

## COMMENTS FROM HIKVISION TO EDPB GUIDELINES 4/2019 ON ARTICLE 25 DATA PROTECTION BY DESIGN AND BY DEFAULT

### I. Introduction

Hangzhou Hikvision Digital Technology Co., Ltd and its affiliates (“**Hikvision**”, “**we**” and “**our**”) are leading providers of innovative security products and are strong supporters of the concept of data protection by design and by default (“**DPbDD**”). In turn, we welcome the opportunity to respond to the public consultation on the draft Guidelines 4/2019 on Article 25 Data Protection by Design and by Default (“**Guidelines**”).

### II. Support for the Guidelines

Whilst DPbDD has been a core concept in data protection management even prior to the EU General Data Protection Regulation (“**GDPR**”) coming into effect, it is also a concept which is often not fully understood. As such, Hikvision appreciates the publication of the Guidelines and the practical guidance on how to effectively implement data protection principles, as well as an emphasis being placed on DPbDD going forward. Hikvision supports in particular, the following aspects of the Guidelines:

- **Scope of Obligations:** Hikvision supports the recognition by the European Data Protection Board (“**EDPB**”) that responsibility for DPbDD extends also to processors and technology providers. We understand that, from a technical viewpoint, controllers should verify the specifications and design of a product. However, as a technology provider we are often best placed to identify the data protection risks that a particular product may involve and we have the appropriate expertise to design products that embed the DPbDD principles and mitigate such risks.
- **“State of the Art” Criteria:** As commented on in the Guidelines in the context of Article 25 of the GDPR, the reference to “state of the art” imposes obligations on controllers when determining appropriate technical and organisational measures “to take account of the current progress in technology”. Hikvision agrees that in an increasingly digital world, it is paramount that those actors responsible for the safeguarding of personal data “have knowledge and stay up to date on technological advances”. Hikvision is constantly working to expand its knowledge and experience so it can provide professional and customized products and solutions which promote privacy and data protection. This approach also serves to meet the continued obligation to maintain DPbDD throughout the lifecycle of data processing activities and assists in ensuring the measures implemented are “suited to achieve the intended purpose”.
- **Certification Schemes:** The availability of a certification scheme to demonstrate compliance with the DPbDD principles would be welcomed by Hikvision which is committed to building products and services that feature privacy enhancing technologies. A certification scheme would in turn, facilitate technology providers to use DPbDD as a competitive advantage in the market as encouraged by the EDPB and to demonstrate accountability on how we have complied with DPbDD.

### **III. Conclusion**

The Guidelines as drafted seek to re-focus GDPR compliance efforts on operationalising the DPbDD principles and enabling the exercise of data protection rights by data subjects. Hikvision is strongly in favour of facilitating and enhancing the adoption of DPbDD and takes its role as a technology provider very seriously in this regard. Hikvision further fully supports the position as stated in the Guidelines “that technology providers should use their expertise and seize the opportunity to build trust and guide their customers in designing solutions that embed data protection into the processing”. For example, our video surveillance products support the static Privacy Mask function that can permanently shield the region selected from the monitoring scope with the mask covering the face and/or the whole body. In turn, our Privacy Redaction Solution supports masking of video clips and encryption of video footage.