



The banner features a hummingbird logo on the left, followed by the text "GSMA LA #39 Plenary Meeting" with a Colombian flag. To the right is the GSMA Latin America logo. Further right, under "Hosted by:", are logos for Asomóvil, Claro, movistar, and tigo. At the bottom, a grey bar contains the text: "April 24 Marriot Hotel • April 25 - 26 Sheraton Hotel, 2013 • Bogotá D.C. - Colombia".

## Seminar 2

“Mobile, privacy and regulation in Latin America:  
What is the role of self-regulation?”

24th April 2013 - Hotel Marriott Bogotá - Bogotá, Colombia

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Natasha Jackson, Head of Content GSMA

## Introduction

# Agenda

- Introduction to GSMA's Mobile Privacy Initiative
- Highlights from GSMA research into mobile users' privacy attitudes
- Presentation: Key issues and challenges around mobile privacy
- Panel: "Mobile, Privacy and Regulation in Latin America: the role of Self-Regulation"

# GSMA and Mobile Privacy



- GSMA Mobile Privacy Initiative to address mobile privacy challenges as an industry

- GSMA Mobile Privacy Principles
- GSMA Privacy Design Guidelines
- Consumer Research



# Consumer Research: Overview



- 8,500 users in 6 countries (Colombia, Brazil, Mexico, Spain, UK, Singapore)
- Online questionnaire, some qualitative interviews
- Objectives:
  - Understand what privacy concerns mobile users have
  - Understand the impact of such concerns on how consumers use mobile services and apps
  - Help shape the development of privacy policies / self-regulation
  - Help industry design better ways for consumers to manage their privacy from mobile devices

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Yiannis Theodorou, Regulatory Policy Manager, GSMA

Highlights from GSMA privacy research in Colombia  
(March 2013)

# Mobile internet users have privacy concerns and want to know their personal information is safe



## Colombia

81%

of mobile internet users had concerns about sharing their personal information when accessing the internet or apps from a mobile, but...

65%

would continue using mobile internet and the apps they wanted regardless, and

30%

with concerns would use these services more if they felt sure their personal information was better safeguarded

Almost all mobile users want apps to ask them before collecting their personal data



## Colombia



thought it was important to choose whether applications can collect personal information without their consent

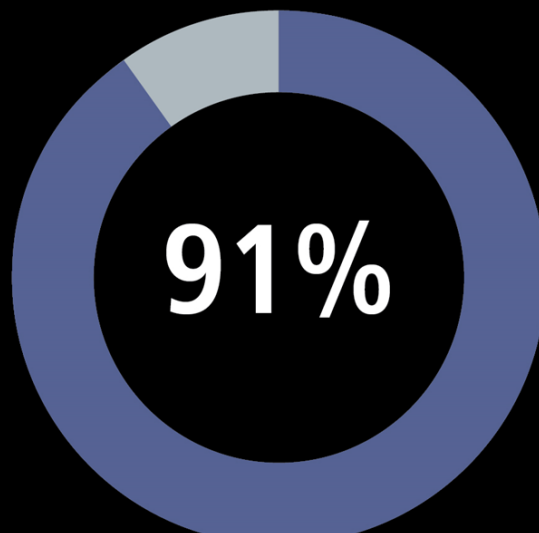
91%



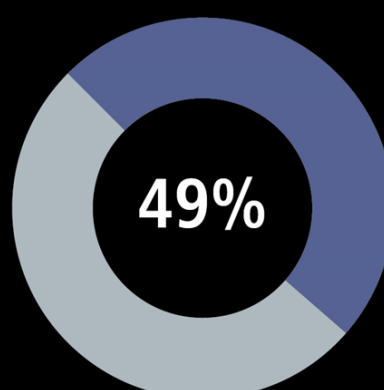
# Mobile app users with privacy concerns are likely to limit their use unless they feel more protected



