



Data Protection in Humanitarian Action

Introduction

The Brussels Privacy Hub at the Vrije Universiteit Brussels (VUB) and the International Committee of the Red Cross (ICRC) intend to run a project exploring the relationship between data protection law and humanitarian action.

The provision of services to vulnerable persons by organizations working in humanitarian emergencies such as armed conflicts, other situations of violence, migration, natural disasters, and epidemics requires the collection and processing of a great deal of, often highly sensitive, personal data. To deal with humanitarian emergencies, it is in many cases necessary for personal data to flow between the concerned countries.

There is also increasing interest from both the humanitarian world, and the donors supporting it, in identifying innovative ways of providing better, and more efficient humanitarian assistance. This often involves exploring the possibilities offered by new technologies.

At the same time, as data protection and privacy laws develop at a faster pace, there is a lack of capacity and expertise to analyse how developing data protection and privacy rules actually apply to data collected for humanitarian purposes, particularly when adopting new technologies.

This requires the identification of clear guidance in respect of data processing in humanitarian action. This should be developed based on the key principles set out in international human rights law and international humanitarian law, the 1990 UN Guidelines for the Regulation of Computerized Personal Data Files,¹ and other relevant instruments relating to privacy and data protection, as well as humanitarian action guidelines and principles².

On the other hand, it is crucial to ensure that data protection rules be interpreted so as not to impede essential humanitarian action.

Considering that some of the organisations involved in humanitarian action derive their mandate from public international law, these questions concern not only data protection laws, but also, to some extent, public international law.

¹ <http://www.refworld.org/pdfid/3ddcafaac.pdf>

² See, for example, Professional Standards for Protection Work
<https://www.icrc.org/eng/resources/documents/publication/p0999.htm>

Purpose of the project:

By building bridges between stakeholders involved in international humanitarian action, the project seeks to:

- Clarify the relationship between data protection laws and humanitarian action.
- Assist humanitarian organizations, and those that are currently adopting data protection policies and practices, with issues that arise in the scope of their work.
- Identify data protection concerns that may arise in the adoption of new technologies in the humanitarian sector, and formulate appropriate guidance to address them.

Scope of the Project / Envisaged Output

The project involves:

- Gathering information and interviewing stakeholders by VUB;
- Organising a series of closed-door workshops, under Chatham House rule, to allow open and frank discussions between experts, with a view to deepening understanding of practical and legal issues relevant to data processing in humanitarian action, as well as identifying solutions/recommendations/guidance;
- Drafting of a series of short papers to summarise the conclusions of the workshops and provide guidance to the humanitarian sector in relation to the topics addressed during the workshops;
- Drafting a series of short papers on areas of interest for humanitarian action, not covered during workshops, based on information gathered and interviews with stakeholders;
- Compiling the papers above into a Handbook on Data Protection and Humanitarian Action.

Stakeholders

The project seeks to bring together key experts in the area of data protection law (academia and practitioners), practitioners from major humanitarian organisations and agencies (governmental and non-governmental), and interested stakeholders from the private sector.

Topics to be covered

Tentative Workshop Calendar

<u>Topic</u>	<u>Tentative Date</u>	<u>Location</u>
<u>Data Analytics / Big Data</u>	<u>16 February 2016</u>	<u>Brussels</u>
<u>"Humanitarian" UAV/Drones</u>	<u>17 February 2016</u>	<u>Brussels</u>
<u>Biometrics</u>	<u>08 June 2016</u>	<u>Geneva</u>
<u>Mobile Cash Assistance</u>	<u>09 June 2016</u>	<u>Geneva</u>
<u>Cloud based data processing (including health data)</u>	<u>14 Sept 2016</u>	<u>Brussels</u>
<u>Internet of Things/Connected Devices</u>	<u>15 Sep 2016</u>	<u>Brussels</u>

Other Topics to be covered through working papers:

- Basic concepts of data protection in humanitarian action
- Legitimate basis for processing (informed consent, and alternatives)
- Data sharing (transfers, and controller/processor relationship)
- Bulk mobile text communication (SMS/ Messaging apps) including two way communication