



Business at OECD (BIAC)/OECD joint Roundtable on Regulatory Sandboxes

With the support of the Singapore Data Protection Commission (PDPC)

*Wednesday 23 September 12:30-15:30 Paris time
Virtual meeting via Zoom*

AGENDA AND MEETING BACKGROUND

Agenda

Wednesday 23 September 12:30-15:30 Paris time, Virtual meeting via Zoom

Data driven innovation requires efficient and effective regulatory frameworks, for which regulatory sandboxes can be an important tool in developing effective regulatory governance frameworks. Drawing from lessons learned by business and regulators, the roundtable will explore approaches and use cases/lessons learned in the privacy context, which have proven positive and beneficial, with a view towards regulatory frameworks that effectively foster data driven innovation, and promote greater data sharing domestically and across borders. The Roundtable is organized in context of the current review of the OECD Privacy Guidelines.

Roundtable Rapporteur: Paula Bruening

Item 1: Opening remarks (12:30-12:50)

- **Phil O'Reilly**, Chair, *Business at OECD* (BIAC)
- **Andrew W. Wyckoff**, Director, Directorate for Science, Technology and Innovation, OECD
- **Yeong Zee Kin**, Deputy Commissioner of the Personal Data Protection Commission (PDPC) and Assistant Chief Executive (Data Innovation and Protection Group) of the Infocomm Media Development Authority of Singapore (IMDA)

Project overview (12:50-13:00):

- **Paula Bruening**, Project Consultant and Rapporteur
Overview of the Regulatory Sandbox Project objectives
- **Molly Leshner**, Senior Digital Economy Policy Analyst, OECD
Highlighting work done on regulatory sandboxes as part of the OECD Going Digital Toolkit

Item 2: The Sandbox Approach Exploring the benefits (13:00 - 14:00):

This session will explore how regulatory sandboxes can be a tool for exploring improved approaches to regulating emerging technologies and applications across sectors and jurisdictions. Speakers will illustrate through case examples their experience regarding how the sandbox is created and how it is used.

Moderator: Steve Wood, Chair, OECD Working Party on Data Governance and Privacy (DGP)

Speakers:

- **Yeong Zee Kin**, Deputy Commissioner of the Personal Data Protection Commission (PDPC) and Assistant Chief Executive (Data Innovation and Protection Group) of the Infocomm Media Development Authority of Singapore (IMDA)
- **Ariane Jimenez**, Privacy and Public Policy Manager, Asia Pacific, Facebook
- **Boris Wojtan**, Director of Privacy, GSMA

Questions for discussion:

- Why do we need regulatory innovation and what is the promise of the regulatory sandbox approach?

- What are the criteria to enter into a sandbox? What are related governance issues?
- Why is regulatory innovation relevant for the implementation of the OECD Privacy Principles in context of innovation and emerging technologies?

Item 3: Regulatory sandboxes, data sharing and privacy regulation (14:00-15:05):

Building on the case study approach, this session will explore how regulatory sandboxes can operationalize a dual mandate of encouraging data protection and data driven digital innovation and promoting greater data sharing both domestically and across borders. While the focus of this roundtable is on privacy, multiple regulations will come into play adding to the complexity of issues being addressed.

Moderator: Nicole Primmer, Senior Policy Director, *Business at OECD*

Speakers:

- **JoAnn Stonier**, Chief Data Officer, MasterCard
- **Knut Mager**, Head, Global Data Privacy, Novartis
- **Chris Taylor**, Head of Assurance (Supervision) Information Commissioner's Office (ICO) UK

Questions for discussion:

- How can regulatory sandboxes simultaneously encourage both data protection and data driven digital innovation?
- How can regulatory sandboxes promote greater data sharing both domestically and cross borders to enhance innovation?
- How does one operationalize the sandbox as a regulator – what resources are needed? What data governance issues come into play?
- How can regulatory sandboxes help to facilitate the discussion around data sharing, including to promote coordination among relevant actors? What additional complimentary tools or approaches may be needed?

