



PCS 6166 -
INTERNATIONAL DATA
PROTECTION AND
CYBERSECURITY LAW

Part Three - Privacy and Trade

<Guest speaker slides posted separately>

Regulating Platforms

- **Situation:** Decisions made by major tech companies and platforms have significant influence on privacy.
 - **Example One:** Facebook ([Clearview](#))
 - **Example Two:** Search engines
 - **Example Three:** iOS / Android (ICPEN 2018 [joint letter](#); 2019 letter to Apple and Google)
 - **Example Four:** Web-connected surveillance cameras (see: [Insecam](#); Letter to manufacturers: [Canada](#); [UK](#))
- **Does privacy law apply?**
- PIPEDA:
 - 4 (1)(a) This Part applies to every organization in respect of personal information that the organization collects, uses or discloses in the course of commercial activities;
- GDPR:
 - **Controller:** the [organization] which, alone or jointly with others, determines the purposes and means of the processing of personal data ...
 - **Processor:** [an organization] which processes personal data on behalf of the controller ...

Regulating Platforms, cont'd

- Joris van Hoboken and R Ó Fathaigh, [Smartphone platforms as privacy regulators](#) (2021)

“Platforms operate an enormous amount of control, from setting the technical standards for privacy in mobile device operating systems, to the contractual and legal standards for developers, to controlling access to the dominant app marketplaces, and removing apps for violating platform rules on privacy. All of this regulatory-type activity happens outside the contours of current privacy laws, which do not specifically target platforms.”

Regulating Platforms, cont'd

- Part of Future of Privacy Forum's 2022 [Privacy Papers for Policy Makers](#). Others:
 - Privacy Harms
 - The Flaws of Policies Requiring Human Oversight of Government Algorithms
 - The Surprising Virtues of Data Loyalty
 - Comparison of Various Compliance Points of Data Protection Laws in Ten Countries / Regions
 - "Did you know this camera tracks your mood?" Understanding Privacy Expectations and Preferences in the Age of Video Analytics
- [2021 Winners](#)
 - Tinker-ing with Machine Learning: The Legality and Consequences of Online Surveillance of Students
 - Transferring Personal Data in Asia: A Path to Legal Certainty and Regional Convergence
 - Reimagining Reality: Human Rights and Immersive Technology
 - Privacy in Pandemic: Law, Technology and Public Health in the COVID-19 Crisis
 - After Schrems II: A Proposal to Meet the Individual Redress Challenge
 - Fiduciary Boilerplate

End Part Three.