

RFID Recommendation

Recommendation on the implementation of privacy and data protection principles in applications supported by radio-frequency identification

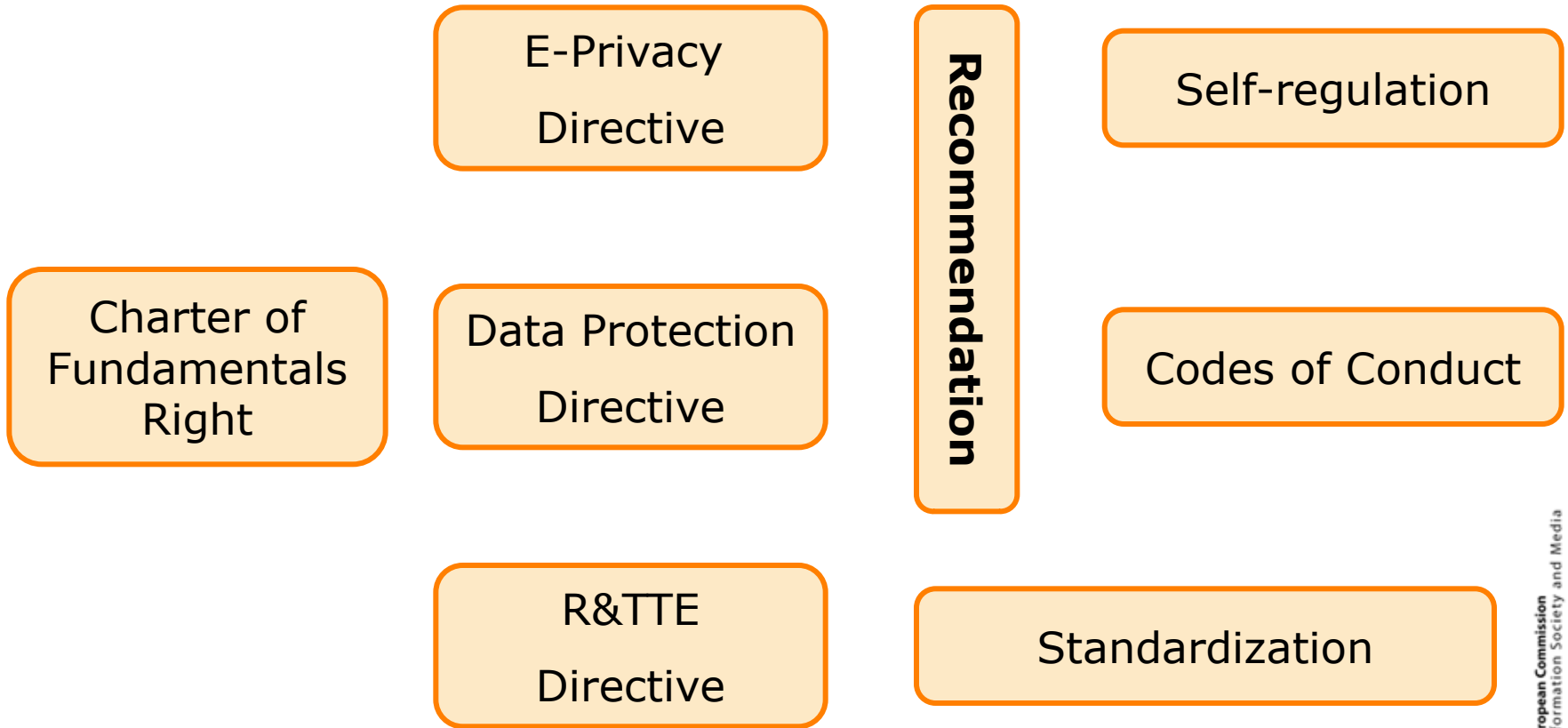
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14 September 2010 - Toulouse



RFID Policy Mix



OBJECTIVE

Promote:

- ✓ a wider take-up of RFID
- ✓ under lawful, ethical, socially and politically acceptable conditions
- ✓ the Internal Market



Operators

RFID Recommendation: 'operator'

(e) 'RFID application operator' or 'operator' means the natural or legal person, public authority, agency, or any other body, which, alone or jointly with others, determines the purposes and means of operating an application, including controllers of personal data using an RFID application;

Data Protection Directive 'controller'

(d) 'controller' shall mean the natural or legal person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data; where the purposes and means of processing are determined by national or Community laws or regulations, the controller or the specific criteria for his nomination may be designated by national or Community law;

Similarity

Difference



Application

RFID Recommendation: 'application'

(d) 'RFID application' or 'application' means an application that processes data through the use of tags and readers, and which is supported by a back-end system and a networked communication infrastructure;



Privacy and Data Protection Impact Assessments (PIA)

why

"An assessment of the privacy and data protection impacts [...] will provide the information required for appropriate protective measures"

who

Industry

what

Develop PIA framework by May 2010

who

Article 29 Working Party

what

Endorse the framework

who

Operators

what

- Carry out PIAs
- Ensure the protection of personal data and privacy
- Make available PIA at least 6 weeks before the deployment



Information Security

why

RFID applications with implications for the general public, are especially critical with regard to information security and privacy and therefore require specific attention.

who

Member States

what

Identify the applications that might raise information security threats with implications for the general public.

who

Operators

what

Develop new schemes i.e. certification.