Item 4: Next steps – Contributing to the OECD Privacy Guidelines Review (15:05-15:20)

- **Elettra Ronchi**, Senior Policy Analyst, Head of the Data Governance and Privacy Unit in the Division for Digital Economy Policy, OECD
- **Steve Wood**, Chair, OECD Working Party on Data Governance and Privacy (DGP)
- **Nicole Primmer**, Senior Policy Director, *Business at OECD*
- **Paula Bruening**, Perspective from the Rapporteur

Item 5: Closing remarks (15:20-15:30)

- **Audrey Plonk**, Head of Division, Digital Economy Policy Division, OECD
- **Makoto Yokozawa**, Co-chair *Business at OECD* Committee on Digital Economy Policy

SPEAKERS



Phil O'Reilly

Chair, *Business at OECD*

Phil O'Reilly is Director of Iron Duke Partners, a Wellington based Public Policy Advisory Firm. He is Chair of the Board of Business at OECD and is a member of the Governing Body of the International Labour Organisation. He is a Board Member of, or Advisor to a number of New Zealand and Global Organisations including the ILO Global Business & Disability Network.

He was previously Chief Executive of BusinessNZ, New Zealand's leading business advocacy group, representing thousands of businesses of all sizes.

In 2016 he was appointed an Officer of the New Zealand Order of Merit for his services to business and governance.



Andrew W. Wyckoff

Director, Directorate for Science, Technology and Innovation

Andrew W. Wyckoff is the Director of the OECD's Directorate for Science, Technology and Innovation (STI) where he oversees OECD's work on innovation, business dynamics, science and technology, information and communication technology policy as well as the statistical work associated with each of these areas.

Mr. Wyckoff was previously Head of the Information, Computer and Communications Policy (ICCP) division at the OECD which supports the organisation's work on information society as well as consumer policy issues. Before heading ICCP, he was the head of STI's Economic Analysis and Statistics Division which develops methodological guidelines, collects statistics and undertakes empirical analysis in support of science, technology and innovation policy analysis.

His experience prior to the OECD includes being a program manager of the Information, Telecommunications and Commerce program of the US Congressional Office of Technology Assessment (OTA), an economist at the US National Science Foundation (NSF) and a programmer at The Brookings Institution.

Mr. Wyckoff is a citizen of the United States, holds a BA in Economics from the University of Vermont, and a Master of Public Policy from the JFK School of Government, Harvard University.



Yeong Zee Kin

Deputy Commissioner of the Personal Data Protection Commission (PDPC) and Assistant Chief Executive (Data Innovation and Protection Group) of the Infocomm Media Development Authority of Singapore (IMDA)

In his capacity as Assistant Chief Executive (Data Innovation and Protection Group), Zee Kin oversees IMDA's Artificial Intelligence and Data Industry development strategy. This is one of four frontier technology areas IMDA has identified for its transformational potential for a Digital Economy. The other three are cybersecurity, the Internet of Things, and immersive media. In his role as an AI and data analytics champion, Zee Kin's work includes developing forward-thinking governance on AI and data, driving a pipeline of AI talent, promoting industry adoption of AI and data analytics, as well as building specific AI and data science capabilities in Singapore.

As the Deputy Commissioner of PDPC, Zee Kin oversees the administering and enforcement of the Personal Data Protection Act (2012). His key responsibilities include managing the formulation and implementation of policies relating to the protection of personal data, as well as the issuing of enforcement directions for organizational actions. He also spearheads the public and sector-specific educational and outreach activities, to raise both awareness and compliance in organizations and individuals in personal data protection.



