events in your city by viewing the Events page at www.iappanz.org.

What's New in Privacy?

Privacy in the Asia-Pacific: 2010 Update

A comprehensive survey of privacy and data protection in the region

ONE DAY SEMINAR
Tuesday 2 March 2010
Grace Hotel, Sydney

Get up to speed on the privacy developments in Japan, South Korea, Malaysia, Philippines, Thailand, Taiwan, Hong Kong, Macau, China, India and New Zealand in this one day seminar at the Grace Hotel, Sydney.

Find out about data export laws in the Asia-Pacific and developments in international agreements and standards relevant to Australia, including APEC and OECD.

Current iappANZ members receive a 10% discount off all registration types. Mention your membership on the booking form.

This unique opportunity is provided by Continuing Legal Education at the University of New South Wales.

To book and for more information click here

León, Spain - Trust in the Information Society
Past IAPPANZ President, Malcolm Crompton, attended the recent “Trust in the Information Society” conference in León, Spain. The conference focused on e-trust and how Information Communications & Technology (ICT) can be a generator of trust or can be adapted in a manner that would generate trust.

A number of themes coming out of the conference will be of no surprise to many privacy professionals; however it is heartening to see matters of such relevance being discussed in a forum where influential political ears were surely listening. The themes that resonated most with Malcolm included:

- Trust, privacy and identity management are rapidly rising to the top of leadership agendas

- Privacy by design is desirable – that is, operationalising privacy by integrating privacy controls into the organisation/ structure of technologies at the outset

- Accountability is truly about getting privacy right – that is, being able to demonstrate that all measures have been taken to satisfy privacy imperatives (vs. tick-the-box levels of legislative compliance alone).

Malcolm has posted a blog about his conference experience for those keen to read and comment.

IAPP Privacy Certification

The IAPPANZ is proud to offer members an opportunity to enroll in the Certified Information Privacy Professional (CIPP) program!

The CIPP program is a widely recognized and sought after credentialing opportunity for privacy professionals. The program tests for privacy and data protection knowledge to publicly established standards in professional education. It is internationally recognized as a reputable, independent program that professionals seek and employers demand.

The CIPP program debuted in 2004 and has since become the industry-standard certification in corporate compliance with U.S. privacy laws and regulations as well as European requirements for transfers of personal data.

The IAPPANZ is the only Australian organisation permitted to offer the IAPP’s CIPP program.

Interested in becoming uniquely qualified in your field? Visit the Certification page at www.iappANZ.org to get started!
Dashboard Digest - Keeping us in the Loop

A free fortnightly review of Australia and New Zealand’s top privacy stories and relevant events became available to iappANZ members in December 2009, and is an excellent synopsis of what’s happening in privacy in our neck of the woods.

Subscribe to the ANZ Dashboard Digest, and to other publications offered by the IAPP, by entering your email address here.

Blogworthy Comments, Anyone?

iappANZ Board Member and past iappANZ President, Malcolm Crompton, invites interested privacy professionals to his Blog Spot, which profiles issues such as cloud computing and recent privacy moves in the European Union.

If you have any comments or suggestions about this newsletter or any other aspect of the iappANZ please contact us.

Do you have interesting articles or information you would like to share with Privacy Professionals?

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