

**Check against delivery**



Statement by Mr Joseph Cannataci  
SPECIAL RAPPORTEUR ON THE RIGHTS TO PRIVACY

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Third Committee  
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New York

Chairperson,  
Excellencies,  
Ladies and Gentlemen,

It is an honour to present my fourth Annual Report to the United Nations General Assembly.

My Statement addresses key issues emerging internationally with regard to the right to privacy, and provides my final recommendations on Health Related Data.

As in previous years, the past twelve months have been extremely productive. In March, I presented to the Human Rights Council (HRC) my annual report. This covered the following main areas of work:

Surveillance  
Gender  
Health related data

I now present to the General Assembly my recommendation on guiding principles for processing of health-related data. This is intended to serve as an international baseline for minimum data protection standards for health-related data.

Why has this been undertaken?

The very sensitive nature of health related data and its high value commercially, means the largely hidden industry of collecting, using, selling and securing health data, and its impact on our privacy, is of enormous concern;

Further, the right to health has been recognized in the Universal Declaration of Human Rights (art. 25) and in core international human rights instruments such as the Convention of the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention of the Rights of Persons with Disabilities, amongst others.<sup>1</sup>

The premise of my recommendation is that everyone has the right to the highest attainable standard of physical and mental health, AND, to the highest attainable standard of protection for their health-related data regardless of indigenous identity, disability, gender, age, amongst other factors.

At the same time, the recommendation includes strong protections for health data, with provision for uses of health data for reasons of public interest such as for scientific research. The drafting and related consultation has been extensive as detailed in my report. I thank all of those who worked so hard on providing inputs for this report allowing the elaboration of tailored recommendations. I also thank the Council of Europe which co-hosted the consultation meeting in Strasbourg in June earlier this year.

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<sup>1</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

The time frame for Special Rapporteurs addresses to the General Assembly, and the arbitrary word limit applied to the annual reports of Special Rapporteurs, makes it impossible to provide or discuss in detail, the full recommendation so what you have received is only an abridged version, roughly half the length of the full text. The full version as well as an explanatory memorandum are available online however. I am happy to take questions on it.

#### Other Mandate Activities

I turn now to other activities undertaken by the mandate.

Consultations were again undertaken with civil society, Governments, law enforcement, intelligence services, data protection authorities, intelligence oversight authorities, academics, corporations and other stakeholders on many dimensions of privacy including the ones outlined below:

**GENDER AND PRIVACY:** Following the preliminary report I published in March, I will be undertaking a consultation on the topic of gender and privacy in the next days supported by New York University. I expect this to be part of the basis for my upcoming report to the HRC in March 2020.

**CHILDREN AND PRIVACY:** My mandate is working independently, but also in collaboration with the Committee of the Convention on the Rights of the Child, on the development of new guidelines for the protection of children's privacy with a particular emphasis on on-line harms and safeguards.

#### Task Force on corporations

On 16-18 September 2019, in Brussels, Belgium, the mandate organized its second task force meeting of the year on the Use of Personal Data by Corporations. The event included the engagement of leading corporations including Huawei, Microsoft, Facebook, Apple, Google, Deutsche Telekom, Telefonica and partner civil society organizations. This followed the first meeting of the year held in Malta in March. These events took place in a context of continued and ongoing cooperation with corporations to examine the privacy impact of the growing use of personal data by the corporate sector. The meeting included discussions and exchange of best practices and common challenges on a number of topics including corporate transparency, artificial intelligence and the use of personal data, privacy and children, among others. The outcomes of these meetings will be made public at appropriate times on the OHCHR website and/or in thematic reports.

#### Surveillance - International Intelligence Oversight Forum (IIOF)

On 8-9 October, the mandate organised the 4th edition of the forum of the IIOF in the United Kingdom. Over 170-registered delegates from over 40 countries had the opportunity to meet, network and engage in candid discussions about identifying and sharing best practices on how promote and improve the protection of privacy through the oversight of surveillance. The IIOF2019, now an annual event organised by my mandate, brought together the heads and/or staff of independent oversight agencies, Parliamentary Committees and intelligence services. It was an opportunity for invaluable exchanges and helped the mandate identify common challenges while taking into account the diversity of needs and realities. I would like to publicly

thank the Government of the United Kingdom which supported this activity in many important ways, including logistical support through provision of the venue at Lancaster House in London. I encourage all member states present to respond to the invitations extended through their Permanent Missions in Geneva and, if they are not doing so already, participate in IIOF, the next edition of which is expected to be organised at the end of October of 2020. Outcomes of these meetings which are appropriate to be put into the public domain will be published, as on previous occasions, in summary form, in the Annual report to the Human Rights Council.

Surveillance – ENCRYPTION: In response to well-intentioned but fatally-flawed calls by some States to corporations to weaken or halt the making available of strong encryption to citizens and other consumers, I am also working on a multi-stakeholder initiative about the development and reinforcement of encryption. More details about this will be published over the coming months.

Throughout the year, 31 communications in the form of letters and statements were issued raising matters concerning practices that appeared to be inconsistent with the right to privacy. I am pleased to note that the mandate is receiving a growing number of requests from the Member states to also assist them in the drafting of new laws relating to privacy, including those dealing with both data protection and surveillance carried out by law enforcement and intelligence services. We are always pleased to provide assistance in such matters.

My official country visits carried out in 2019 were to Argentina and the Republic of South Korea. Since my last report to this Assembly, I also carried out a country visit to Germany in November 2018. As is usual practice, I released preliminary reports on both of these visits at the conclusion of the visit. These reports also can be found on the OHCHR website.

I have undertaken study visits and attended many international events over the year to promote privacy and to gain firsthand accounts of the right to privacy in different parts of the world. These include, my participation in the African regional data protection conference in Ghana in June, and in the International Conference of Data Protection and Privacy Commissioners in Tirana, Albania, last week among others.

I wish to acknowledge and thank, now, all of those who have engaged so constructively with the mandate. Member States, civil society, governments, individuals, law enforcement, intelligence oversight authorities, and intelligence services, data protection authorities, universities, academics, corporations and other stakeholders. I have been assisted by many too numerous to list individually but please be assured of my gratitude and appreciation even though I have not mentioned you by name.

I look forward to your questions on these and other activities of the mandate.