A Decade of OECD Internet Principles: Policy-Making in a Data-Driven World

May 25, 2021
9:00 a.m – 1:00 p.m.
Virtual Conference Via Zoom Webinar

Joseph H. Alhadeff Digital Economy Conference Series

The Joseph H. Alhadeff Digital Economy Conference Series Presents:
"A Decade of OECD Internet Principles: Policy-Making in a Data-Driven World"

A Joint Virtual Conference of the USCIB Foundation, *Business at OECD* (BIAC), and the Organization for Economic Cooperation and Development (OECD)
May 25, 2021
9:00 a.m. - 12:30 p.m. EDT

The USCIB Foundation is pleased to present the second Joseph H. Alhadeff Digital Economy Conference, which will be held as a virtual event on **May 25, 9:00 a.m. - 12:30 p.m. EDT**. This joint biennial conference of the USCIB Foundation, *Business at OECD* (BIAC), and the Organization for Economic Cooperation and Development (OECD) will address: "A Decade of OECD Internet Principles: Policy-Making in a Data-Driven World"

The OECD's Internet Policy Principles (IPPs), adopted in 2011, has underpinned the OECD's evolving work on digital economy issues in the past decade. The COVID-19 pandemic, which has required us to conduct our lives primarily digitally, highlighted the salience of the IPPs, with its calls for global free flow of information and services, multistakeholder participation in policymaking, and consistent and effective privacy protections and cooperation to ensure Internet security. Moreover, these themes have been echoed in recent digital economy work of the United Nations, the U.N. Internet Governance Forum, and other multilateral bodies.

The May 25 virtual conference will consider how the IPPs have been reflected in some of the OECD's ground-breaking digital work – such as development of the Artificial Intelligence (AI) Principles. We also will consider how the Principles may be employed to address challenges posed by the rapid pace of digital innovation and related changes to the digital ecosystem.

Agenda

9:00 a.m. EDT   Introductions and Welcome (10 minutes)
- Peter Robinson, President and CEO, U.S. Council for International Business (USCIB)
- Hanni Rosenbaum, Executive Director, *Business at OECD*

9:10 a.m. EDT OECD Internet Policy Principles: Their Enduring Value in a Rapidly Evolving Digital Ecosystem
- Daniel Weitzner, Principal Research Scientist, MIT Internet Policy Research Initiative
  - Overview of the IPPs and context for their development in 2011 (10 minutes)

Interview/Conversation – a virtual "fireside chat" (30 minutes)

- Moderator: Daniel Weitzner, Principal Research Scientist, MIT Internet Policy Research Initiative
  - Julie Brill, Corporate Vice President and Deputy General Counsel, Microsoft Corporation and Co-Chair, *Business at OECD* Committee on Digital Economy Policy
  - Andrew Wyckoff, Director, OECD Directorate for Science Technology and Innovation

9:50 a.m. EDT

Session One: The OECD's Artificial Intelligence (AI) Principles: IPPs Inform 'The How' (30 minutes)

Development of the OECD's groundbreaking AI Principles amid a backdrop of rapid changes in the digital ecosystem presented many challenges to OECD government and stakeholder experts. The foundational nature of the IPPs was evident throughout the process that culminated in the AI Principles and is continuing with the work to translate the Principles into practice. This panel will explore the continued utility of the IPPs – or possible limitations – as the OECD endeavors to continue implementing these principles in its 2021-2022 work program.

- Moderator: Audrey Plonk, Director, OECD Committee on Digital Economy Policy
  - Dewey Murdick, Director, Center for Security and Emerging Technology, Georgetown University
  - Adam Murray, International Relations Officer, Office of International Communications and Information Policy, U.S. Department of State
  - Barry O'Brien, Government and Regulatory Affairs Executive, IBM Ireland
  - Cristina Pombo, Principal Advisor, Head of the Digital and Data Cluster, Social Sector Department, Inter-American Development Bank
  - Questions from participants

10:20 a.m. EDT

Break (10 minutes)

10:30 a.m. EDT

Session Two: **Government Access to Data in a Post-Schrems II World** (40 minutes total)

Some government agencies regard access to personal data as essential to their law enforcement mission as well as necessary to ensure cybersecurity, intellectual property, and consumer protections. In 2020, however, some members of the OECD Committee on Digital Economy Policy (CDEP) raised concerns about government practices that "fail to preserve trust, namely through unconstrained, unreasonable, or disproportionate requirements" that compel access to personal data held by the private sector. The CDEP also observed that the absence of common principles for trusted government access to personal data may lead to undue restrictions on data flows resulting in detrimental economic impacts.

