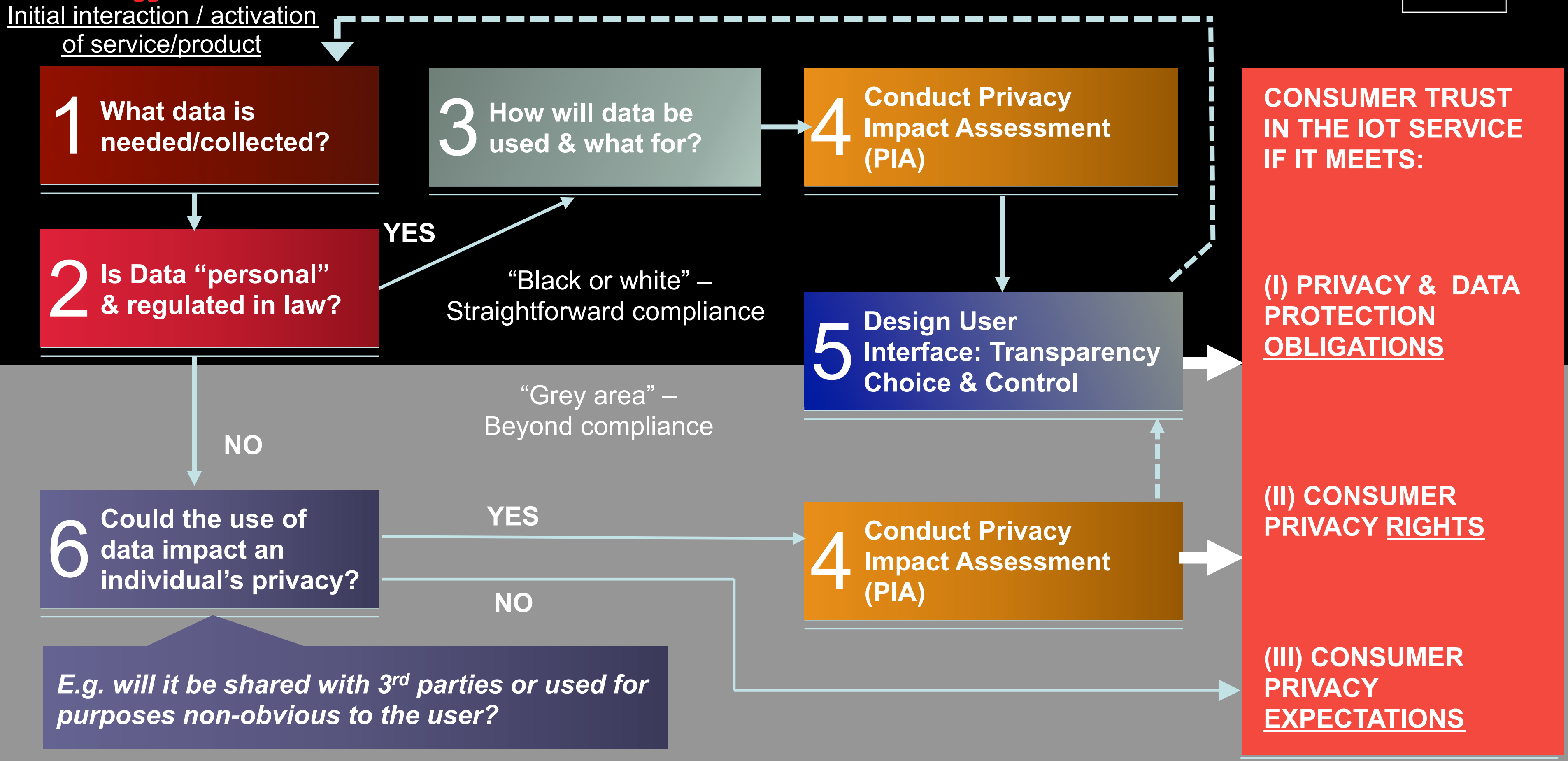
GSMA's IoT Privacy by Design Decision Tree



Initial interaction / activation of service/product

1 What data is needed/collected?

2 Is Data "personal" & regulated in law?

YES

3 How will data be used & what for?

4 Conduct Privacy Impact Assessment (PIA)

"Black or white" – Straightforward compliance

5 Design User Interface: Transparency Choice & Control

"Grey area" – Beyond compliance

NO

6 Could the use of data impact an individual's privacy?

YES

4 Conduct Privacy Impact Assessment (PIA)

NO

E.g. will it be shared with 3rd parties or used for purposes non-obvious to the user?

CONSUMER TRUST IN THE IOT SERVICE IF IT MEETS:

(I) PRIVACY & DATA PROTECTION OBLIGATIONS

(II) CONSUMER PRIVACY RIGHTS

(III) CONSUMER PRIVACY EXPECTATIONS

Decision Tree: 1. What data do you need & how will you collect it?

