FUTURE OF PRIVACY FORUM

Advancing Principled Data Practices in Support of Emerging Technologies

2017 ANNUAL REPORT
MISSION

The mission of the Future of Privacy Forum is to serve as a catalyst for privacy leadership and scholarship, advancing principled data practices in support of emerging technologies.

WHO WE ARE

FPF brings together industry, academics, consumer advocates, and other thought leaders to explore the challenges posed by technological innovation and develop privacy protections, ethical norms, and workable business practices.

FPF helps fill the void in the “space not occupied by law” which exists due to the speed of technology development. As “data optimists,” we believe that the power of data for good is a net benefit to society, and that it can be well-managed to control risks and offer the best protections and empowerment to consumers and individuals.

VISION

We believe that...

• technological innovation and new uses of data can help solve big societal problems and improve lives.

• technological innovation must be accompanied by fresh privacy thinking.

• it is possible to build a world where technological innovation and privacy can coexist.

• it is possible to reach consensus on ethical norms, policies and business practices to address new privacy challenges.
# TABLE OF CONTENTS

## ABOUT
- Letter from Leadership 3
- The FPF Team 4-5
- Advisory Board 6-8
- Supporters 9
- By the Numbers 9

## ISSUES
- Big Data 10-11
- Connected Cars 12-13
- Education 14-15
- Health 16-17
- International 18-19
- Location and Advertising Practices 20-21
- Smart Communities 22-23

## EVENTS
- Privacy Papers for Policymakers 24
- Advisory Board Meeting 25
- Capital-Area Academic Network 26
- Tech Lab Open House 26

## FOUNDATION
- FPF Education and Innovation Foundation 27

## STATISTICS
- Financials 28-29
We are delighted to present the Future of Privacy Forum’s 2017 Annual Report. Since our founding nearly a decade ago, FPF has served as a catalyst for privacy leadership and scholarship, advancing principled data practices in support of emerging technologies. FPF brings together industry, academics, consumer advocates, and other thought leaders to explore the challenges posed by technological innovation and develop privacy protections, ethical norms, and workable business practices.

We pride ourselves on being positioned to help fill the void in the “space not occupied by law” which exists due to the speed of technology development. As “data optimists,” we believe that the power of data for good is a net benefit to society, and that it can be well-managed to control risks and offer the best protections and empowerment to consumers and individuals.

With your intellectual engagement and financial support this past year, FPF played a leadership role on a wide range of privacy issues. Our team produced impactful reports, filings and best practices, convened stakeholder meetings and events, and helped shape policies and practices for industry, government, academia and civil society. We hope you find great value in the following pages that cover highlights of our work in areas such as big data, connected cars, education, health, international, location and advertising practices, and smart communities. We could not do this work without the committed stakeholders on our board, advisory board and corporate and foundation supporters. We look forward to our continued partnership and are excited about what lies ahead as we embark on our 10th Anniversary.

Jules Polonetsky
Future of Privacy Forum
Chief Executive Officer

Chris Wolf
FPF FOUNDER & BOARD PRESIDENT
THE FPF TEAM

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This list is current as of May 2018. Please contact us with any updates or discrepancies.
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Yodlee
Zeotap
ZwiftGen PLLC
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Bill and Melinda Gates Foundation
Center for Democracy and Technology
Chan Zuckerberg Initiative
Comcast Innovation Fund
Digital Trust Foundation
National Science Foundation
Stanford Center on Philanthropy and Civil Society

BY THE NUMBERS

158 CORPORATE SUPPORTERS

15 FULL TIME STAFF

27 NEW CORPORATE SUPPORTERS

8 SENIOR FELLOWS

4 POLICY FELLOWS

22 ADVOCATES

40 ACADEMICS

38% FOUNDATION GRANTS

59% CORPORATE FUNDING
BIG DATA
FPF has pursued a combination of practical strategies and high-level thought leadership to address new opportunities and privacy risks presented by novel uses of personal information. FPF has centered its big data work on de-identification and data research ethics. FPF is also pursuing new work related to the benefits and risks of algorithmic decision-making and artificial intelligence.

