

Data Privacy vs. Informed Covid-19 International Response

Food for Thought

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UN PERSONAL DATA PROTECTION AND PRIVACY PRINCIPLES /1

Adopted by the UN High-Level Committee on Management, 11 October 2018 [\[Link\]](#)

The principles aim at:

- harmonize standards for the protection of personal data across the United Nations System Organizations;
- Facilitate the accountable processing of personal data for the purposes of implementing the mandates of the United Nations System Organizations; and
- Ensure respect for the human rights and fundamental freedoms of individuals, in particular the right to privacy.

10 Principles

- Fair and legitimate processing
- Purpose specification
- Proportionality and necessity
- Retention
- Accuracy
- Confidentiality
- Transparency
- Transfers
- Accountability

UN PERSONAL DATA PROTECTION AND PRIVACY PRINCIPLES ¹²

- **Fair and legitimate processing** (i) Personal data should be processed with the consent of the data subject; ... or (iv) any other legal basis identified by the UN System Organization concerned
- **Purpose specification** Personal data should be processed for specified purposes, which are consistent with the mandates of the UN System Organization
- **Retention** Personal data should be retained for the time that is necessary for the specified purposes
- **Confidentiality** Personal data should be processed with due regard to confidentiality
- **Transparency** Request access, verification, rectification, and/or deletion
- **Transfer** UN System Organization may transfer personal data to a third party, provided that, **the third party affords appropriate protection for the personal data**

Principles and Rules Governing International Statistical Activities

Principle Governing International Statistical Activities

Endorsed by the UN General Assembly on 29 January 2014 ([A/RES/68/261](#))

- **Principle 6:** Individual data collected about natural persons and legal entities, or about small aggregates that are subject to national confidentiality rules, are to be kept strictly confidential and are to be used exclusively for statistical purposes or for purposes mandated by [the respective national] legislation[s].

Generic Law on Official Statistics (GLOS)

Adopted respectively by the CES (ECE) and the Statistical Conference of the Americas (ECLAC)

- Individual data acquired for official statistical purposes shall not be used for any investigation, surveillance, legal proceedings, administrative decision making or other similar handling of matters concerning a natural or a legal person by any authorities or international organizations.

UN Statistics Quality Assurance Framework (UN-SQAF)

Committee of the Chief Statisticians of the United Nations System (CCS-UNS), 2018

- International agency units should ensure that all information concerning data and metadata flows between an organization within a country and the Agency is reported to the country national statistical office

Joint Statement on Data Protection and Privacy in COVID-19 response

- UN Organizations were invited to support the adoption of a **joint statement** on data collection and processing
- It may have applied to the use of data by the UN System Organizations **in response to COVID-19**
- Data collection and processing could have included **personal sensitive data**, including for digital contact tracing and general health surveillance
- The joint statement was **based on the UN Personal Data Protection and Privacy Principles**
- The joint statement could have been used as a guidance and **precedent to address any future crises of a similar scale**

UNSD Position - Privacy vs. Right for Information

- **UNSD position mainly is based on concerns about the UN Principles on Personal Data Protection and Privacy:**
 - No reference to the Fundamental Principles of Official Statistics
 - No reference to the Principles Governing International Statistical Activities
 - No reference to national laws and regulations
- **UNSD did not support the Joint Statement:**
 - All provisions of the Statement have not been carefully considered ...
 - The Statement may authorize UN agencies to collect and process data on persons and businesses at national level (lack of clear mandate)
 - No explicit agreement needed from national authorities
 - No compliance with relevant national legal and regulatory frameworks

Thank you for your attention!

For questions and comments:

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