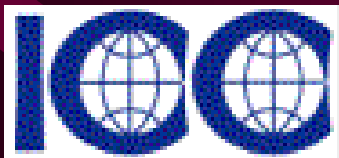


# Undertaking Domestic Consultation: The Private Sector Perspective

Heather I. Shaw

Director, E-Commerce

United States Council for International Business



# Benefits To All Stakeholders

Consultations are an opportunity to exchange information among stakeholders. The end result should be a balanced privacy regime that benefits all stakeholders.

- **Business**- Consultations create an ability to influence the development of a privacy regime in a manner that will be consistent with their needs and practices.
- **Consumers**- Consultations can lead to innovative solutions and improved privacy that responds to the demands of customers.
- **Government**- implementing a privacy regime that allows responsible and efficient business practices creates economic growth by increasing investment, innovation and trade.

# Educating Policy Makers

- How data is responsibly collected, used, and transferred
- How the intended use can require different policies
- Understand the various needs of stakeholders, and to begin to understand their commonalities

# Expressing Business Needs

- Data flows are the life blood for conducting business today
- Data processes are different across industries, business models, and company sizes
- Trends can be identified- Data flows follow similar paths
- Without consultations policy makers risk implementing regimes that interfere with necessary and legitimate business needs

# Who To Talk To

- Domestic Businesses
  - How they operate in the given culture
  - A variety of industry sectors
- International Business
  - May have greater focus on transborder data flow needs
  - Seek consistent approach with other privacy regimes on regional or global level

# The Role of Business Organizations

- The International Chamber of Commerce (ICC) develops and disseminates global business positions through 80 National Committees, including in 18 of the 20 APEC economies
- Can provide broad insight into business practices across sectors
- Has experience operating within different privacy regimes and can share what works and what creates unnecessary obstacles and burdens
- Requested guest status at the E-Commerce Steering Group and Privacy Sub-Group

# Effective Process

ICC and its National Committees has been consulted on the development and implementation of many privacy regimes

- April 2005: EU Article 29 Working Party approval of a process for multiple authority approval of binding corporate rules
- December 2004: European Commission approval of alternative industry standard contract clauses for international data transfers.
- October 2002: USCIB input on draft Mexican privacy law

# How to best involve the private sector

- Be open to and request input at an early implementation stage
- Set a time frame to allow full consideration of proposals and comments received
- Be transparent: be clear about particular objectives and outcomes