## Colombia



of all mobile app users had concerns that apps might collect personal information without their consent



would limit their use unless better safeguards are put in place

# Mobile users want 3<sup>rd</sup> parties to seek their permission before using their personal data



## Colombia



thought it was important for 3<sup>rd</sup> parties to seek permission before using their personal data

**77%**

# Mobile internet users “agree” to privacy statements without reading them... as they are “too long”

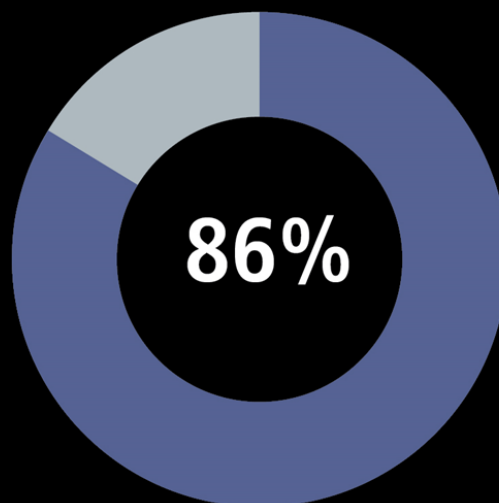


## Colombia

53%

I agree

would regularly “agree” to a privacy statement on their mobile without reading it



of those who “agree” privacy statements without reading... said it is because they are “too long”

# Mobile users want choice and control over what ads to receive on their devices and how often



## Colombia

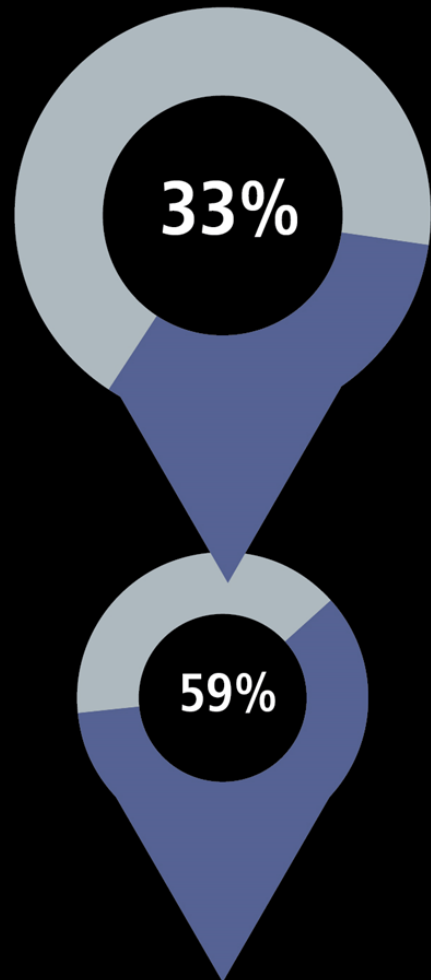


would like to set their own preferences for the types and timing of ads they receive on their mobile