Understand Corporate Data Sharing Decisions

FPF released *Understanding Corporate Data Sharing Decisions: Practices, Challenges, and Opportunities for Sharing Corporate Data with Researchers*. In this report, we reveal findings from research and interviews with experts in the academic and industry communities.

Three main areas are discussed:
1. The extent to which leading companies make data available to support published research that contributes to public knowledge;
2. Why and how companies share data for academic research; and
3. The risks companies perceive to be associated with such sharing, as well as their strategies for mitigating those risks.

We hope that the impressions and insights gained from this first look at the issue will help formulate further research questions, inform the dialogue between key stakeholders, and identify constructive next steps and areas for further action and investment.

Unfairness By Algorithm

FPF released *Unfairness By Algorithm: Distilling the Harms of Automated Decision-Making*. Analysis of personal data can be used to improve services, advance research, and combat discrimination. However, such analysis can also create valid concerns about differential treatment of individuals or harmful impacts on vulnerable communities.

This report identifies, articulates, and categorizes the types of harm that may result from automated decision-making. To inform this effort, we reviewed leading publications on the topic of algorithmic discrimination and worked with a diverse community of subject matter experts. We distilled both the harms and potential mitigation strategies into two charts. In addition to presenting this document for consideration for the FTC Informational Injury workshop, we anticipate it will be useful in assessing fairness, transparency and accountability for artificial intelligence, as well as methodologies to assess impacts on rights and freedoms under the EU General Data Protection Regulation.
Mobility-related technologies are evolving rapidly, transforming the safety and convenience of transportation in increasingly connected and autonomous vehicles. Many innovative features are enabled by the collection of new types of data, putting the topic of privacy in connected cars on the agenda of industry, policymakers, and regulators. Advancing sensible practices is essential to ensure that the collection and use of this data is responsible, thoughtful, and communicated effectively to consumers.

FPF released an infographic, *Data and the Connected Car – Version 1.0*, describing the basic data-generating devices and flows in today’s connected vehicles. The infographic will help consumers, policymakers, and businesses understand the emerging data ecosystems that power incredible new features in today’s cars—features that can warn drivers of an accident before they notice it, or jolt them awake if they fall asleep at the wheel.

**TEDxWilmingtonSalon: Who’s in the Driver’s Seat?**

Lauren Smith presented at the TEDx Wilmington Salon, *Who’s in the Driver’s Seat? The Transformation of Transportation*. The TEDx included an exciting line-up of the leading voices in the connected car space, including FTC Commissioner Maureen Ohlhausen. Lauren’s talk was titled, *What’s Driving the Connected Car? Data, It Turns Out*, and emphasized the importance of responsible data management in autonomous vehicles. FPF staff and friends gathered at our offices in Washington, DC to watch Lauren’s presentation. She explained: “I am going to argue that in a world where 94% of car crashes are caused by human error, the case is so much stronger for opting in and sharing data with your car than even your phone—something we have all already chosen to do. As with smartphones your car will need to collect information, and sometimes send it, in order to enable these features. And as with smartphones, the companies involved will need to safeguard your privacy in order for you to use and trust the technology. The truth is that yes, your car will be learning more about you, but what it learns may save your life.”
FPF believes that there are critical improvements to learning that are enabled by data and technology. The use of data and technology in K-12 and Higher Education is not antithetical to protecting student privacy. In order to facilitate this balance, FPF equips and connects advocates, industry, policymakers, and practitioners with substantive practices, policies, and other solutions to address education privacy challenges.

