

**Participants:** Svetla Nikova, Aysajan Abidin (KU Leuven), Ronny Bjones (Microsoft), Amardeo Sarma (NEC Europe), Jörg Daubert (TU Darmstadt), Eric Blot-Lefèvre, Stéphane Amarger (Trustseed), Christine Jamieson, David Goodman (TDL), Volkmar Lotz (SAP), Huma Shah (Coventry University), Mads Schaarup Andersen, Jonas Lindstrom (Alexandra Institute), Wendy Grossman

**Apologies:** James Varga (The ID Co.), Geoff Revill (Krowdthink)

David explained that the meeting would review progress to date on the work items:

**(A) Guidance and advice for citizens and businesses, particularly SMEs, on how to operate in a best practice approach in a privacy-respectful world.**

The report entitled '*Privacy – The Competitive Advantage*' is finished and published on the TDL website. A press release was to be issued on the 25<sup>th</sup> May to coincide with GDPR's coming into force exactly a year later.

Companies are also dependent on the compliance characteristics of popular third party software, such as those from Sage, SAP, Oracle etc. So a follow-up task – '*An SME's Guide to GDPR-compliant Software Packages*' – is under consideration.

**ACTION:** Stéphane to liaise with David about contribution

**(B) GDPR Compliance**

*An analysis of the clash between and the challenges in implementing GDPR and PSD2*

David said that the output from this task would be a two- to four-page report examining the areas of potential conflict with the convergence of the two sets of regulations

There are contrasting ways of looking at the possibilities. There is a lot of scaremongering and anxiousness about PSD2. But PSD2 can provide more transparency of what is happening already – objectively, is the process any different from what is being done now and over the last 20 years? In other words, it is a positive development. On the other hand, PSD2 is about opening up primarily authentication data – to which end, GDPR could limit the value of PSD2 to consumers. Furthermore, credit companies have a tradition of using and sharing personal data with others, mainly for profiling.

**ACTION:** David to draft report with James with input from Huma

*GDPR and eIDAS trust services*

David reported that the output from this task would be two to four pages examining the gaps between GDPR and eIDAS trust services, in particular as associated with eSignatures

The need for online signature (s) is a huge market. 240 billion documents are signed manually representing about 99 % of the market each year, and less than 1% signed according to Directive 1999/93/EC with an offline signature – strong and 'qualified' – but only for unilateral application.

Essentially, the risk with offline signatures is that the signatory is judge and party: it cannot validly certify the probative value of its dematerialized transaction to each counterparty. Confidence in this kind of transaction and offline signatures is unreliable, for lack of exhaustive traceability and impartiality. However, the primary difference is that eIDAS opens up the market for multi-lateral eSignatures, whereas previously it could only be unilateral.

David said that Eric had provided some documents that could be used as the basis for this short report.

**ACTION:** David to review documents provided by Eric that can be used as the basis for this short report. Volkmar, Ronny, and Kai to review

*GDPR and ePrivacy*

David suggested that the output from this task would be two to four page examining the overlap and differences between GDPR and ePrivacy, particularly with respect to web access.

The ePrivacy Directive formerly contained a complex blend of three approaches, service-, data- and value-centric in the context of electronic communication privacy rules. Since then the Directive has become the Privacy and Electronic Communications Regulation (PECR) and more tightly aligned with GDPR than ever before. However, the question is whether that is enough to avoid overlap or redundancy.

Kai described his participation in the European Parliament LIBE Committee Hearing on ePrivacy “*The proposed rules for the respect for private life and the protection of personal data in the electronic communications in the EU*” on Tuesday 11 April where each expert gave a brief – seven minute – statement. He observed that there are multiple legal and security differences in different

verticals, which raised the question as to whether we actually need PECR. One of the hotly-debated areas of discussion was whether there is – or should be – a level playing field between the OTT (over-the-top) players and the telcos. The telcos and many others feel that the current situation is not fair, particularly when it comes to the use of location data, which for the OTT community is considered as metadata (and is used for profiling) and the telcos is not.

David reminded the group that two PECR experts from the University of Amsterdam are on the distribution list (Joris van Hoboken, Frank Borgesius); and that two representatives from DG CNECT are helping to monitor the evolving alignment between the two regulations (Rosa Barcelo, Malte Beyer-Katzenberger).

**ACTION:** David to draft report in collaboration with Kai

#### **(C) Practical Implementation Support**

1. *An overall architecture with building blocks and what's missing*
2. *Demonstration platform for electronic transactions*
3. *Interoperability of technology service providers*

Although this activity is not yet underway, Eric offered a specific instance of the platform his company has developed for SMEs and corporates to test and learn about digital contract signatures and to use free for a certain volume of documents. He hoped the demonstrator could be available to TDL by the beginning of October. Amardeo suggested linking it with the 'Next Generation Sprint' initiative.

**ACTION:** Eric and Stephane to liaise with Amardeo and Ronny

#### **(D) A One-Day Personal Data Workshop/Event**

David raised the possibility of holding a one-day event, along the lines of the successful Blockchain Working Group workshop in The Hague last year and the one to be held in Brussels on 6 June. Amardeo suggested that it could take place immediately following the next Working Group meeting in October in Edinburgh.

Some suggestions for the outline draft included:

- Standards
- Applications including healthcare, banking, smart cities

**ACTION:** David to produce a description and outline agenda

## NEXT MEETING

The next face-to-face meeting will take place in Edinburgh in October followed by the one-day Personal Data event the following day.

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## WORKING GROUP LOGISTICS

### 1. Current Distribution List

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### 2. [Website](#)

### 3. [Sharepoint](#)