# Most users of location-based promotions find them valuable...



## Colombia

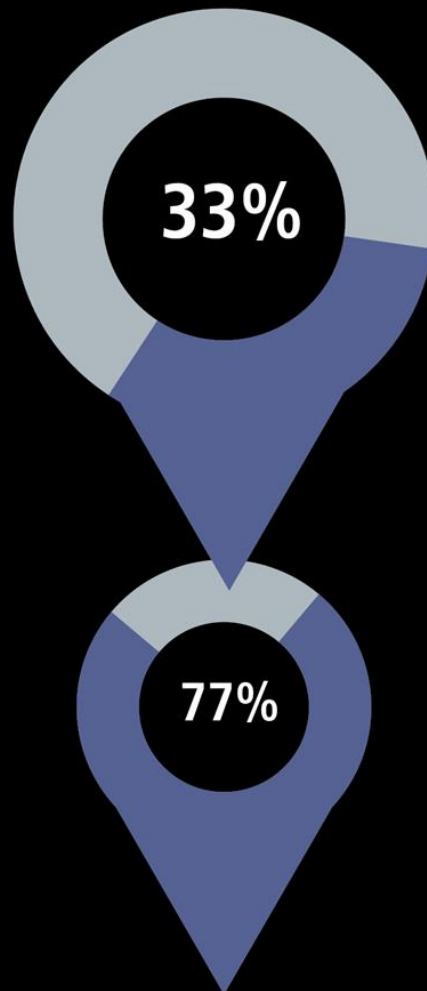


of mobile internet users were familiar with location based promotions

of those familiar with location based promotions, thought these services were valuable

...but want to be able to turn them off or on

## Colombia



of mobile internet users were familiar with location-based promotions

of those familiar with location-based promotions would like to be able to turn them on or off