Paula J. Bruening

Principal of Casentino Strategies LLC

Paula J. Bruening is Principal of Casentino Strategies LLC, a privacy and information policy consulting firm. She works with clients on emerging issues related to data protection and emerging technologies and advises companies about compliance with new privacy regulation and on establishing privacy governance. Most recently, she served as Director of Global Privacy Policy at Intel Corporation, where she developed and coordinated privacy policy across the company and represented the company in Brussels and at international forums. She also worked closely with Intel Labs to propose an approach to applying information governance principles in new data eco-systems such as the Internet of Things. Prior to her tenure at Intel, she was Vice President for Global Policy at the Centre for Information Policy Leadership, where she developed consensus-driven papers on approaches to accountability.

Ms. Bruening brings to her work extensive experience in government, advocacy and international organizations, including APEC and the Organization for Economic Cooperation and Development. Her work has been published in academic and policy journals and she has spoken on privacy issues in Asia, Europe and the Americas. Ms. Bruening holds a B.A. from John Carroll University and a J.D. from Case Western Reserve University School of Law.



Molly Lesher

Senior Digital Economy Policy Analyst, OECD

Molly Lesher is a Senior Policy Analyst at the OECD working on issues related to digital transformation. She is also the Co-ordinator of the OECD Going Digital project, which brings a whole-of-OECD perspective to understanding the digital transformation, and she led the development of the Going Digital Integrated Policy Framework and the online Going Digital Toolkit. More broadly, her work is aimed at supporting OECD member and partner governments with digital economy policy advice and analysis, including on e-commerce. Previous positions include Counsellor to the Directors of the OECD Science, Technology and Innovation Directorate, 10 years as a trade economist in the OECD's Trade and Agriculture Directorate, as well as roles in the Research Department of the US Federal Reserve Bank (international economics) as well as the private sector (Fidelity Investments, a US-based financial services company).



Steve Wood

Chair, OECD Working Party on Data Governance and Privacy (DGP)

Steve took up the position of Deputy Commissioner in 2017 and has worked at the ICO for over 10 years in a range of policy roles related to freedom of information and data protection, during a crucial period of the ICO's evolution. He has been engaged with the EU General Data Protection Regulation (GDPR) since 2012 – leading the ICO's input into the negotiations and then the implementation.

Steve is responsible for the ICO's regulatory strategy function – ensuring that the ICO is identifying the right strategic questions and policy issues, joining up policy activities and supervising the effectiveness of the policy decisions that guides the ICO's work. This includes the ICO's international leadership and strategic policy direction on ICO regulatory priorities. Steve also oversees the ICO's internal policy development programme, which covers both policy as a profession and policy as a methodology.

In November 2019 Steve was appointed chair of the OECD's working group on Data Governance and Privacy. He was also a member of the Article 29 working party and European Data Protection Board between 2015 and 2020 and is co-chair of the Commonwealth network of data protection authorities.

Prior to joining the ICO Steve was a Senior Lecturer in Information Management at Liverpool John Moores University, co-authoring a textbook on Business Information Management and editing the freedom of information blog, which won the international information industry award for 'best blog' in 2005.



Arianne Jimenez

Privacy and Public Policy Manager, Asia Pacific, Facebook

Arianne joined Facebook in January 2018 as Privacy & Public Policy Manager for the Asia Pacific, and she is part of the company’s global Privacy and Data Policy Team. She’s responsible for helping drive Facebook’s strategy and engagement in the region on privacy policy and data-driven innovation. She is also involved in evaluating and responding to legislative and regulatory developments around privacy and emerging technologies, and in providing advice on product, feature, and policy development.

She brings both an academic and industry perspective, having specialized in privacy law for her Doctor of the Science of Law (J.S.D.) degree, which she obtained from the University of California – Berkeley School of Law. Her doctoral dissertation was on Working Towards a Data Protection Soft Law Framework for the ASEAN Region. She obtained her Master of Laws (LL.M.) degree from the same institution, where she obtained a Certificate of Specialization in Intellectual Property and Technology Law. During her time in Berkeley, she was also a Graduate Tutor and a Research Assistant, focusing her efforts on legal research and writing, and US privacy.

