Policy Recommendations for a European Tech Agenda
Europe's opportunity to preserve an enabling environment for innovation and ensure its global competitiveness and security

The Information Technology Industry Council (ITI) is the premier advocate and thought leader for the global technology industry. ITI's membership comprises 70 of the leading technology and innovation companies from all corners of the information and communications technology (ICT) sector, including hardware, software, digital services, semiconductor, network equipment, cybersecurity, and Internet companies.

The technological innovations of ITI's members, and the digitalisation of the economy more broadly, bring innumerable benefits to European industry and society. The tech sector empowers European companies of all sizes and across industries – from agriculture to education, financial services to manufacturing, healthcare to energy and transportation – to leverage frontier innovations towards competition and success in the global marketplace. Whether it is sensors that detect health and safety hazards for workers in real time, or artificial intelligence that allows doctors to analyse complex medical data faster than ever, technology allows us to address some of the most challenging issues of our time and improve the quality of everyday life for Europeans. The tech sector is also already taking significant steps to help prepare the workforce of the future for the shifting skills and competencies that are required in the 21st century.

Tech policy is a crucial priority in the 2019-2024 EU term, one on which Europe has an opportunity to play an international leadership role on policy issues that are increasingly global. ITI and its members believe that building trust and fostering the public interest in the era of digital transformation are essential. Our companies have made great strides in bringing the positive societal benefits of transformative technologies to fruition and remain committed to upholding the fundamental principles of privacy, inclusivity, transparency, and democracy that underpin European society. We believe in the importance of preserving an enabling environment for innovation to ensure Europe's global competitiveness and security. Europe's digital infrastructure is the foundation for that. 5G is a core element to support digital transformations in industry and society, estimated to enable more than €2.2 trillion worth of economic output in Europe by 2030.

ITI has developed recommendations outlining concrete steps that policymakers can take, in partnership with industry, academia, civil society, and other stakeholders, to effectively implement the ambitious agenda for **"Shaping Europe's Digital Future"** launched by the European Commission in February 2020. Our recommendations address the economic and social implications of technology and the role of our industry, in a manner that supports innovation, while recognising the public interests at stake.

Read ITI's full EU Policy Recommendations here.

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Privacy ▬▬▬▬▬▬▬▬▬▬▬▬▬▬▬

Individual and enterprise trust is key to innovation

ITI prioritises the goal of protecting personal privacy. We believe in empowering people through a strong, uniform, and consistent set of privacy protections, no matter where their data is located.

Europe has developed an extensive framework for privacy, and the GDPR is having a global impact on many governments' efforts to update privacy legislation or pass privacy laws for the first time. These developments will help foster the trust of individuals and businesses in digital products and services. The continuing implementation of the GDPR should focus on deep harmonisation within the EU, while being flexible to accommodate the ongoing tech evolution that brings benefits to individuals, businesses, and society in sectors like healthcare or mobility.

Individual trust in market rules and market players is crucial. Ensuring users' access to and control over personal data enhances trust and transparency, leading to increased consumer welfare in the form of innovative products and services at lower prices or free of charge. Strong privacy protections are not in opposition to innovation; in fact, robust privacy rules, combined with strengthened data governance, can jumpstart innovation. Big data and AI applications generate substantial innovations and efficiency gains that are passed on to consumers, augment human capability and enable advances in education, healthcare, transportation, sustainability, and many economic efficiencies in innumerable fields. Independent of the specific country or region, companies must manage data responsibly to earn users' trust and fulfil their expectations with regard to privacy.

In the world of digital transformation, the full potential of the modern economy cannot be realised without increased trust. Privacy violations hinder innovation and growth by eroding public trust in digital goods and services. Effective privacy and data protection safeguards can help maximise individuals' participation in the economy and harness the full potential of the ecosystem. While there is no single approach to privacy that works for all jurisdictions, stronger and more coherent principles on data protection globally mean people have more control over their personal data, and that businesses can benefit from greater confidence and trust.

