Earning your trust

At Microsoft, we never take your privacy for granted

• We are serious about our commitment to protect customers in a cloud-first world.

• We live by principles and practices designed to earn your confidence.

• We seek to strike the right balance between using data to create intelligent, personal experiences, while maintaining security and privacy.

Our customers and society expect us to maximize the value of technology while also preserving the values that are timeless.

– Satya Nadella
# Privacy principles

<table>
<thead>
<tr>
<th>Control</th>
<th>Transparency</th>
<th>Security</th>
<th>Strong Legal Protection</th>
<th>No content-based targeting</th>
<th>Benefits to you</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1.png" alt="Fingerprint" /></td>
<td><img src="image2.png" alt="Globe" /></td>
<td><img src="image3.png" alt="Lock" /></td>
<td><img src="image4.png" alt="Gavel" /></td>
<td><img src="image5.png" alt="Target" /></td>
<td><img src="image6.png" alt="Thumbs Up" /></td>
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</tbody>
</table>

- **Control**: We will put you in control of your privacy with easy-to-use tools and clear choices.
- **Transparency**: We will explain what we do with your data in clear, plain language.
- **Security**: We will implement strong security measures to safeguard your data.
- **Strong Legal Protection**: We will respect and fight for legal protection of your privacy.
- **No content-based targeting**: We will not use your email, chat, files or other personal content to target ads to you.
- **Benefits to you**: When we do collect data, we will use it to benefit you and to make your experiences better.

Your data, powering your experiences, controlled by you  
[Microsoft Privacy](https://privacy.microsoft.com/)
Providing clarity and consistency for the protection of personal data

The **General Data Protection Regulation** (GDPR) imposes new rules on organizations that offer goods and services to people in the European Union (EU) or that collect and analyze data tied to EU residents, no matter where they are located.

- **Enhanced** personal privacy rights
- **Increased** duty for protecting data
- **Mandatory** breach reporting
- **Significant** penalties for non-compliance
Expanding on the Data Protection Directive

<table>
<thead>
<tr>
<th>With Directive</th>
<th>With Regulation</th>
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<tbody>
<tr>
<td>• Personal data</td>
<td>• Expanded definition of personal data</td>
</tr>
<tr>
<td>• Data subject rights: deletion, access, correction</td>
<td>• Expanded data subject rights, adding portability, restriction, RTBF,</td>
</tr>
<tr>
<td>• Justifications for processing: consent, legitimate interest, contract</td>
<td>• objecting to profiling</td>
</tr>
<tr>
<td>performance</td>
<td>• Stricter consent requirements</td>
</tr>
<tr>
<td>• Restrictions on data transfers</td>
<td>• Parental consent to process children’s data</td>
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<td>• Security requirements</td>
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<td>• 72-hour breach notification</td>
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<td>• Direct obligations on processors</td>
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<td>• Accountability and documentation, including DPOs, DPIAs, recordkeeping</td>
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<td>• Codes of conduct, certifications</td>
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<td>• Privacy by design, privacy by default</td>
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<td>• Fines and other enforcement mechanisms</td>
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</table>
Key GDPR articles and recitals

Articles 13-14 (information to provide to data subjects)

“the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject”

Article 15 (confirmation of processing, right of access)

Mirrors Article 13 and 14 text regarding profiling

Article 21 (right to object)

• Right to object to profiling
• Can be overridden if controller shows compelling legitimate grounds
Key GDPR articles and recitals

Article 22

“The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.”

- Doesn’t apply to processing based on consent or necessary for performance of a contract
- In those cases, “the data controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.”
Key GDPR articles and recitals

Recital 63
“Every data subject should therefore have the right to know and obtain communication in particular with regard to ... the logic involved in any automatic personal data processing and, at least when based on profiling, the consequences of such processing.”

Recital 71
[Decisions based solely on automated processing and that produce legal effects or similarly significantly affects a data subject]“should be subject to suitable safeguards, which should include specific information to the data subject and the right to obtain human intervention, to express his or her point of view, to obtain an explanation of the decision reached after such assessment and to challenge the decision.”
Considerations

What is the problem we’re trying to solve?
   Will transparency solve it?
   Will regulation solve it?

Recognize that this is an active area of research
Requires partnership between industry, experts, regulators and legislators