Information and Transparency on RFID

why

"if the processing of data is to be fair, the data subject must be in a position to learn of the existence of a processing operation and, where data are collected from him, must be given accurate and full information..."

Src.: [Data Protection Directive](#)

who

Operators

what

- Develop and publish information policy for each of their application
- Use European sign: identity and a point of contact



Information and Transparency on RFID

RFID

the identity
operator

+

a point of contact
more information

For information contact;

Information Policy

- the identity and address of the operators
- the purpose of the application
- what data will be processed by the application?
- will personal data be processed?
- will the location of tags be monitored?
- a summary of the PIA
- the likely privacy risks (if any)
- the measures that individuals can take to mitigate these risks



RFID in retail (I)

Use of a European Sign



why

"if the processing of data is to be fair, the data subject must be in a position to learn of the existence of a processing operation and, where data are collected from him, must be given accurate and full information..."

Src.: [Data Protection Directive](#)

who

Retailers

what

Inform individuals of the presence of tags in the products

how

Not specified!





RFID in retail (II)

Tag deactivation

why

"RFID tags contain unique IDs attached to consumer products: if each tag has a unique ID, such identification can be used for surveillance purposes..."

Src.: [EDPS opinion](#)

who

Retailers

what

Deactivate or remove at the point of sale the tag unless consumer give their consent.



how

- Free of charge
- Immediately
- Consumer can verify



RFID in retail (III)

Tag deactivation



what

*"Deactivation of the tags should be understood as any process that stops those interactions of a tag with its environment which do not require the **active involvement** of the consumer"*





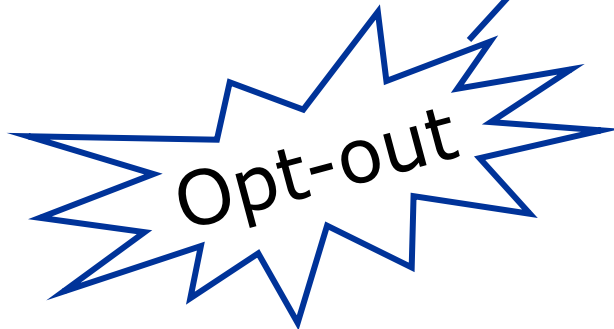
RFID in retail (IV)

Tag deactivation

why Some PIA will conclude that the application doesn't represent a likely threat to privacy or the protection of personal data

who Retailers

what Don't deactivate but **make available** an easy means to deactivate or remove the tags

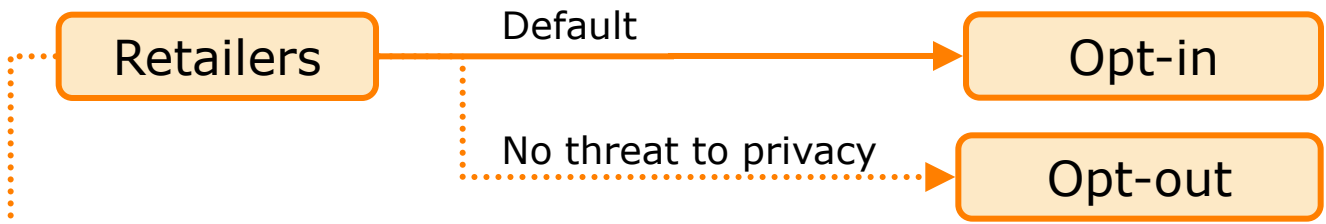


how

- Free of charge
- Immediately & later



RFID in retail (V) Tag deactivation



what if
retailers are not operators

what Retailer has no obligation

what Operator should determine whether tagged products sold to consumers through retailers who are not operators represent a likely threat to privacy or the protection of personal data, etc



Awareness raising action and R&D



why

Awareness RFID technology among the public and SME and spread the trust in this technology

who

All stakeholders

what

- Inform and raise awareness among:
 - Citizens
 - SMEs
- Support “security and privacy by design”



Ahead of us

Member States
action

The Commission will provide a report of implementation of this Recommendation

May 2010

May 2011

May 2012

PIA by Industry

Information from MS

Report
Commission

Recommendation
May 2009



Summary of actions

Privacy Impact Assessment

'Security' applications

Information policy, including signs/logos

Retail specific provisions

Awareness Raising

Research and Development



Follow-up

what

Develop PIA Framework

'Security' applications

Development of signs

Awareness Raising

Research and Development

Inform on actions taken

who leads

Industry

Members States

Standardisation
Organisations

Member States

Member States

Member States

**but all are
expected to
contribute**



Follow-up – Commission's role

what

Develop PIA Framework

'Security' applications

Development of signs

Awareness Raising

Research and Development

Inform on actions taken

Report on Recommendation

Draft group has been developed by industry in March 2010 and has received comments from 29WP in July 2010. Possible endorsement is expected by November 2010



Thank you !