FERPA | Sherpa

The FPF Education and Innovation Foundation (EIF) and the Data Quality Campaign relaunched FERPA | Sherpa. Named after the core federal law that governs education privacy, FERPA | Sherpa is the one-stop shop for all education privacy resources. The website includes sections specifically tailored for various audiences, including students, educators, higher ed, ed tech companies, and policymakers; a chart of all state student privacy laws passed since 2013; a searchable resource bank with over 450 education privacy resources; and blogs from stakeholders. You can visit FERPA|Sherpa at www.ferpasherpa.org.

Law Enforcement Access to Student Records

We released Law Enforcement Access to Student Records: A Guide for School Administrators & Ed Tech Service Providers. This publication helps to answer some of the basic questions raised by key stakeholders about law enforcement access to data. The publication emphasizes issues that schools and third-party service providers must consider before disclosing student data in response to law enforcement requests.

FTC: Student Privacy and Ed Tech Workshop

In December 2017, the FTC and the U.S. Department of Education hosted a workshop on student privacy and ed tech. The workshop was intended to clarify how both departments can protect student privacy and ensure student privacy as ed tech in schools advances and expands. Amelia Vance, Policy Counsel and Director, Education Privacy Project at EIF, spoke at the event, presenting on state laws and participating in the panel “Where Do We Go From Here.” Amelia addressed the importance of safeguarding student data while implementing technology in the classroom, outlined the landscape of student privacy concerns, and described trends in state student privacy laws.
Healthcare technologies are rapidly evolving, producing new data types and innovative data uses. Data and technology can bring significant enhancements to the healthcare system, deepen patients’ and consumers’ engagement, and help to improve health outcomes. It is critical to analyze how sensitive health and wellness data affects individual privacy and understand what it means for doctors, researchers, and companies to responsibly use such data.

Genetics Working Group

FPF convened a Genetics Working Group, which consists of leading direct-to-consumer genetics companies in 2017, to develop Privacy Principles for Genetic Data. These Principles provide a privacy policy framework for the collection, protection, sharing, and use of genetic data through tests that are marketed directly to consumers by private companies. FPF is continuing to develop these Principles in 2018, incorporating input from a wide range of stakeholders including advocates, regulators, and organizations.

FPF-IAF Joint Health Initiative

FPF partnered with the Information Accountability Foundation (IAF) to form the FPF-IAF Joint Health Initiative in December 2017. The Initiative convenes leading stakeholders to better understand the health data ecosystem by mapping the stakeholders in the field and data flows between them, and creating a common taxonomy of data types. This project seeks to analyze novel data use cases and identify opportunities and challenges to data sharing. The Initiative’s work continues in 2018 to develop maps and deliverables.

Disability Data Privacy

FPF partnered with the Comcast Innovation Fund in 2017 to explore the promise and privacy implications of the Internet of Thing when used by persons with disabilities. FPF is working in 2018 to convene stakeholders for another dialogue and create a white paper to document the range of areas where data and technology offer benefits to persons with disabilities, how the disability community may have differing views of how data and technology may be used to support their needs and goals, and the circumstances in which users with disabilities may need enhanced or alternative privacy protections.

FPF-IAF Joint Health Initiative

FPF sponsored the Refining Privacy to Improve Health Outcomes Symposium on October 26-27, 2017 in Durham, NC. The event - also sponsored by Intel Corporation, IAF, Center for Democracy, University North Carolina at Chapel Hill, and Duke University, Triangle Privacy Research Hub - brought together leading experts in the fields of privacy, medicine, and data science to discuss how new technologies and data sources can improve health outcomes, while protecting individual privacy. The goal of the event was to propose specific law, policy, and practice changes to promote the more effective use of data for health research.
INTERNATIONAL LAW & REGULATION
Around the world, policymakers are focusing on ways to improve privacy frameworks. More than 120 countries currently have a privacy or data protection law. Significant developments are taking place in the European Union, with the General Data Protection Regulation becoming applicable in May 2018 and a framework for ensuring the privacy of electronic communications currently under consideration. These developments have an impact on US based organizations that conduct business in the EU, even if they do not have an establishment there.