As business models and applications change rapidly, it is important to avoid creating artificial boundaries and limitations on the use of data. Inflexible and overly prescriptive regulation or excessive compliance burdens may stifle innovation, undermine the development of new growth-enhancing businesses, impact the personalised services consumers benefit from, or even run counter to the privacy interests they purport to serve. Businesses rely on their ability to operate globally and transfer data across borders. Global approaches to privacy should encourage the adoption of innovative security and privacy best practices, recognising the benefits of techniques and controls that obstruct re-identification and better enable research and innovation in areas that rely on data use such as machine learning and AI. Fragmented approaches to privacy across the globe create unnecessary costs, and onerous requirements that degrade the user experience, or deter innovation and SMEs' participation in the digitally-enabled economy. In an effort to better inform ongoing privacy discussions globally, ITI developed the "[Framework to Advance Interoperable Rules (FAIR) on Privacy](#)" (FAIR on Privacy), a roadmap toward the goal of protecting privacy and personal data to advance the interests of individuals, businesses, and governments.

Our Recommendations

1. **Emphasise the importance of global collaboration and promote interoperability between regional mechanisms for international data transfers.** Article 42 of the GDPR on recognising and approving

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certifications creates the perfect opportunity to identify commonalities between the approaches of the EU and other regions, particularly the Asia-Pacific, by exploring potential interoperability through certification pursuant to GDPR Article 42 and APEC Cross-Border Privacy Rules (CBPR).

2. **Continue implementation work to provide legal clarity for businesses on GDPR compliance.** Our companies have embraced the GDPR as a milestone in safeguarding privacy and trust. Ensuring consistent application across the EU will help bring clarity for regulators, businesses and individuals, including by checking its interaction with other rules. We urge the European Data Protection Board to continue to publish guidance on key aspects of GDPR, in particular on data subject rights.

3. **Encourage global partners to commit to ongoing dialogue in official forums on international transfer mechanisms**, while providing robust and future-proof mechanisms for data transfers. We stand ready to support greater interoperability in privacy rules and data flows globally. **Privacy Shield** remains a crucial mechanism to ensure secure data transfers between the U.S. and the EU. We welcome the Advocate General's Opinion in the *Schrems II* case regarding standard contract clauses (SCCs) and hope that the Court will also uphold the Privacy Shield in the *La Quadrature du Net* case.

4. **Ensure seamless data flows between the EU and the UK post Brexit.** We encourage the EU and UK to prioritize the negotiation and adoption of an adequacy decision by the end of 2020 to ensure that data continues to flow freely between the EU and the UK, avoiding unnecessary business interruptions or impacts on EU companies and others doing business with the EU and UK.

5. **Cybersecurity is essential to ensure privacy**. The EU has a great track record in this area, and we hope that critical cybersecurity measures will be encouraged as part of any efforts to improve privacy protections, including by recognising security as a legitimate interest for processing personal data in the proposed e-Privacy Regulation.

6. **Clarify interplay between e-privacy and GDPR.** After lengthy negotiations, uncertainty still remains around the proposed e-Privacy Regulation, including its scope, definitions, legal bases and the relationship with the GDPR and new technologies like AI. This new legislative term provides the opportunity to reconsider the proposal, avoiding the introduction of overly strict rules on consent for data processing that would duplicate efforts made under GDPR, or unnecessarily restrict the processing of non-personal data essential to Europe's digital innovation and competitiveness. We stand ready to support the EU' efforts to enhancing privacy while avoiding unintended consequences.

7. **Advocate against forced data localisation globally.** Governments around the world are increasingly seeking to enact data localisation measures, normally due to misconceptions that they strengthen security, privacy or allow for easier government access to data. We urge EU policymakers to **engage closely with international partners – particularly China, Vietnam, Indonesia, India, and South Korea – to deter them from introducing data localisation** requirements and encourage international cooperation to identify solutions balancing privacy, security and economic growth.

8. **Enhance law enforcement cooperation in an effort to establish efficient mechanisms and protocols for threat information sharing and data access requests**. We welcome the EU e-evidence proposal that will improve intra-EU cross-border data sharing and lays the groundwork for improved global cooperation. Moving forward, the proposal should ensure stronger privacy safeguards and further avenues for service providers and enforcing authorities to challenge data requests – both are necessary to protect the fundamental rights of users. The U.S. CLOUD Act is another mechanism to potentially facilitate cooperation between the EU and the U.S. in this space. Skepticism about the CLOUD Act prevails in many jurisdictions, owing to misunderstanding of its intent and impact, and a lack of appreciation regarding the increased safeguards it requires of executing parties. The EU should also be cognizant that its approach to government access to data will set an important precedent that could impact individual privacy rights globally.

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