Service/product activation

1 **What data is needed/collected?**

- What data do you *need* to collect from/about the consumer so that your IoT service or product can function properly?
  - ‘static’ Vs ‘dynamic’ data
- Will data be collected automatically or through consumer’s manual sign-up?
- How will you obtain the consumer’s consent/permissions in relation to using such data e.g. through:
  - The registration form? Online webpage? Smartphone app?
  - Other media interface?
  - What if your device only has sensors but no screen? (see also step 5)

See Steps 2-6 →

Have you considered the consumer-journey when designing the activation process? Do consumers understand how their data will be used across the value chain & the impact, if any, to their privacy?

Decision Tree: 2. Is Data “personal” & regulated in law? (compliance and due diligence)

2 Is Data “personal” & regulated in law?

- What is the definition of “personal” data in each of the markets you operate in?
- Is the data collected “personal” & regulated in law? If so, have you identified the legal basis that allows you to process such data?
- Are you subject to any privacy-related licence conditions (e.g. telco)
- Are there any federal, state, local or sector-specific laws that apply in addition to general data protection laws? e.g.:
  - Financial / payment services, healthcare regulations
  - Potential restrictions on cross-border data transfers

Decision Tree: 3. How will data be used & what for? (compliance and due diligence)

3 **How will data be used & what for?**

- Is data kept secure both when stored and transmitted?
- Clearly set out the data flow: Identify how the data will be used and shared across the value chain and for what purposes
- Justify why the data is needed in specific context
- Define/agree privacy responsibilities with your partners from the outset (and ensure the product design reflects these)
  - Contractual agreements (e.g. limiting the use of data by Analytics providers for their own commercial purposes)
  - Consider Principles / Codes of Conduct / Guidelines

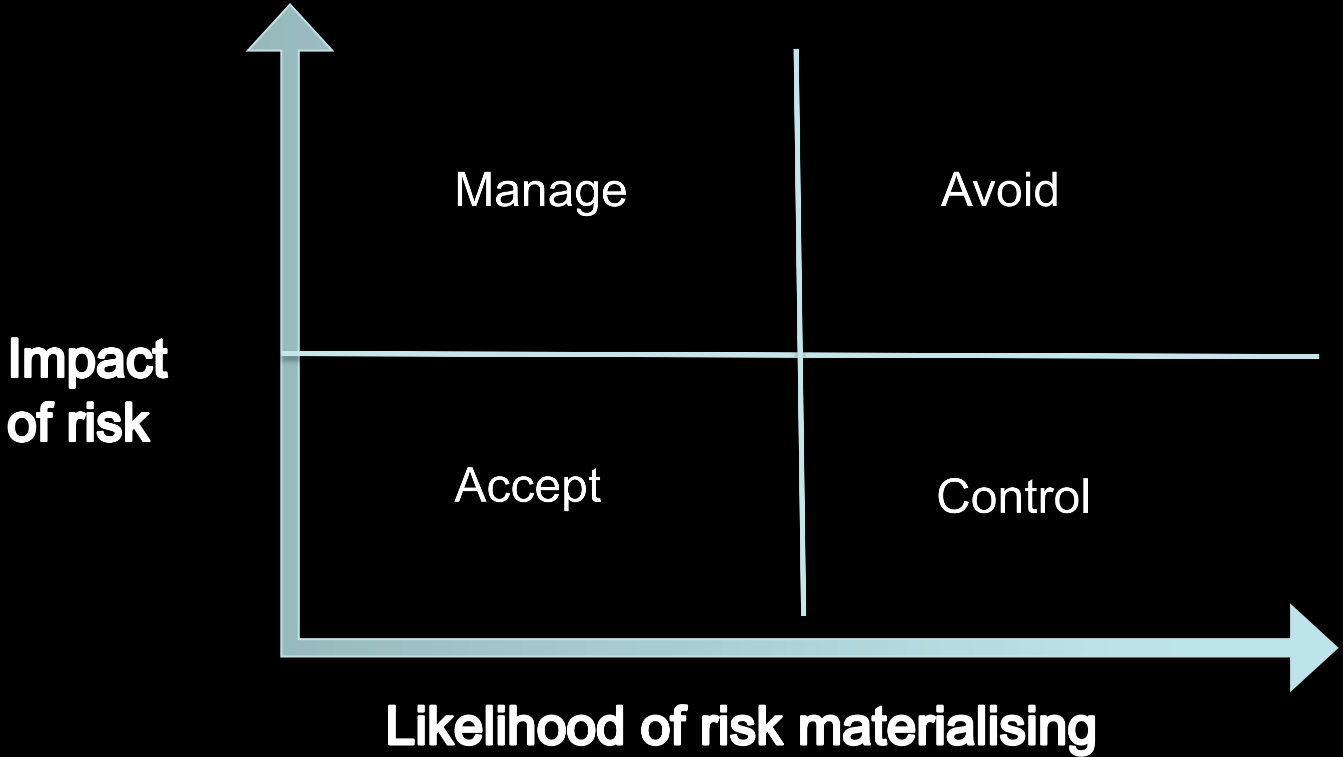
Decision Tree: 4. Conduct a Privacy Impact Assessment (Assessing and mitigating risk)