# Some of the things respondents told us...

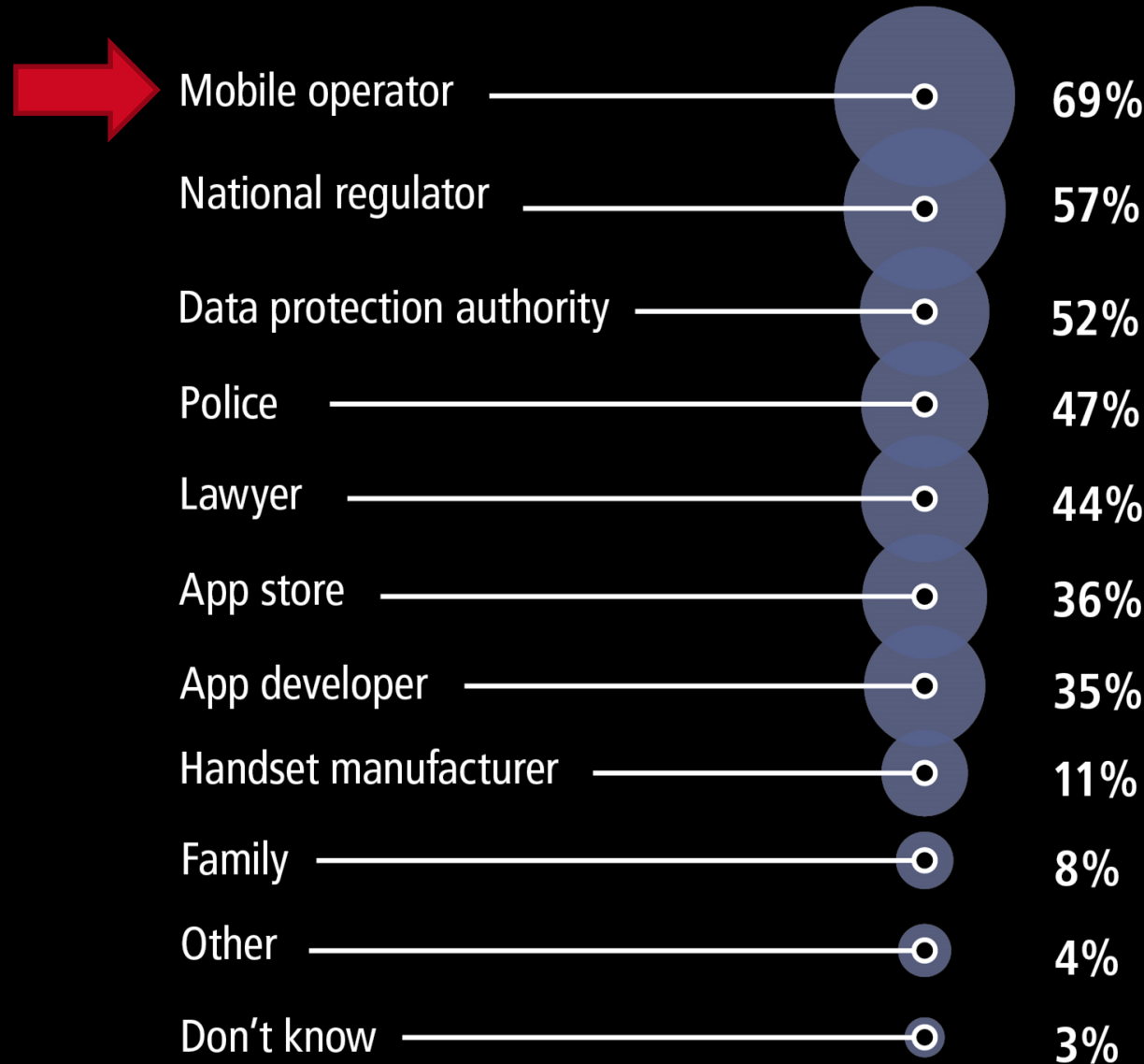


“I consciously limit what I do on my mobile. I make sure I turn off GPS and don’t download apps that ask for personal information. I use my phone for work a lot and don’t want to compromise anything because I’ve not been careful”

Male, 21 yrs old

“I’ve never heard of any leaks, stories from friends or anything, and that makes me a little more comfortable”.  
Female, 24 yrs old

# Users would contact their mobile operators if their privacy was invaded (regardless of who was responsible)



Who people would turn to if they suffered a serious invasion of privacy whilst using a mobile app



Thank you

Yiannis Theodorou

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All research reports published at:

[www.gsma.com/mobileprivacy](http://www.gsma.com/mobileprivacy) under “Resources”

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Pat Walshe, Director of Privacy, GSMA

Key issues and challenges

# Key challenges to achieving 'mobile privacy'



- Regulation – a patchwork of geographically bound laws, that
  - apply unequally according to technology and infrastructure
  - lead to inconsistent rules that create burdens, barriers, and restrictions for business and inconsistent experiences for consumers
  
- Telecommunications operators face additional data protection and privacy rules
  
- Users
  - privacy interests cross borders and geographically bound laws
  - want choice and control irrespective of technology

## USER:

- GSMA research shows users want the same rules to apply to any party using their data
- Giving users consistent experiences helps awareness and understanding

## CONSISTENCY IN REGULATION:

- Enhances consumer trust
- Creates legal clarity and certainty for business = efficiencies
- Supports economic and social benefits

Achieving this will need regulatory freedom and incentives to experiment with new ways of providing notice and choice and mitigating privacy risks

# Notice, consent in an age of complexity.



- **Global** - review of OECD Guidelines

- **North America**

- Canadian Privacy Commissioners issues mobile app privacy guidelines, Jan 2013
- California Attorney General issues app privacy guidelines, Jan 2013
- Federal Trade Commission publishes staff report “*Mobile Privacy Disclosures: Building Trust Through Transparency*”, Feb 2013

- **EU**

- New General Data Protection Regulation
- Council of Europe Convention 108 on Data Protection
- Article 29 Working Party issues Opinion on apps on smart devices, Feb 2013

- **Asia**

- Japan, Hong Kong, China – mobile privacy initiatives

- Moving from Habeas Data to omnibus data protection laws
- Laws adopted in 8 Latin America countries – more to follow.
- Developments largely follow EU model – notice and explicit consent (problematic)
- Lack of regional harmonisation creates patchwork of laws and rules
  - Adds to legal uncertainty, compliance burdens and restrictions (especially for pan-regional operators)
  - Creates inconsistency in interpretation and application and user privacy experiences