During her legal career in the Philippines, from which she hails, she clerked for a former Chief Justice of the Supreme Court, worked as Legal Counsel and Data Protection Officer for a tech company, and taught law subjects at De La Salle University. She’s also published articles on intellectual property law and cyberlaw.



Boris Wojtan

Director of Privacy, GSMA

Boris is the Director of Privacy at GSMA, the global industry association that helps shape the future of the mobile industry. In his role, Boris seeks to lead public debate around privacy in mobile and to help global membership deliver long-term benefits for mobile users. He is a firm believer in the value of data privacy leadership: organisations and governments can innovate and grow AND foster privacy and trust.

Boris has developed his expertise in data privacy over 17 years having previously worked as a specialist lawyer at Accenture, the UK Information Commissioner’s Office and in private practice. Before that he also gained valuable experience at the European Parliament and the European Commission.

He currently sits on the Privacy Advisory Group for the UN Global Pulse and the European Commission Multistakeholder expert group for GDPR and holds IAPP CIPP/E and CIPM certifications.



Nicole Primmer

Senior Policy Director, Business at OECD

Nicole Primmer oversees taxation and fiscal affairs, digital economy, education, and G20 employment-related activities. She is also responsible for Business at OECD's engagement to the Annual Consultation with OECD Ambassadors and the OECD Ministerial Council Meeting (MCM).

Prior to joining Business at OECD, Nicole worked for the United States Council for International Business (USCIB), for NEC Corporation, and at the Columbia Business School Centre on Japanese Economy and Business under the direction of Professor Hugh Patrick.

Nicole holds a Master's Degree in International Affairs from Columbia University, and a B.A. in French and Political Science from Duquesne University. She also completed graduate studies at Sciences Po in Paris, and is a former Rotary Ambassadorial Scholar at Sofia University in Tokyo.

Nicole joined Business at OECD in 2000, is fluent in English and French, and has basic fluency in Japanese. She is also an accomplished lyric soprano.



JoAnn Stonier

Chief Data Officer, MasterCard

JoAnn C. Stonier serves as Chief Data Officer for Mastercard, leading the organization's data innovation efforts while navigating current and future data risks. She oversees the curation, quality, governance and management of the company's extensive data assets, as Mastercard increasingly looks to deepen the strategic value it can provide its merchant, banking and government customers and cardholders through its expanding data-driven products and capabilities. JoAnn previously served as the company's Chief Information Governance & Privacy Officer, responsible for global privacy and information governance, and leading regulatory engagement for data compliance.

JoAnn is a recognized and highly sought-after thought leader in emergent data and privacy issues. She has advised industry executives, governments, intergovernmental organizations and NGOs. Currently, she serves on the United Nations Expert Group on Governance and Artificial Intelligence and is Co-Chair of the World Economic Forum's Global Future Council on Data Policy. JoAnn also serves as a Board Advisor for Truata, a data trust co-founded by Mastercard and IBM, on the Board of Directors and Governance Committee for Hope for the Warriors, a non-profit Veteran service organization, and on the Board of Trustees and Executive & Finance Committees for Academy of Mount St. Ursula in the Bronx, New York.

**Knut Mager**

Head, Global Data Privacy, Novartis

Knut Mager is Novartis' Head Global Data Privacy and Group Data Protection Officer. Knut has been working in the pharmaceuticals industry in various roles since 1990. In 2003, he joined Novartis as General Counsel, Head of Legal of the Sandoz Division. Since 2007, he held various leadership positions with Novartis Group Legal where his responsibility included inter alia leading the Global Commercial Practice Team, Compliance with Law and the Legal Country Organizations.

Knut started his career in 1990 as legal counsel at Schering AG (now Bayer) in Berlin, Germany. In Schering, he also held the positions of Head of Patents, and subsequently Head Corporate Strategy.

Knut studied law in Berlin (Freie University), where he was admitted to the attorney's bar. He received a certification in Corporate Governance (IDP-C) from INSEAD in 2018.

