

Working Party 29 and CNIL point of view on anonymisation

Topic 4 – Getting the statistics out

Keywords: anonymisation, privacy, law, Data protection

Introduction

Neither the actual Directive 95/46/EC nor the new Regulation (EU) 2016/679 applies to anonymous data. So the question of whether data are personal data or anonymous data is critical. In the actual Directive, the recital (26) indicates that “the principles of protection shall not apply to data rendered anonymous in such a way that the data subject is no longer identifiable”. The recital (26) of the new regulation states that it does “not apply to anonymous information, namely information which does not relate to an identified or identifiable natural person or to personal data rendered anonymous in such a manner that the data subject is not or no longer identifiable.” The definition of “personal data” is the same in the directive and the regulation. It “means any information relating to an identified or identifiable natural person (‘data subject’); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.” In consequence, anonymous data can be defined as not personal data and vice-versa.

Conclusions

This talk will start from the definition of both terms and their legal background in order to better explain the position on anonymisation of both the CNIL and the WP29. Then, some of the technical points of the opinion on Anonymisation techniques published by the WP29 will be presented.

In particular, while the objective of anonymisation can be reached by different means, the WP29 proposed a way to facilitate the proof that a dataset is anonymous by providing three criteria “Singling out, linkability and Inference”. This talk aimed to present and explain the use of those criteria.