

# APEC ECSG Technical Assistance Seminar

Panel VII: Mechanisms for reporting  
on domestic implementation

Blair Stewart

Assistant Privacy Commissioner,  
New Zealand

# Mechanisms for Reporting on Domestic Implementation

- Part VI of Framework
- “39. Member economies should make known to APEC domestic implementation of the Framework through the completion of and periodic updates of the Individual Action Plan (IAP) on Information Privacy.”

# Important Issues for those Developing a Domestic Framework

- Scope
- Principles
- Implementation

# Scope

- Whole/part economy?
- Single multiple schemes?
  
- Important Issues
  - Complete scheme
  - Compatibility
  - flexibility

# Principles

- Translation into law (or enforceable rules)
- Content, drafting
- Exceptions, exemptions, interaction with other laws
- Modifications for sectors etc
- Important issues
  - Clear understanding
  - Compatibility
  - flexibility

# Implementation (1)

- Promote compliance (encourage good practice e.g. education, audit, PIA)
- Consumer education of rights and risks
- Dispute resolution
- Remedies when privacy is violated

# Implementation (2)

- Important Issues
  - Who does what? Multi-function agency (e.g. privacy commissioner) or distribute functions
  - Functions: education, access reviews, complaints, enforceable remedies
  - Other possible functions: research advice to government
  - Civil (redress) or criminal (punishment)?

# Some concluding thoughts (1)

- APEC economies' experience to study, opportunity for new starters to “leap frog” to a logical endpoint of suitable all-of-economy scheme
- Existing Asia-Pacific models offer comprehensiveness with flexibility through codes of practice supplementary law



## Some concluding thoughts (2)

- Consider the usefulness of having a privacy commissioner or similar, as implementation is a continuing and challenging issue, not a “one off” task, commissioners can be a valuable resource for governments as well as being well suited to public education, industry training and low level dispute resolution