European Updates Newsletter and FPF Europe Community

In 2016, we began to send out “European Updates” Newsletter to a small group of FPF members and friends. That was the first step of building an engaged community among FPF members interested in developments of the privacy and data protection law and policy in the European Union. Around 40 “European Updates” Newsletters were sent throughout last year to a group that now has close to 300 members. We also organized two breakfast events, one in Washington, D.C. and one in San Diego to discuss practical GDPR implementation challenges.

Engaging Regulators Worldwide

FPF, the Internet Privacy Engineering Network (an initiative of the European Data Protection Supervisor), University of Leuven CS Department, and Carnegie Mellon University co-organized a workshop on Privacy Engineering Research and the GDPR: A Trans-Atlantic Initiative at the University of Leuven. With this event, we aimed to determine the relevant state of the art in privacy engineering; in particular, we focused on those areas where the “art” needs to be developed further. The goal of the trans-Atlantic privacy engineering workshop was to identify open research and development tasks, which are needed to make the full achievement of the GDPR’s ambitions possible.

The Annual Brussels Privacy Symposium

The 2017 Symposium, titled AI Ethics: The Privacy Challenge, focused on developing ideas that address the ethical challenges associated with the new capabilities Artificial Intelligence technologies present for democratic institutions, human autonomy, and the social fabric of our society. This academic workshop discussed ways to harness the power of AI and machine learning to better protect individuals’ privacy and security, helping consumers to navigate complex sociotechnical architectures in smart cities and homes, transportation systems, financial transactions, and content platforms. Papers addressed areas such as algorithmic due process and accountability, fairness and equity in automated decision making, societal implications of autonomous experimentation and leveraging AI to enhance privacy.

Transatlantic Privacy Engineering

FPF and the Information Accountability Foundation (IAF) co-hosted an official side event at the International Conference of Data Protection Commissioners in Hong Kong. The discussion centered around Artificial Intelligence, Machine Learning and Ethical Applications.
LOCATION & ADVERTISING PRACTICES
Addressing the privacy issues related to advertising technology and online tracking has been a key focus since FPF’s founding. Increasingly, the mobile advertising space, geo-location tracking, and indoor positioning technologies are at the forefront of online data management, retail, and new consumer offerings. Thus it is not surprising that regulators, industry leaders, and advocates are all taking a hard look at questions about how to appropriately collect and handle consumer data for advertising, location-based targeting, and audience measurement. FPF continues to work with policymakers, advocates, media, and other business stakeholders to support leading privacy practices for the use of location data.

Microphones & the Internet of Things

Microphones in home devices — and increasingly, in city sensors and other out-of-home systems — have continued to generate privacy concerns. This has been particularly notable in the world of children’s toys, where the sensitivity of the underlying data invites heightened scrutiny. Yet voice-first interfaces may one day represent the “normal,” default method of interacting with many online services and connected devices, from our cars to our home security systems. In this Infographic, based on FPF’s earlier white paper Always On: Privacy Implications of Microphone-Enabled Devices, we recommend that policymakers understand the wide range of ways that these devices can operate, and consider legal protections that are appropriate and relevant to: (1) how the device is activated; (2) what kind of data is transmitted; and (3) existing legal protections that may already be in place.

Seeing the Big Picture on Smart TVs

In order to better understand the privacy and security issues raised by Smart TVs, we had the opportunity to informally review the policies and user interfaces of 2017 models from three leading manufacturers: Sony (which uses the Android TV interface), LG, and Samsung. Overall, the industry for Smart TVs and Smart TV data, much like the broader “Internet of Things” ecosystem, is relatively nascent. In the absence of baseline privacy legislation that would provide minimum standards for commercial collection and use of personal information, there is little consensus or consistency between different TV manufacturers about the appropriate ways to collect and use data. Independent trusted organizations will likely play a key role in addressing these challenges in years to come.