Knut contributes actively to legal and policy developments in Privacy. From September 2015 - June 2019, he chaired the Data Protection working group of the European Federation of Pharmaceutical Industries and Associations (EFPIA) and represented EFPIA in the European Commission Multistakeholder Expert Group on GDPR. He is, inter alia, a member of the Advisory Board of the Future of Privacy Forum (FPF) and the Centre for Information Policy Leadership Advisory Council (CIPL), and serves on the Editorial Board of the Global Privacy Law Review (GPLR).



Chris Taylor

Head of Assurance (Supervision) Information Commissioner's Office (ICO)
UK

Chris Taylor joined the Information Commissioner's Office in 2018 as the Head of Assurance (Supervision). He heads up some of the ICO's work aimed at promoting upstream compliance and data protection by design and default. He was responsible for the design, set up and operational delivery of the ICO's Regulatory Sandbox and has also responsibility for the design and delivery of the ICO's new Accountability Framework – a practical user friendly tool that enables organisations to understand clearly how to achieve and evidence their compliance.

Other projects Chris is currently looking after are a range of core guidance products - and the development of GDPR Codes of Conduct and Certification Schemes. He also coordinate ICOs work as the supervisory body for the eIDAS regulation.



Elettra Ronchi

Senior Policy Analyst, Head of the Data Governance and Privacy Unit in the
Division for Digital Economy Policy, OECD

Elettra Ronchi, PhD, MPP, is Senior Policy Analyst at the OECD. Since 2015 she has been Head of Unit in the Division for Digital Economy Policy, where she coordinates work on privacy, risk management and data governance. She is currently leading the review of the implementation of the 2013 OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data.

Ronchi has more than 20 years of experience as policy analyst, evaluating the instruments available to governments to improve the public benefits from investments in health, science and technology. Since 2006 she has also contributed to the organisation's work on digital health, including the development of the 2016 OECD Council Recommendation on Health Data Governance. Ronchi started her policy career in 1993 as consultant for the United Nations Development Programme, before which she held academic research and teaching positions in the U.S. and France.



Audrey Plonk

Head of Division, Digital Economy Policy Division, OECD

As Head of Division, Ms. Plonk is responsible for implementing the programme of work of two committees: the Committee on Digital Economy Policy (CDEP) and the Committee for Consumer Policy (CCP) as well as the management of STI's Digital Economy Division. In particular, she contributes to the development of evidence-based policies through multi-stakeholder processes to i) stimulate the growth of an accessible, innovative, open, inclusive and trustworthy digital economy for sustained prosperity and well-being, and ii) provide policymakers with the tools needed to develop a forward-looking, whole-of-government policy response that leverages the potential of digitalisation for growth and well-being.

In this role, she supports the strategic work of STI the advancement of the Office of the Secretary General's Strategic Objectives. She will also lead and contribute to related horizontal work across the Organisation.

Prior to re-joining STI, Ms Plonk was Senior Director, Global Security Policy at Intel Corporation where she was also a Senior Director for Public Policy based in Santa Clara, California. Over the course of her more than 10 years at Intel, Audrey led a global team of policy experts focused on connectivity, data, artificial intelligence and autonomous driving policy issues. She also specialized in China cyber policy and advised Intel business and product teams on China strategy. She chaired numerous industry committees including the Cybersecurity Committee at the Information Technology and Industry Council (ITI) and the Cybersecurity subcommittee of the Trans-Atlantic Business Council (TABC) and has provided testimony multiple times before the US Congress. In 2009, Ms. Plonk joined the board of The Privacy Projects and later took over Chairmanship of the not-for-profit organization focused on funding research in overlooked areas of privacy practice, policy and law. She has been a guest lecturer at The University of California Berkeley's School of Information and has taught cyber policy courses at the US Technology Training Institute. Ms. Plonk is currently a member of the National Academies of Sciences Forum on Cyber Resilience.

