

Presentation of the Opinion 5/2014 of the Working Party of Article 29, on Anonymisation Techniques

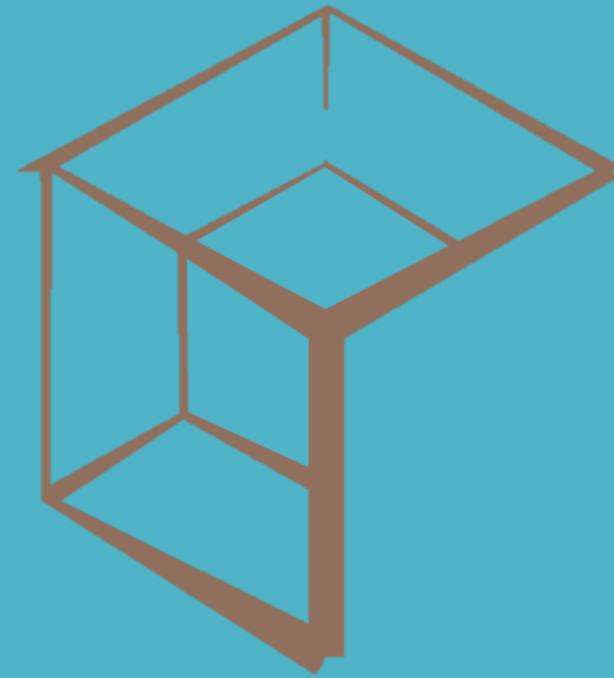
KnowGraphs Research Colloquium

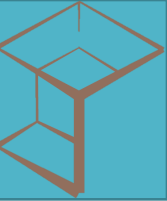
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- Previously Working Party of Article 29 (according to article 29 of the previous Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data)
- Nowadays the European Data Protection Board (EDPB)
- Consists of representatives of the data protection authorities from all the EU Member States
- Among other powers, they issue guidelines, recommendations and best practices (NOT legally binding texts)
- The opinions of the previous Working Party of Article 29 are NOT laws



Article 2(1) GDPR

This Regulation applies to the processing of personal data wholly or partly by automated means and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.

Article 4(1) GDPR

'personal data' 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.

Anonymisation (p 6 of the opinion): *Anonymisation can be a result of processing personal data with the aim of irreversibly preventing identification of the data subject.*



1. Theoretical part: what qualifies as anonymisation
2. Technical part: examination of methods of anonymisation
3. Conclusion: can the existing methods of anonymisation lead to anonymous data?



Recital 26 GDPR

To determine whether a natural person is identifiable, account should be taken of all the means reasonably likely to be used, such as singling out, either by the controller or by another person to identify the natural person directly or indirectly.

Example in the opinion (p 9)

For example: if an organisation collects data on individual travel movements, the individual travel patterns at event level would still qualify as personal data for any party, as long as the data controller (or any other party) still has access to the original raw data, even if direct identifiers have been removed from the set provided to third parties. But if the data controller would delete the raw data, and only provide aggregate statistics to third parties on a high level, **such as 'on Mondays on trajectory X there are 160% more passengers than on Tuesdays', that would qualify as anonymous data.**



Risks of anonymisation methods:

- Singling out , which corresponds to the possibility to isolate some or all records which identify an individual in the dataset
- Linkability, which is the ability to link, at least, two records concerning the same data subject or a group of data subjects (either in the same database or in two different databases)
- Inference, which is the possibility to deduce, with significant probability, the value of an attribute from the values of a set of other attributes.



Methods of anonymisation:

- **Randomisation**
 - Noise addition
 - Permutation
 - Differential Privacy
- **Generalisation**
 - Aggregation and K-anonymity
 - L-diversity/T-closeness
- **Pseudonymisation**



- Broad interpretation of identifiability
- According to the EDPB, None of the existing methods can lead to anonymisation
- Theoretical controversy on anonymisation
- Methods of anonymisation can be useful as means of compliance with the GDPR



- Khaled El Emam, Cecilia Alvarez, 'A Critical Appraisal of the Article 29 Working Party Opinion 5/2014 on Data Anonymisation Techniques' (2015) 5 International Data Protection Law Review 73
- Lee A Bygrave, Luca Tosoni, 'Article 4(1). Personal Data', in Christopher Kuner (ed) and others, *The EU General Data Protection Regulation (GDPR), a Commentary* (Oxford University Press 2020)
- Michèle Fink, Frank Pallas, 'They Who Must not be Identified—Distinguishing Personal from non-Personal Data under the GDPR' (2020) 10 International Data Protection Law Review 11



Thank you for your attention, looking forward to the discussion

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