4 **Conduct Privacy Impact Assessment (PIA)**

- Conducting a Privacy Impact Assessment (PIA) is about:
  - Identifying and reducing the privacy risks of your project
  - Reducing the risk of harm to individuals through the possible misuse of their personal information
  - Designing a more efficient and effective process for handling data about individuals
- Questions to help you assess the need for a PIA include:
  - Will the project result in you/your partners making decisions or taking action against individuals in ways that can have a significant impact on them?
  - Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be private?
  - Will the project require you to contact individuals in ways that they may find intrusive?

References: UK's Information Commissioner's Office, International Association of Privacy Professionals (IAPP)

Decision Tree: 4. Conduct a Privacy Impact Assessment – cont'd (Assessing and mitigating risk)



Manage

Avoid

Impact of risk

Accept

Control

Likelihood of risk materialising

Decision Tree: 5. Design User Interface (Transparency, Choice & Control)

5 Design User Interface: Transparency Choice & Control

Have you met your obligations and consumers' rights in law… but also their <u>expectations</u>? e.g.:

- Is the consumer aware?
- Can they make informed choices?
- Have you obtained their consent? (where legally required)
  - Key elements of consent include: disclosure, comprehension, voluntariness, competence, agreement)
- Is data secure in transit and at rest?
- Is there a set period for which consumer data will be kept?

Does the consumer journey help gain their trust?

- Can consumers express their privacy preferences in simple steps e.g. via
  - web 'permissions dashboard', 'just-in-time' prompts, a call centre, a mobile app, a voice activated command etc.

Decision Tree: 6. Could the use of data impact an individual's privacy?

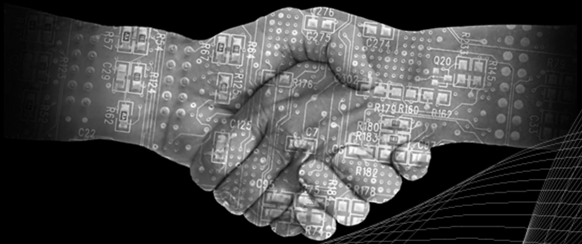
6 Could the use of data impact an individual's privacy?

Even if the data is not defined as 'personal'…

- Could the data be used to impact an individual's privacy? For example:
  - Could (non-personal) data from your service/product be combined with other data from different sources to draw inferences about a consumer's lifestyle and impact on his/her ability to get health insurance…Or price discriminate against the consumer?
- **What happens if your service changes in the future?** For example:
  - Functionality of device or service changes (e.g. starts to collect consumers' location data)
  - Data or customer profiles shared/sold to 3rd parties (e.g. advertisers) who start using consumer data for different purposes than those originally obtained for
- **If any such changes occur you should:**
  - Check possible impact on your business if new laws are invoked as a result of change
  - Establish processes to inform the consumers and obtain their consent where necessary
  - Provide the means for consumers to change their privacy preferences

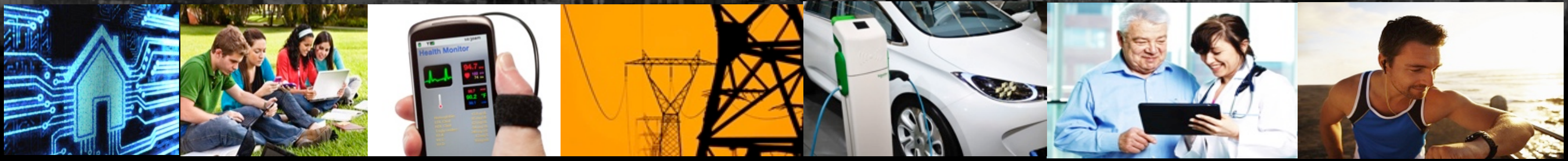
Decision Tree: 6. Could the use of data impact an individual’s privacy? (cont’d)

- Have you considered the roles/responsibilities of all your IoT partners For example:
  - partner mobile operator(s)
  - device manufacturer(s)
  - SIM vendor(s)
  - Service delivery platform owner(s)
  - Other 3rd party in the value chain ?



- Who does the customer expect to be responsible for their personal data and who would they turn to if things go wrong?
  - Have you an agreement in place with your partners on how privacy complaints or concerns should be handled?

Connected Living



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