Location & Privacy: What Marketers Must Know

FPF Policy Counsel Stacey Gray spoke at the 2017 Local Search Association’s Place Conference. The Place Conference is a day long event covering location intelligence, offline analytics, and proximity marketing. In her presentation, Stacey discussed the rules and practices brands and marketers must get right about location.
SMART COMMUNITIES
Working collaboratively with public, private, and civil society leaders, FPF is developing best practices to guide how cities and local communities collect, manage, and use personal data to improve services for citizens. FPF and its Smart Cities Working Group seek to promote fair and transparent data uses, provide practical guidance to help local governments navigate complicated privacy-related issues, and help individuals better understand and engage with data-driven programs in their communities.

Open Data Risk Assessment for the City of Seattle

FPF created its Open Data Risk Assessment for the City of Seattle. This Report provides tools and guidance to the City of Seattle and other municipalities navigating the complex policy, operational, technical, organizational, and ethical standards that support privacy-protective open data programs.

Model Open Data Benefit-Risk Analysis

To address inherent privacy risks in the open data landscape, the Assessment includes a Model Open Data Benefit-Risk Analysis, which evaluates the types of data contained in a proposed open dataset, the potential benefits – and concomitant risks – of releasing the dataset publicly, and strategies for effective de-identification and risk mitigation.

NITRD’s Smart Communities Federal Strategic Plan

FPF submitted comments regarding the National Coordination Office for Networking and Information Technology Research and Development’s (NITRD) Request for Comment on the Draft Smart Cities and Communities Federal Strategic Plan, published in the Federal Register on January 9, 2017. FPF commended NITRD for its forward-looking guidance and the acknowledgement that privacy will play a key role in promoting trust in smart cities and communities. FPF believes the guidance and its emphasis on privacy is an important first step in building that trust.
Each year, FPF invites privacy scholars and authors with an interest in privacy issues to submit papers to be considered for FPF’s Privacy Papers for Policymakers Award (PPPM). The PPPM Award recognizes leading privacy scholarship that is relevant to policy makers in the United States Congress, at U.S. federal agencies, and for data protection authorities abroad.

This year, the winning authors were invited to join FPF and Honorary Co-Hosts Senator Edward J. Markey and Co-Chairs of the Congressional Bi-Partisan Privacy Caucus, to present their work at the United States Capitol Building with policymakers, academics, and industry privacy professionals. FPF published a printed digest of summaries of the winning papers for distribution to policymakers, privacy professionals, and the public.

WINNING PAPERS

- Artificial Intelligence Policy: A Primer and Roadmap
  Ryan Calo
- Designing Against Discrimination in Online Markets
  Karen Levy and Solon Barocas
- Health Information Equity
  Craig Konnoth
- The Public Information Fallacy
  Woodrow Hartzog
- Transatlantic Data Privacy Law
  Paul M. Schwartz and Karl-Nikolaus Peifer
- The Undue Influence of Surveillance Technology Companies on Policing
  Elizabeth Joh

HONORABLE MENTIONS

- Algorithmic Jim Crow
  Margaret Hu
- The Idea of ‘Emergent Properties’ in Data Privacy: Towards A Holistic Approach
  Samson Y. Esayas
- Public Values, Private Infrastructure and the Internet of Things: The Case of Automobiles
  Deirdre K. Mulligan and Kenneth A. Bamberger

STUDENT WINNER

- The Market’s Law of Privacy: Case Studies in Privacy/Security Adoption
  Chetan Gupta, UC Berkeley
The 2017 Advisory Board Annual Meeting was an opportunity to review FPF’s projects and achievements, discuss emerging privacy issues, and help plan for the year ahead. With the new Administration and a new Congress, regulatory changes worldwide, and the continuing rapid pace of data innovation, there was plenty to discuss.
FPF hosted FPF-CAN, a roundtable discussion featuring Mary Madden (Researcher, Data & Society Institute) and Michele Gilman (Venable Professor of Law and Director of Clinical Education, University of Baltimore School of Law). Mary and Michele discussed their latest research: *Privacy, Poverty and Big Data: A Matrix of Vulnerabilities for Poor Americans.*

The FPF Tech Lab Open House is an opportunity for us to welcome our members, friends, and colleagues in town for the IAPP Global Privacy Summit. Hosted at our home office in Washington, DC, this event provides a rare occasion for Data Protection Authorities and policymakers to interact with the latest in privacy-impacting gadgets and new technologies.