# Latin America— key considerations



Area	Future priority
<p>Technological Neutrality &amp; Interoperability</p> <p>MNOs often subject to additional more restrictive rules than other sectors</p>	<ul style="list-style-type: none"><li>• Focus on the desired privacy outcomes for users</li><li>• Treat functionally equivalent data and services in equivalent ways (e.g. traffic and location data)</li></ul>
<p>Notice and Consent</p>	<ul style="list-style-type: none"><li>• Move from binary opt-in v opt-out approaches</li><li>• Recognition of privacy in context, ‘just in time approach’</li><li>• Support alternative models to consent and broader big data uses that meet public policy objectives/provides social goods</li><li>• Education and awareness raising</li></ul>
<p>International Transfers</p>	<ul style="list-style-type: none"><li>• Create a framework that facilitates the flow of data without unwarranted restriction (draw on the principle of accountability)</li><li>• Support intra-group transfers</li></ul>
<p>Accountability &amp; Self Regulation</p>	<ul style="list-style-type: none"><li>• Support explicit Privacy by Design approach</li><li>• Create incentives for self regulation</li></ul>





June 6 and 7  
Irotama Resort  
Santa Marta, Colombia

Topics include:

- Shaping regulation – regionally and internationally
- Accountability/Self-Regulation
- Big Data
- Rethinking Consent

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Thank you

Pat Walshe

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## Panel: *“Mobile, Privacy and Regulation in Latin America: the role of Self-Regulation”*

- **Jorge Enrique Peña Casasbuenas** - Director de Protección Comercial y Aseguramiento de Ingresos - Claro Colombia
- **José Alejandro Bermúdez Durana** - Superintendente Delegado para la Protección de Datos Personales, Colombia
- **Andrea Lopez Salloun**, Gerente Regulacion, Telecom Personal (ARG)
- **Professor Nelson Remolina Angarita**, Abogado, Colombia
- **Ana Lucía Lenis Mejía**, Gerente de Políticas Públicas y Asuntos Gubernamentales, Región Andina - América Latina, Google



# “Mobile, privacy and regulation in Latin America: what is the role of self-regulation?”

Nelson Remolina Angarita ©  
nremolin@uniandes.edu.co



Bogotá, 24 de abril de 2013

## 45% Regulación integral

### 70% Constituciones

- 100% Acceso
  - 92,85% dato personal o inf personal
  - 85,71% Rectificación o corrección
  - 64,28% Actualización, supresión, eliminación, destrucción o cancelación
  - 57,14% "habeas data"
  - 50% Conocer la finalidad
  - 28,57% Exigir confidencialidad
  - 21,42% Conocer el uso
  - 14,28% Protección de los datos personales
  - 7,14% "acción de amparo" y "acción de protección de privacidad";
- plexo principios y recolección con consentimiento del titular y para fines específicos.