In 2007, Ms. Plonk worked on digital security issues in STI including malicious software and the protection of critical information infrastructure. This was preceded by four years as a consultant at the Department of Homeland Security's National Cyber Security Division where she led work on international cooperation in cyberspace and cybersecurity.

Ms. Plonk, an American national, holds a Bachelor's Degree in International Affairs from The George Washington University (Washington, DC, United States).



Makoto Yokozawa

Senior Consultant, IT Research Department, Nomura Research Institute
Vice Chair , Committee for Digital Economy Policy, Business at OECD

Dr. Yokozawa was educated at the University of Tokyo in Japan, where he obtained a degree of B.A. in 1983 and M.A. in 1985 respectively. And he received his Ph.D. in 1988 in Engineering from the University of Tokyo. His thesis entitled “A Study on the Vector Monte Carlo Method for Neutron Transport Analysis” was a computer simulation study, and awarded the “Encourage Award” from the Atomic Energy Society of Japan.

He joined NRI (Nomura Research Institute, Ltd.) in 1988, and he is currently working as the Senior Consultant of Business IT Division. He has 30 year research experience at NRI, which includes social systems research, business creating research, multimedia technology systems research, and a start-up project of NRI’s Silicon Valley Research Office, NRI-Pacific.

He is the lead author of the world’s first book about the Ubiquitous Network Society published in 2000. For the past 2 years, Dr. Yokozawa has been continuously advising governmental committees and round tables including those for the u-Japan strategy of Ministry of Internal Affairs and Communications (MIC), Information Economy initiatives of the Ministry of Economy, Trade and Industry (METI), and the e-Japan evaluation research committee of the Cabinet Secretariat (CAS). As a business representative, he is actively leading discussions in ICT related committees of Japanese business association, Keidanren. He joined an ITU workshop in April, 2005, as an expert of Ubiquitous Network Society, and is the co-chair at Business at OECD’s /ICCP (Computer and Communication Policies). Recent expansion of his research includes the Internet Governance and Enhanced Cooperation, in which he has been involved as one of the participants representing private sector at the Working Group for Enhanced Cooperation of 2014-2016 under the United Nations.

At the Graduate School of Informatics of Kyoto University, he has a laboratory entitled Marketing and Organizational Informatics, where 5 students and a faculty are working in the area of business informatics including ICT policies.

Project Overview

Rapid changes in technology, data, and privacy regulation have prompted the need for agility, flexibility and greater public-private cooperation and coordination of privacy policy and regulation. Response to the Covid-19 crisis has further highlighted these needs.

The OECD Committee on Digital Economy Policy (CDEP) Working Party on Data Governance Privacy (DGP) is currently undertaking a standard 5-year review of the OECD Privacy Guidelines. Two focus areas of the OECD review are: (1) the impact of emerging technologies, and (2) implementation and enforcement. Combined, these areas include approaches like regulatory sandboxes, which the OECD Going Digital toolkit has also identified as potentially useful for certain kinds of digital innovation.¹

These focus areas align with the following OECD Privacy Guidelines on “National Implementation,” which note that Member countries should:

- Establish and maintain privacy enforcement authorities with the governance, resources and technical expertise necessary to exercise their powers effectively and to make decisions on an objective, impartial and consistent basis; and
- Encourage and support self-regulation, whether in the form of codes of conduct or otherwise.

The OECD Going Digital Toolkit Policy Note “*The role of sandboxes in promoting flexibility and innovation in the digital age*” (DSTI/CDEP/GD(2019)7) highlights several potential benefits of regulatory sandboxes as well as some potential challenges:

Potential benefits of the regulatory sandbox approach:

- For firms, regulatory flexibility can enable live-market testing and market entry that would not have otherwise been possible. This can reduce time to market for new innovations, driving consumer benefits, increased competition and broader spillovers in the marketplace.
- Reduced regulatory uncertainty and the ability to conduct testing can help facilitate financing for innovative firm.
- Some jurisdictions have found that developing mechanisms like regulatory

¹ Policy makers are increasingly experimenting to promote flexibility and innovation. One approach to develop mechanisms that promote the flexible application or enforcement of policies is the use of regulatory “sandboxes”, which may be particularly useful for certain kinds of digitally-enabled innovation. - DSTI/CDEP/GD(2019)7

sandboxes can help facilitate dialogue with new market players, including from other sectors. Regulatory sandboxes can enable policy makers and regulators to create a closer relationship with innovative firms, and gain insights from frontier innovators, which can inform their subsequent policy making and regulation.

