



ISO/TMB/PSC N0054
Date: 2010-11-22

ISO/TMB/PSC
Privacy Steering Committee

Secretariat: DIN, Germany

Title: US NB comments on ISO/TMB/PSC N0051 – Draft recommendations for current and potential future ISO work

Source: ISO/TMB/PSC Secretariat

Project(s):

Additional information This document is circulated to the membership of ISO/TMB/PSC for consideration at the 8th meeting of ISO/TMB/PSC via teleconference call on 16th December 2010.

Due Date:

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ISO/TMB PSC **N0054**

Date: 2010-11-22

Von: Mark MacCarthy [mailto:maccartm@georgetown.edu]

Gesendet: Donnerstag, 18. November 2010 20:16

An: Passia, Krystyna

Betreff: Comment on recommendations

Dear Krystyna,

Thanks for the invitation to comment on the ten draft recommendations for current and potential future ISO work (ISO/TMB/PSC N0051). Below are our initial reactions. We look forward to further discussion of these during the next PSC conference call.

1. We don't recall anyone raising the need to clarify the status of ISO/IEC JTC1/SC27/WG5 Standing Document 2 (SD2) during the conference. An effort is taking place within WG5 to resolve this issue and that is where it should properly be resolved. The issue is that ISO 29100 references SD2 and SD2 includes commentary regarding privacy laws in different jurisdictions which some view as constituting legal advice. ISO's legal staff will not take a position on the matter. The U.S. has argued that SD2 should only contain a list of referenced documents and weblinks without the legal commentary. Furthermore, we understand that ISO/IEC JTC1/SC27/WG5 worked out a compromise during their meetings in Berlin last October.
2. Regarding the proposal that a generic privacy impact assessment (PIA) standard be created, there is a need for better coordination between ISO/TC 68 and WG5. We look forward to hearing the views of TC 68 on the proposal.
3. We don't recall the issue being raised at the conference of what resource(s) should be used to reference terminology. However, it is part of the PSC's charge to address this. Any resource of established definitions in standards needs to be easy to access and use.
4. It is not clear who would do such an examination of generic vs. sector-specific privacy standards. While there may be specific areas where generic standards are preferred, each sector has the ability to determine the most appropriate technical standards to meet its particular needs.
5. See above response.
6. We agree with the general comment that ISO should encourage greater participation by non-traditional groups / organizations in the standards development process.
7. Our fundamental objection to an ISO privacy management standard is that technical standards establish uniform ways of achieving agreed-upon goals. But in privacy, we do not have agreed upon goals, and so the construction of technical privacy standards is premature. In contrast we do have agreement that personal information should be kept safe and secure from unauthorized use, so the development of technical security standards on how to do that is entirely appropriate.
8. There are already requirements in many countries on data retention. The scope of this proposal needs to be clarified.
9. While supporting mutual recognition of national seal programs and sharing information regarding best practices may be appropriate, developing an ISO standard may be problematic as different seal programs have different goals. This may be best handled on a sector specific basis.
10. Privacy by design seems to us a principle, not a subject for which one can develop a standard.

Sincerely,

Mark MacCarthy

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