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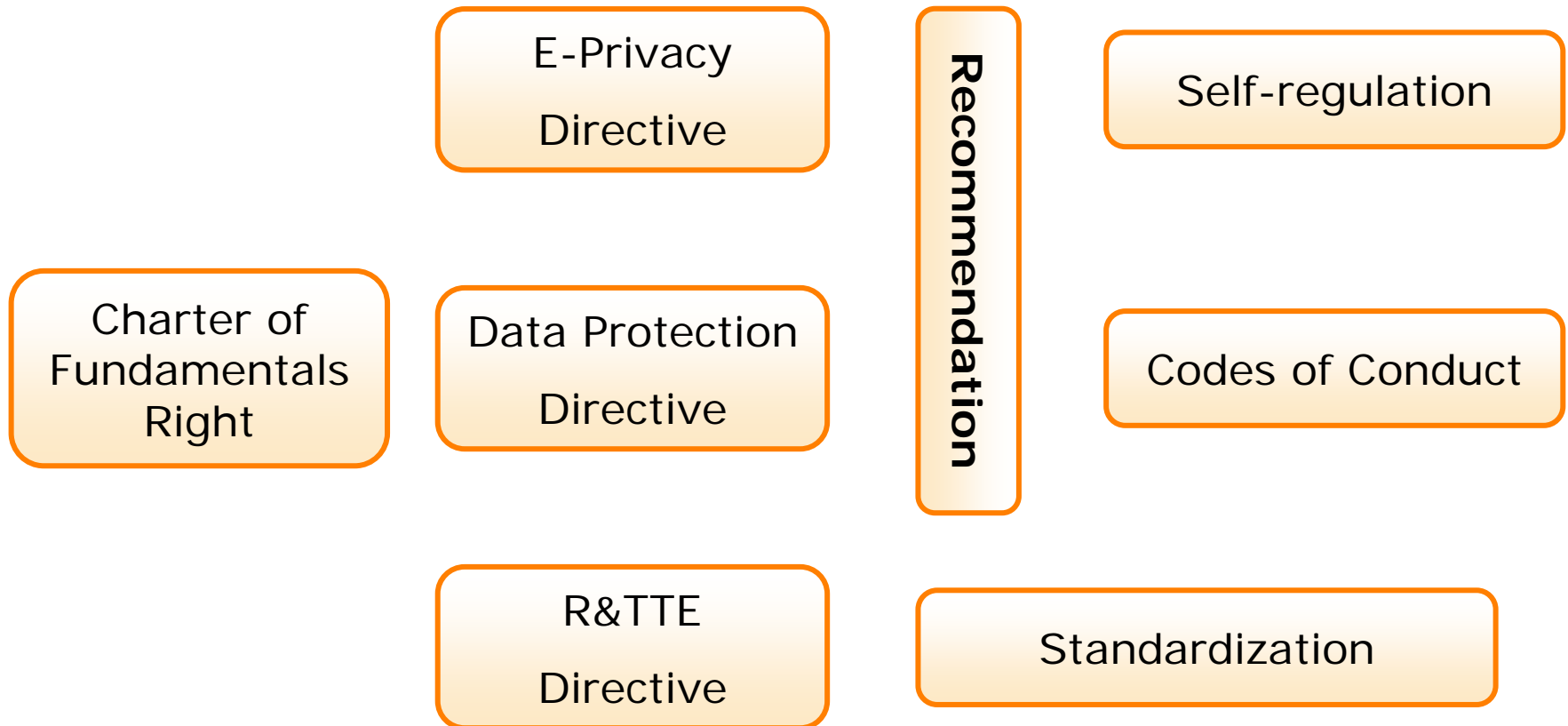
Small chips with big potential

Recommendation on the implementation of privacy and data protection principles in applications supported by radio-frequency identification