Potential challenges of the regulatory sandbox include:

- While most sandboxes include extensive safeguards, digital innovations can introduce risks, however small or well-managed, to the market;
- Unless constructed carefully, sandboxes could create anticompetitive regulatory asymmetries between different actors in the market. Thus, it is important that any “sandboxes” be open to all similarly-situated market actors;
- Regulatory sandboxes can be time and resource-intensive, possibly putting pressure on already over-burdened regulatory authorities. It is important to consider how to scale sandbox programs so that more firms may participate, leading to wider market benefits;
- Crisis response may present unique challenges or pressures that require a tailored regulatory approach suited to the particular circumstances of the crisis, including an increased need for data or information sharing;
- Digitally enabled innovations that operate across two or more traditional sectoral areas may not fit into the remit of regulatory sandboxes that are typically bound to the specific mandate of regulators, thus entrenching sectoral divides;
- There are some questions as to the efficacy of regulatory sandboxes as a result of being a relatively new regulatory tool. In particular, it is important that promising results from sandbox experimentation be convertible into permanent regulatory reforms.

Project objective:

Drawing from lessons learned by business and regulators, the project will address a number of general questions, including in context of the ongoing review of the OECD Privacy Guidelines review and the OECD *Going Digital* Project, particular approaches and use cases/lessons learned that prove positive and beneficial.

Key questions for the project:

- How can non-discriminatory regulatory sandboxes serve as a tool for exploring

- improved regulatory approaches to emerging technologies and applications?
- How can regulators can operationalize a dual mandate of data protection and data innovation exploring improved regulatory approaches to emerging technologies and applications?
- What role can codes of conduct and certifications can play in promoting compliance and enhancing regulatory assurance in a regulatory sandbox?
- How can regulatory sandboxes can promote greater data sharing both domestically and across borders to enhance digital innovation?

The project should also allow for an assessment of the role of sandboxes addressing data sharing in crisis management, taking into consideration the experience of addressing privacy in the context of COVID-19 crisis response.

Project Implementation:

The project will consist of:

- A *Business at OECD* Roundtable organized jointly with OECD
- A *Business at OECD* analytical report

Roundtables:

Wednesday September 23 2020:

- *Business at OECD/OECD* joint Roundtable on Regulatory Sandboxes with the support of the Singapore Data Protection Commission - virtual format:
 - Focus on questions and best practices drawing from concrete use cases and lessons learned.
 - Explore how new regulatory initiatives, including regulatory sandboxes and policy prototyping, are effective ways of understanding how to implement existing regulations or draft new regulations in the privacy context.

Tuesday November 17 2020:

- Presentation and discussion *Business at OECD* Report to the OECD Committee on Digital Economy Policy (CDEP) Working Party on Data Governance and Privacy (DGP) – virtual format.

Main outputs of the proposed work will include:

- A *Business at OECD* report that includes conclusions and possible recommendations that emerge from Roundtable discussions as a contribution to the review of the OECD Privacy Guidelines and the OECD Going Digital Toolkit.

Background information – case examples

The following are examples of sandbox projects being presented at the roundtable.