The Tech Lab was widely attended by chief privacy officers, regulators, advocates, academics, and other privacy professionals who encounter the policies and regulations governing the type of technology that was on display. We were delighted to be joined by several distinguished guests: Lahoussine Aniss, General Secretary of the Moroccan Data Protection Authority; Alon Bachar, Commissioner, Israel Securities Authority; Giovanni Buttarelli, European Data Protection Supervisor; Ivan Chi-kin Chan, Head of Communications and Education for Hong Kong’s Privacy Commissioner for Personal Data; Helen Dixon, Data Protection Commissioner for Ireland; Ventsislav Kirilov Karadjov, Chairman of Bulgaria’s Commission for Personal Data Protection; and Raymund E. Liboro, Chairperson of the National Privacy Commission of the Philippines.
The FPF Education and Innovation Foundation, a 501(c)(3), endeavors to educate the public about issues relating to data privacy. Through research, publications, educational meetings, and other related activities the Foundation advances responsible data practices and brings together leaders from industry academia, law, and advocacy groups. Using its research, the Foundation educates the public on the importance of data privacy, new and developing issues in data privacy, and responsible data practices to best protect the public’s interest.

BOARD OF DIRECTORS

Mary Culnan, President
Christopher Wolf, Secretary
Debra Berlyn, Treasurer
Jules Polonetsky, CEO

IN MEMORIAM

FPF launched a new fellowship in memory of Elise Berkower. Elise was a senior privacy executive at global measurement and data analytics company Nielsen for nearly a decade and was a valued, longtime member of the FPF Advisory Board.

FPF acknowledges the Berkower Family, the Nielsen Foundation, IAPP, and friends of Elise as founding sponsors of the Elise Berkower Memorial Fellowship.

The Elise Berkower Memorial Fellowship is designed for recent law school graduates and will honor Elise’s legacy by identifying and nurturing young lawyers interested in contemporary privacy issues with a focus on consumer protection and business ethics. If you would like to support this fellowship, please visit www.fpf.org.
Future of Privacy Forum and FPF Education and Innovation Foundation

Draft Consolidated Statement of Activities for the fiscal year ending on December 31, 2017.

<table>
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<tr>
<th></th>
<th>FPF</th>
<th>EIF</th>
<th>FY 2017</th>
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<tr>
<td><strong>REVENUE</strong></td>
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<td>Contributions</td>
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<td>In-Kind Contributions</td>
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| **EXPENSES**         |           |           |           |
| Program Services     | 1,716,371 | 1,238,058 | 2,954,429 |
| General and Administration | 409,848 | 86,712    | 496,560   |
| Fundraising          | 288,900   | 30,133    | 319,033   |
| **Total**            | 2,415,119 | 1,354,903 | 3,770,022 |

| **NET ASSETS**       |           |           |           |
| Beginning of Year    | 1,322,757 | 24,221    | 1,346,978 |
| Change in Net Assets | 9,126     | 2,613,903 | 2,623,030 |
| **Total Net Assets, End of Year** | 1,331,883 | 2,638,124 | 3,970,008 |

The figures presented here in the form of a Consolidated Statement of Activities are in draft format. They are subject to change pending the completion of the organizations’ fiscal year 2017 audits.
Future of Privacy Forum and FPF Education and Innovation Foundation

Draft Functional Expenses for the fiscal year ending on December 31, 2017.

The figures presented here are in draft format. They are subject to change pending the completion of the organizations’ fiscal year 2017 audits.