Recognizing the OECD's strength as a forum to foster discussion and collaboration among like-minded countries, the CDEP therefore decided to undertake further work to deepen understanding of approaches in OECD countries. The Committee also will

examine the possibility of developing an instrument setting out high-level principles for government access to personal data held by the private sector. This work is especially timely in view of the European Court of Justice's (ECJ) judgment in July 2020 that declared the EU-US Privacy Shield Framework invalid on account of "invasive US surveillance programmes" – the so-called Schrems II decision, named for Maximilian Schrems who brought the case. Panelists will consider how the OECD's work on government access to personal data held by the private sector can best optimize national security and privacy concerns. This consultation is aimed at making a useful contribution to the OECD's initiative.

Interview/Conversation – a virtual "fireside chat"
- Moderator: Christopher Hoff, US Deputy Assistant Secretary of Commerce for Services
  o Norman Barbosa, Assistant General Counsel, Microsoft
  o Lauren Bernick, Principal Deputy Chief of the Office of Civil Liberties, Privacy, and Transparency (CLPT) for the Office of the Director of National Intelligence (ODNI)
  o Dylan Cors, International Director, Law and Policy Office of the National Security Division, U.S. Department of Justice
  o Greg Nojeim, Director, Senior Counsel and Director of the Freedom, Security, and Technology Project, Center for Democracy and Technology
  o Michael Rose, Public Policy, Privacy, Google

11:15 a.m. EDT | **Session Three: Changes to the Digital Ecosystem Present New Challenges to Business Policy-Makers and Regulators**
(40 minutes total)

The extent to which use of remote video-conferencing (e.g., Zoom, Teams, and other platforms) became the norm for doing business and engaging in social interaction shortly after the outbreak of the COVID-19 pandemic in early 2020 highlighted the importance of innovative online platforms for ensuring economic continuity and a variety of social welfare needs. The OECD recognized this reality and undertook a project three years ago aimed at surveying and creating a taxonomy on online platforms. More recently, the OECD has endeavored to develop a voluntary transparency framework through the Terrorist and Violent Extremist Online Content (TVEC) initiative.

This conversation will explore that effort as well as companies' initiatives to establish their own mechanisms for decision-making around taking down or leaving up certain content. In addition, panelists will consider what questions the OECD should ask and what evidence the OECD should collect to provide guidance about development of voluntary content moderation tools. The OECD's work program also sets out to consider the nature and remit for the "regulator of the future." Should the roles and responsibilities of digital platforms be considered through that analysis?

Interview/Conversation -- virtual "fireside chat"
- Moderator: Ambassador David A. Gross, Partner, Wiley
  o Sharri Clark, Senior Advisor for Cyber and CVE, Department of State

- o   Richard Clarke, Assistant Vice President, Economic and Regulatory Policy, GlobalPublic Policy, AT&T
- o   Dina Hussein, Public Policy Manager Counterterrorism, Facebook
- o   Erin Saltman, Director of Programming, Global Internet Forum to Counter Terrorism (GIFCT)

11:55 a.m. EDT   Break (5 minutes)

12:00 p.m. EDT   **Looking Ahead at the OECD Digital Economy Agenda**
(30 minutes)

The OECD Committee on Digital Economy Policy (CDEP) has launched an ambitious workstream for the 2021-2022 period, which aims to tackle new policy challenges posed by the rapid pace of innovation and related changes to the digital ecosystem. Panelists will consider what we have learned by using the IPPs to ground digital economy policy work and how we might employ these principles going forward.

Interview/Conversation -- virtual "fireside chat"
- Moderator: Ellen Blackler, Vice President, Policy Strategy, Global Public Policy, The Walt Disney Company and Vice-Chair, *Business at OECD* Committee CDEP
  - o   Nuala O'Connor**,** Senior Vice President and Chief Counsel, Digital Citizenship at Walmart
  - o   Audrey Plonk, Director, OECD Committee on Digital Economy Policy
  - o   Makoto Yokozawa, Senior Consultant, Nomura Research Institute and Co-Chair, *Business at OECD* Committee on Digital Economy Policy

12:30 p.m. EDT   **Conference Conclusion**

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