RFID Live!, Frankfurt, 20th October 2009

Manuel Mateo

RFID Policy Mix



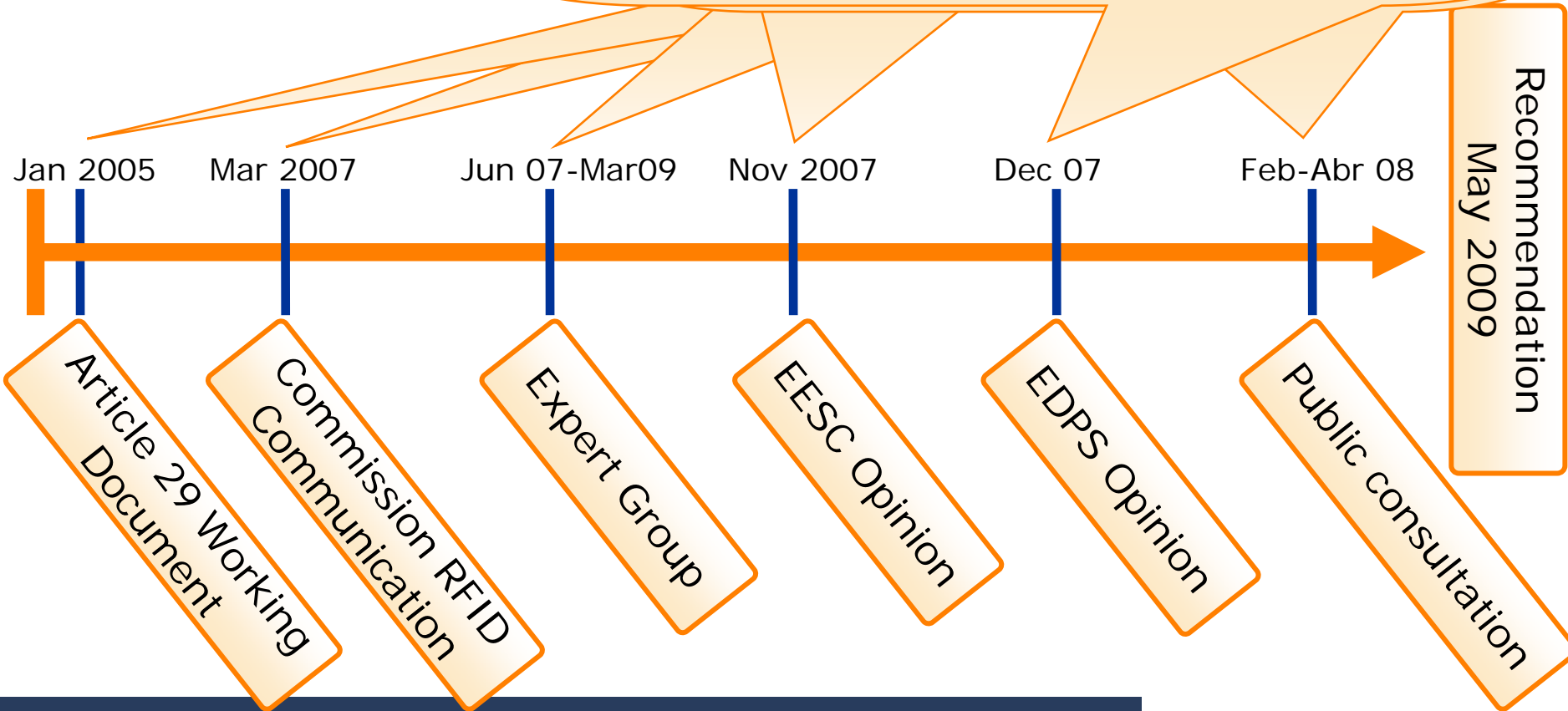
OBJECTIVE

Promote:

- ✓ a wider take-up of RFID
- ✓ under lawful, ethical, socially and politically acceptable conditions
- ✓ the Internal Market

History

"...The Commission, in consultation with the RFID-Stakeholders Group, is expected to stimulate and to steer this process of self-regulation. In this context, the EDPS welcomes the Recommendation ..."



History (references)

