

Submitted By: The Online Privacy Alliance, www.privacyalliance.org
Contact: Christine Varney, cvarney@hhlaw.com
Paper name: *OPA White Paper Excerpt: Using Self Regulation To Safeguard
Consumer Privacy Online: Limitations on purposes and onward transfers*
Document Name: EU_White-Paper_Excerpt.doc

Excerpted From

**Legal Framework White Paper
Submitted with the Comments of the Online Privacy Alliance
On the Draft International Safe Harbor Principles**

November 19, 1998

**OPA White Paper:
Online Consumer Data Privacy in the United States**

The following is excerpted from the Online Privacy Alliance's "Legal Framework White Paper" and "illustrates how the collective effect of "layered" regulatory and self-regulatory measures creates 'adequate' safeguards for the protection of personal information collected online in the United States." The complete White Paper can be found at the Online Privacy Alliance Web site at <http://www.privacyalliance.org/news/12031998-5.shtml>

**III. THE ONLINE PRIVACY ALLIANCE: USING SELF REGULATION TO
SAFEGUARD CONSUMER PRIVACY ONLINE**

In keeping with the traditional commitment to self regulation in the United States and in response to the FTC's and the Clinton administration's call for responsible self-enforcement of privacy protection by U.S. industry, many U.S. businesses have come together to begin exploring the creation of self-regulatory programs. One particularly successful example of this effort has been the OPA, which brought together over 70 leading global companies and associations beginning in 1998 to address growing public concern over online privacy issues. ...

A. OPA's Privacy Policy Guidelines

... *Limitations on purposes and onward transfers.* Consistent with the OPA's principles regarding notice and consent, the OPA advocates allowing data subjects to opt out of any uses or processing unrelated to the original purpose for which the data are collected. Like Article 6 of the Directive, which requires that personal data not be further processed in a way incompatible with the original purpose for collecting the data, the OPA privacy guidelines limit the extent to which data can be processed for purposes unrelated to the original disclosed purposes in the absence of proper consent. The OPA guidelines similarly limit transfers to third parties for marketing purposes or for other purposes unrelated to the original purposes for collecting the data, much like Articles

10 and 11 of the Directive, which require notifying data subjects of onward transfers of data to third parties where notification is necessary to ensure fair processing of the data. With respect to disclosure of data for marketing purposes, OPA requires its members to disclose in their privacy policies possible onward transfers of personal data and any marketing uses of data. These requirements, and the consumer's ability to leave the site or, in some cases, to opt out of a specific data use on the site, address the principles in Article 14 of the Directive, which provides data subjects with the right to notice prior to disclosure of their personal data for direct marketing purposes and the right to object to direct marketing uses of their data. OPA also encourages its members to take reasonable steps to ensure that third party transferees take reasonable precautions to protect transferred data.