

OFE Comment on the Draft standardisation request addressed to the European standardisation organisations in support of the implementation of privacy management in the design and development and in the production and service provision processes of security technologies

In May 2014, the Commission [published](#) a draft standardisation request to the ESOs for privacy management in the design and development and in the production and service provision processes of security technologies, better known as a “privacy by design”. The main goal of this new standardisation activity is to ensure that security technologies and services are fully compliant with EU law, and in particular the “Data Protection” Directive 95/46/EC and “ePrivacy” Directive 2002/58/EC.

These are important tasks and we believe that standardisation may, indeed, be of high relevance in support of policy objectives. But OFE wonders why this topic was not previously raised within the Multi-Stakeholder Platform for ICT Standardisation, which was set up, inter alia, for consulting on and providing advice regarding such standardisation activities. Since its establishment in early 2012 the MSP has proved an invaluable platform for open, transparent and inclusive discussions around all EU standardisation activities. The draft standardisation request has not been brought to the attention of the MSP nor has its advice been sought. In fact, the only ongoing or planned activities mentioned in the Rolling Plan are the DG ENTR Working Group on “Privacy by Design”, and possible future standardisation activities around Do Not Track.

The MSP has a broad membership including leading global standards setting organisations like W3C, OASIS or IETF which are active in the field of privacy. On such ground the MSP is well positioned to provide first-class advice to the Commission at the stage of drafting a mandate with relevance to the ICT sector. Moreover, in the case of this draft standardisation request on privacy by design, OFE is surprised that above mentioned organisations and their ongoing work are not mentioned at all. We would like to urge the Commission to ensure that the work of fora and consortia in this field is thoroughly considered and taken into account in all future EU work in this area, and that the instruments provided in Regulation 1025/2012 are used to make such relevant for and consortia work available for use in Europe.