- [WG 29 Working document on data protection issues related to RFID technology](http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2005/wp105_en.pdf)
http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2005/wp105_en.pdf
- Communication: [Radio Frequency Identification \(RFID\) in Europe: steps towards a policy framework](http://ec.europa.eu/information_society/policy/rfid/documents/rfid_en.pdf)
http://ec.europa.eu/information_society/policy/rfid/documents/rfid_en.pdf
- [The Commission Decision setting up the RFID Expert Group](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:176:0025:0030:EN:PDF)
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:176:0025:0030:EN:PDF>
- [Opinion of the European Economic and Social Committee on 'Radio Frequency Identification](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:256:0066:0072:EN:PDF)
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:256:0066:0072:EN:PDF>
- [Results of the public online consultation on future RFID Technology Policy](http://ec.europa.eu/information_society/policy/rfid/documents/rfidswp_en.pdf)
http://ec.europa.eu/information_society/policy/rfid/documents/rfidswp_en.pdf
- [European Data Protection Supervisor adopted an opinion 23.04.2008](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:101:0001:0012:EN:PDF)
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:101:0001:0012:EN:PDF>
- [Recommendation on the privacy and data protection principles in applications supported by RFID 12.05.2009](http://ec.europa.eu/information_society/policy/rfid/documents/recommendationonrfid2009.pdf)
http://ec.europa.eu/information_society/policy/rfid/documents/recommendationonrfid2009.pdf

Operators

RFID Recommendation: 'operator'

(e) 'RFID application operator' or 'operator' means the natural or legal person, public authority, agency, or any other body, which, alone or jointly with others, determines the purposes and means of operating an application, including controllers of personal data using an RFID application;

Data Protection Directive 'controller'

(d) 'controller' shall mean the natural or legal person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data; where the purposes and means of processing are determined by national or Community laws or regulations, the controller or the specific criteria for his nomination may be designated by national or Community law;

Similarity

Difference

Application

RFID Recommendation: 'application'

(d)'RFID application' or 'application' means an application that processes data through the use of tags and readers, and which is supported by a back-end system and a networked communication infrastructure;

Privacy and Data Protection Impact Assessments (PIA)

why "An assessment of the privacy and data protection impacts [...] will provide the information required for appropriate protective measures"

who Industry

what Develop PIA framework by May 2010

who Article 29
Working Party

what Endorse the framework

who Operators

what

- Carry out PIAs
- Ensure the protection of personal data and privacy
- Make available PIA at least 6 weeks before the deployment

PIA

PIA from the UK Information Commissioner's

"Privacy Impact Assessment is usefully defined as a process whereby a project's potential privacy issues and risks are identified and examined from the perspectives of all stakeholders, and a search is undertaken for ways to avoid or minimise privacy concerns."

Src.: [The Information Commissioner's Office \(UK\)](#)

Information Security

why

RFID applications with implications for the general public, are especially critical with regard to information security and privacy and therefore require specific attention.

who

Member States

what

Identify the applications that might raise information security threats with implications for the general public.

who

Operators

what

Develop new schemes i.e. certification.

Information and Transparency on RFID

why

“if the processing of data is to be fair, the data subject must be in a position to learn of the existence of a processing operation and, where data are collected from him, must be given accurate and full information...”

Src.: [Data Protection Directive](#)

who

Operators

what

- Develop and publish information policy for each of their application
- Use European sign: identity and a point of contact

Information and Transparency on RFID

RFID

the identity of the operator

+

a point of contact for more information

For information contact;

Information Policy

- the identity and address of the operators
- the purpose of the application
- what data will be processed by the application?
- will personal data be processed?
- will the location of tags be monitored?
- a summary of the PIA
- the likely privacy risks (if any)
- the measures that individuals can take to mitigate these risks



RFID in retail (I)

Use of a European Sign

why

"if the processing of data is to be fair, the data subject must be in a position to learn of the existence of a processing operation and, where data are collected from him, must be given accurate and full information..."

Src.: [Data Protection Directive](#)

who

Retailers

what

Inform individuals of the presence of tags in the products

how

Not specified!

Retail

Examples in retail



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RFID in retail (II)

Tag deactivation

why

"RFID tags contain unique IDs attached to consumer products: if each tag has a unique ID, such identification can be used for surveillance purposes..."

Src.: [EDPS opinion](#)

who

Retailers

what

Deactivate or remove at the point of sale the tag unless consumer give their consent.



how

- Free of charge
- Immediately
- Consumer can verify



RFID in retail (III)

Tag deactivation

what

*“Deactivation of the tags should be understood as any process that stops those interactions of a tag with its environment which do not require the **active involvement** of the consumer”*



RFID in retail (IV)

Tag deactivation

why Some PIA will conclude that the application doesn't represent a likely threat to privacy or the protection of personal data

who Retailers

what Don't deactivate but **make available** an easy means to deactivate or remove the tags

