ICO privacy seals project

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_IAPP Data Protection Intensive_

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ICO plans for a privacy seal scheme

- ICO intends to endorse a third party certification body to operate a privacy seal scheme.

- Accredited third party

- Consumer facing seal scheme
Privacy seals - why now?

• Draft proposals for EC general data protection regulation (Article 39)

• Appetite for move towards co-regulatory / self-regulatory approach

• Privacy as a ‘brand differentiator’
Preferred approach: co-regulatory

ICO [and UKAS]

Independent certification body

- Operates privacy seal scheme.
- Subject to ongoing checks by UKAS as part of accreditation process.
- Requires companies with seal to report breaches to ICO as normal.

Businesses

- Sign up to ICO endorsed scheme operated by an independent certification body.
- Audited by certification body.
- Complaints can still be referred to the ICO.

ICO sets out framework criteria and invites proposals from third party operators. Assesses third party proposals against criteria and endorses one scheme. UKAS assessment of certification body. Enforcement and complaints resolution under s42 DPA duty process operate as normal.
An ICO endorsed scheme should:

• Demonstrate that privacy / data protection is the core focus of the scheme

• Not ‘test’ every aspect of data protection compliance; shouldn’t create onerous additional obligations

• Offer genuine consumer benefits: poor schemes can make matters worse

• Cover the personal data issues that are relevant to most people most of the time
Current developments

• Developing framework criteria

• Discussing plans for implementation with the UK Accreditation Service (UKAS)

• Practicalities:
  - scheme ownership: costs; revenue; liabilities
  - branding: one seal – different schemes or several seals?
Watch this space! Next steps

• Finalising the criteria in consultation with stakeholders

• Invite proposals for privacy certification / seal schemes

• Early 2015 – choose a scheme to endorse – conditional on passing UKAS accreditation

• 2015 – UKAS accreditation assessment process
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