

**WSIS Civil Society
Privacy and Security Working Group**

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A Global Privacy Forum for a Global Privacy Protection Framework

Submission to the Internet Governance Forum Consultations

As more and more social interaction – be it for business, culture, leisure, or political activities – takes place online, we leave more and more electronic traces. Every transaction, every communication, every movement we make on the Internet has the form of data flows. This is why the technical structures of the Internet as well as its governance have to be designed in a privacy-enhancing way. Only if everyone can use the Internet freely without fear of constant observation, recording and monitoring can it become an infrastructure that leads to a “people-centred, inclusive and development-oriented Information Society” that we all envision as the overarching goal of the WSIS and its follow-up. Only then can we make sure that Article 12 of the Universal Declaration of Human Rights is fully upheld and respected as the most important international human rights standard with regards to privacy.

We reiterate that paragraph 46 the Tunis Agenda calls “upon all stakeholders to ensure respect for privacy and the protection of personal information and data, whether via adoption of legislation, the implementation of collaborative frameworks, best practices and self-regulatory and technological measures by business and users.”

While self-regulatory and technological measures are important, there needs to be an internationally agreed and binding framework for privacy protection to make sure all measures are substantially coherent and do not lead to unnecessary conflicts and overlap of national and international legal and other measures. A global privacy framework is a natural consequence of the global Internet. This also echoes paragraph 3 of the Tunis Commitment that aims at strengthening “respect for the rule of law in international as in national affairs”.

Last year, the world’s data protection and privacy commissioners reached the same conclusion. We join them in their Montreux Declaration appealing “to the United Nations to prepare a legal binding instrument which clearly sets out in detail the rights to data protection and privacy as enforceable human rights.”

We therefore encourage the conveners of the Internet Governance Forum to work for an international legal framework that ensures the rights to privacy and data protection for all citizens within the Information Society. This echoes commitments taken by the Iberoamerican summit of Santa Cruz in 2003, the summit of Countries that share French language of Ouagadougou in 2004, and the Declaration on Human Rights and the Rule of Law in the Information Society adopted by the Council of Europe in 2005.

More specifically, we support the suggestion of the International Working Group on Data Protection in Telecommunications, calling for a global Privacy Forum as a result of the WSIS Summit. It is important now to seriously follow up on this and establish a Global Privacy Forum - as part of the Internet Governance Forum – to start working on a substantial global privacy protection framework.

In order to engage all important stakeholders, we strongly suggest actively inviting and including the global network of data protection commissioners and professionals. Important bodies and venues for this would be

- the annual global data protection commissioners' conference, of which the next will be hosted by the government of Argentina in November 2006;
- the International Working Group on Data Protection in Telecommunications (the "Berlin Group")
- the network of civil society privacy organizations that has mainly evolved around Privacy International (PI), the Electronic Privacy Information Center (EPIC), and European Digital Rights (EDRi);
- the International Association of Privacy Professionals (IAPP);
- specialized working groups of several international organizations, including OECD, APEC, the Council of Europe, and the Office of the High Commissioner on Human Rights.

We are more than willing to offer any help in organizing and facilitating such a Global Privacy Forum and other related activities as part of the Internet Governance Forum.

The WSIS Civil Society Privacy and Security Working Group was established in February 2003 and has constantly been involved in the WSIS process since then. It has more than 30 members from a range of organizations in the privacy and security field all over the world.

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