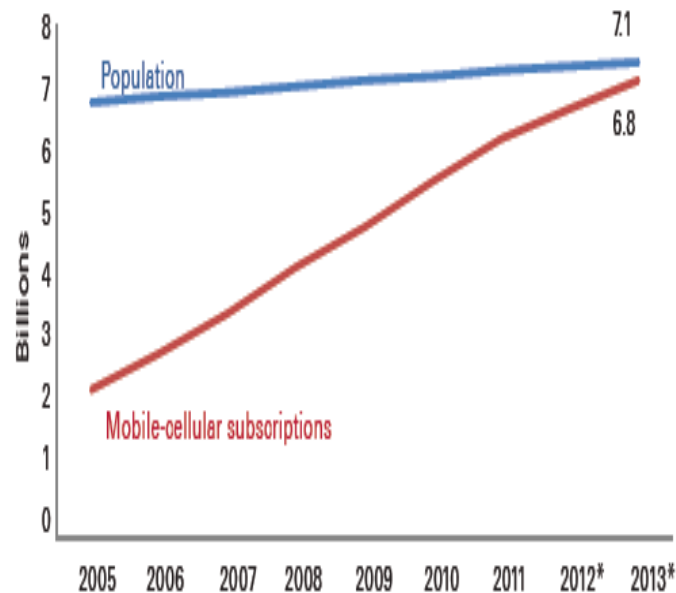
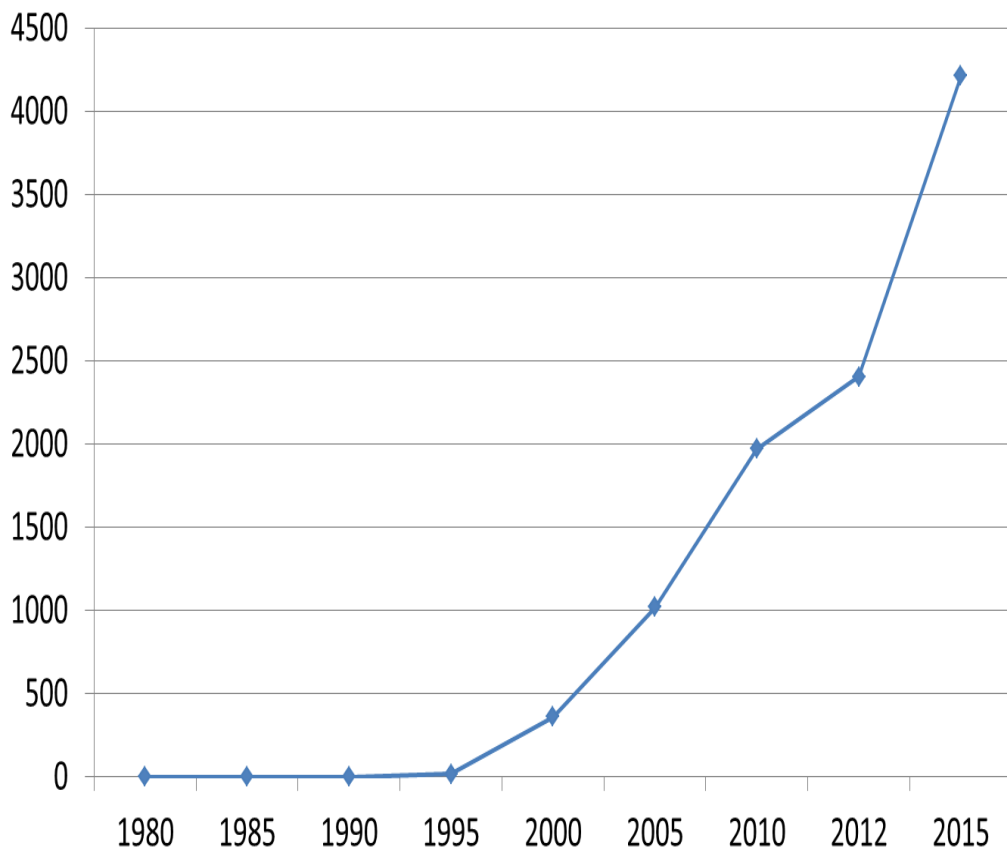
### Regulación del tratamiento de datos personales en Latinoamérica

Nelson Remolina A ©

Abril de 2013

# Regulación internacional de TDP e internet

Nelson Remolina, GECTI.



Source: ITU World Telecommunication /ICT Indicators database

Note: \* Estimate

Printed in Switzerland  
Geneva, February 2013



Declaración conjunta UE-  
EEUU sobre comercio  
electrónico  
-5 de diciembre de 1997-



GRUPO DE TRABAJO TEMPORAL SOBRE  
AUTORREGULACIÓN Y PROTECCIÓN DE DATOS PERSONALES<sup>1</sup>



**Asia-Pacific  
Economic Cooperation**

**APEC CROSS-BORDER PRIVACY RULES SYSTEM**

- La autorregulación también es importante (códigos de conducta, contratos tipo, recomendaciones)
- Acordamos trabajar hacia:
  - Apoyar activamente el desarrollo, preferentemente a nivel global, de códigos de conducta basados en la autorregulación y de tecnologías que permitan aumentar la confianza del consumidor en el comercio electrónico.



<http://gecti.uniandes.edu.co/>  
<http://habeasdatacolombia.uniandes.edu.co/>



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