Opt-out

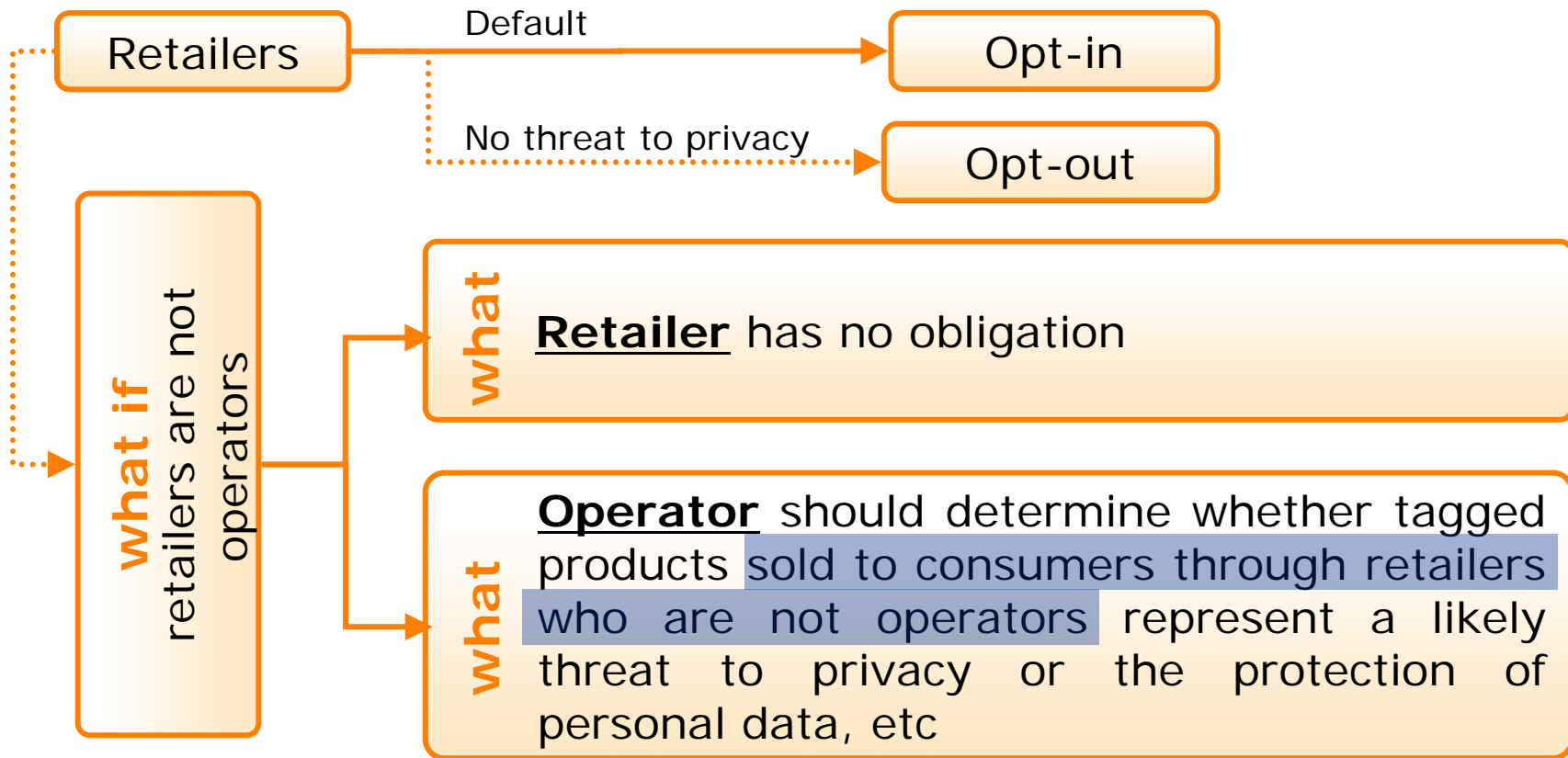
how

- Free of charge
- Immediately & later



RFID in retail (V)

Tag deactivation



Awareness raising action and R&D



why

Awareness RFID technology among the public and SME and spread the trust in this technology