Case Example – the OECD Going Digital Toolkit

[The role of sandboxes in promoting flexibility and innovation in the digital age](#)

Digital technologies and data have unlocked new potential and disrupted entire industries. However, digitally enabled and innovative products and business models often differ significantly to those in traditional markets, and in some cases, they do not fit well with existing regulatory frameworks. In response, policy makers are increasingly experimenting. One approach to developing mechanisms that promote the flexible application or enforcement of policies is the use of regulatory “sandboxes”, which may be particularly useful for certain kinds of digitally-enabled innovation. This policy note discusses the emergence of regulatory sandboxes, analyses common characteristics, identifies potential benefits and challenges, and considers examples in several regulated industries across the OECD and beyond.

Case Example – Facebook Accelerator Notice & Consent Regulatory Sandbox (link)

Case Example – GSMA ASEAN Regulatory Pilot Space

In 2016, the GSMA and ASEAN embarked upon a ‘policy dialogue’ that started with elements of a digitally-enabled economy, then focused on data privacy and cross-border data flows across the region and culminated in the adoption of the RPS.

At the time, regulatory sandboxes had started to emerge, particularly in the finance sector, but were predominantly for testing new technology that could reside on or be associated with a physical server. A regulatory sandbox that allowed governments to explore policy options around cross-border data flows was a novel proposition as, by necessity, it involved at least two countries and had to allow applicants to use their own facilities and service providers. This novel sandbox, therefore, had to consist of concepts, policies and agreements, rather than a physical hub.

Starting with a blank sheet of paper, the GSMA worked closely with ASEAN Member States to define the purpose, benefits, mechanisms and key criteria that would make up the [Regulatory Pilot Space](#) and to secure its adoption by the relevant ministerial body in December 2019.

Use Case Example – Data Sandboxes presented by MasterCard

The data sandbox – as opposed to a regulatory sandbox

- Data Research to understand impacts of various types of civic investments in cities
- Development of look-alike models – reviewing economic data for similar cities – and looking at economic trends both before and after various civic investments:
 - Hospitals
 - Universities
 - Infrastructure
- Use of the data Sandbox to allow for econometric and demographic data combinations to create city profiles

Case Example – Novartis project in the ICO Regulatory Sandbox

Novartis is exploring the use of voice technology within healthcare. Through its voice project, Novartis aims to make patient care easier for both health care professionals and patients.

In designing the solution, Novartis is working with healthcare professionals and with third party technology providers. Using voice technology within healthcare poses a range of privacy challenges. For example, how can the integrity and quality of data be ensured, how can the technology providers be appropriately assessed, and how can patients be provided with clear information about voice technology?

The ICO sandbox is looking at these and other key challenges.

Case Example – Information Commissioner’s Office (ICO), UK

“The ICO Regulatory Sandbox is a service developed to support organisations who are creating products and services which utilise personal data in innovative ways. Participants have the opportunity to engage with our Sandbox team, to draw upon our wider ICO expertise and advice on mitigating risks and embedding ‘data protection by design’. The Sandbox provides a free, professional, fully functioning service for organisations, of varying types and sizes, across a number of sectors. Participants also benefit from a degree of comfort from enforcement whilst in the Sandbox and depending on how progress goes, may receive a statement of regulatory comfort on completion.

The Sandbox acknowledges the issue of demonstrating compliance with data protection law in areas of innovation and provides a method of oversight of innovative data processing activities in the real world. The sandbox may be able to support an assessment

of legality and appropriateness in relation to the aim through a supported period of limited scope testing and offering contextualised support. We can help identify measures which we deem to be reasonable to support the rights of the data subject where good practice has yet to be determined through trial and error.

The ICO Regulatory Sandbox is currently coming towards the end of its initial yearlong beta phase with several successful exits from the Sandbox and other projects nearing completion. Due to the Covid-19 crisis we have worked flexibly with our participants to ensure the best possible outcomes for the service. By using participants as use cases and case studies the Sandbox has had an influential impact on our ongoing policy decisions and has helped to shape our published tools and guidance for wider use by innovators. We have recently opened the Sandbox to new participants in particular with a focus on products and services that support 1) safe and effective data sharing and 2) children's privacy”