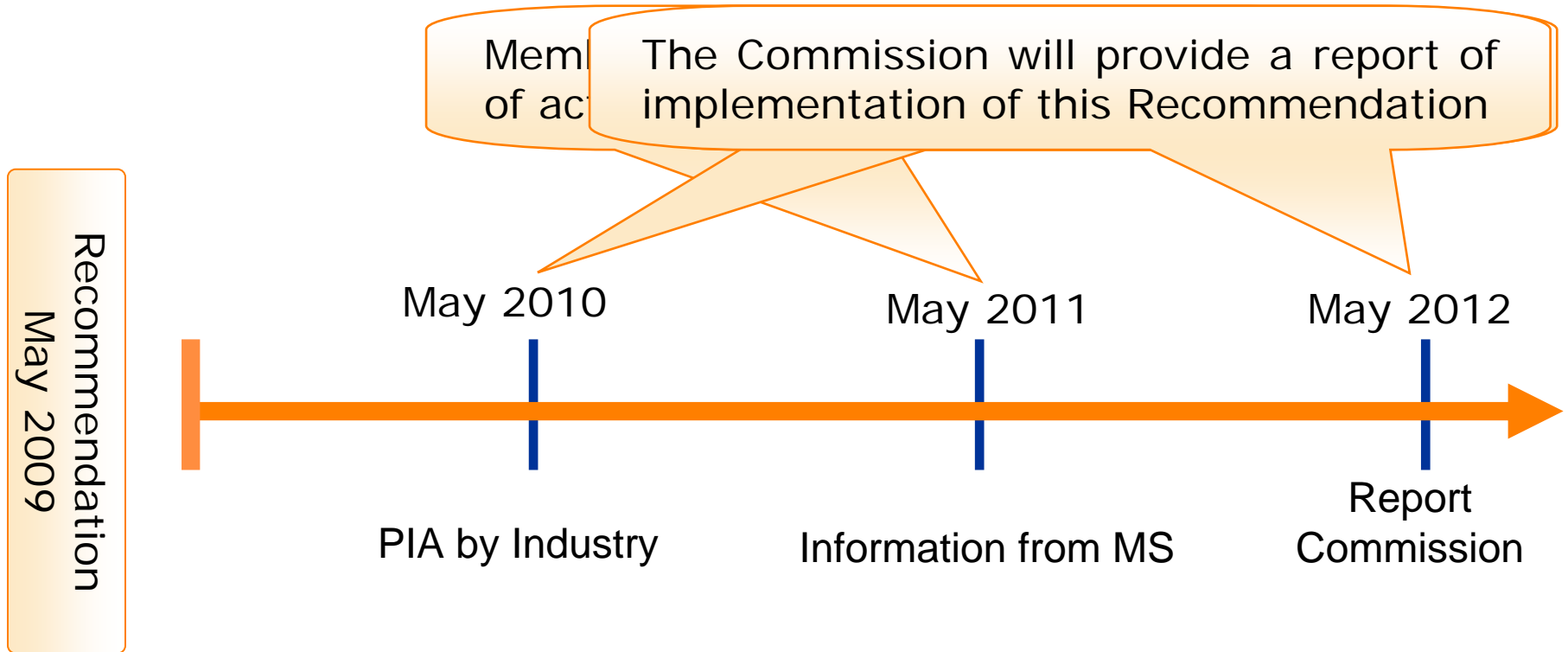
who

All stakeholders

what

- Inform and raise awareness among:
 - Citizens
 - SMEs
- Support "security and privacy by design"

Ahead of us



Summary of actions

Privacy Impact Assessment

'Security' applications

Information policy, including signs/logos

Retail specific provisions

Awareness Raising

Research and Development

Follow-up

what

Develop PIA Framework

'Security' applications

Development of signs

Awareness Raising

Research and Development

Inform on actions taken

who leads

Industry

Members States

Standard Organisations

Member States

Member States

Member States

but all are expected to contribute

Follow-up – Commission's role

what

Develop PIA Framework

'Security' applications

Development of signs

Awareness Raising

Research and Development

Inform on actions taken

Report on Recommendation

Closely Monitor State the development work of the framework through regular meetings inviting all interested parties to report on progress made

Follow-up – Commission's role

what

Develop PIA Framework

Closely monitor the development of the framework through regular meetings inviting all interested parties to report on progress made

- 2 Meetings held so far (July and October)
- Wide interest of stakeholders
- List of participants is public
- Data protection authorities are observers
- Work ongoing...



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Thank You