



Executive Committee^{ICDPPC}

International Conference of Data Protection and Privacy Commissioners

Report of the Executive Committee (2014/15) to the Closed session of 37th Conference Amsterdam, October 2015

Selected highlights

- ❖ Organised closed session with twin themes: genetics and oversight of intelligence organisations
- ❖ Permanent Conference website built and repository of conference documentation established
- ❖ Communications innovations: regular newsletter and alumni network
- ❖ New process for selecting Conference hosts out of session: approved host for 38th Conference
- ❖ Implementation of resolutions: strategic direction, enforcement cooperation, privacy in digital age

Prepared: 26 August 2015

Executive Committee, International Conference of Data Protection and Privacy Commissioners

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Report of ICDPPC Executive Committee 2014/15

This annual report is the 4th issued by the Executive Committee, and the first under the Chairmanship of the New Zealand Privacy Commissioner with the Secretariat provided by the New Zealand Office of the Privacy Commissioner.

The Committee derives its mandate principally from the Conferences rules and procedures and also from Conference resolutions, including the strategic plan. The Committee has roles both of a governance and operational nature.

The governance roles are exercised with, and subject to, the closed session while the operational roles are performed principally by the Secretariat but with some tasks delegated by the Committee to particular Committee members.

The Committee met approximately every two months. It met in person where feasible but more usually by teleconference. By the time it completes its term, the Committee expects to have met seven times: 3 times in person (in Fort Balaclava, Washington DC and Amsterdam) and 4 times by teleconference.

Executive Committee membership

The five-member Executive Committee established at the 36th Conference in Mauritius is as follows:



John Edwards

Elected member and Committee Chair

New Zealand Privacy Commissioner

NZ elected at 35th Conference and completes first 2 year term at 37th Conference



Julie Brill

Elected member of Committee

Federal Trade Commissioner, USA

USA elected at 33rd Conference and completes second and final 2 year term at 37th Conference



Isabelle Falque-Pierrotin

Elected member of Committee

President, CNIL, France

France elected at 36th Conference and completes first year of 2 year term at 37th Conference



Drudeisha Madhub

Immediate past host member of Committee

Data Protection Commissioner, Mauritius

Mauritius completes its 2 year term as host member at 37th Conference



Jacob Kohnstamm

Next host member of Committee

Chairman, Dutch Data Protection Authority

NL completes its term as 'next host' at 37th Conference and begins a year as 'immediate past' host. NL served for three years as an elected member from 33rd Conference during which Jacob was Committee Chair.

The Conference rules provide for two year terms for elected Committee members. Members may be re-elected for no more than two consecutive 2-year terms. The Committee pays tribute to the members from Mauritius and the USA who will be retiring from the Committee at the 37th Conference.

Committee members actively involve members of their staff in the work of the Executive Committee. The contribution of the following staff members of member authorities is particularly acknowledged: Nicholas de Bouville (FR), Paul Breitbarth (NL), Dominique Hagenauw (NL), Florence Raynal (FR), Guilherme Roschke (USA), Blair Stewart (NZ), Linda Williams (NZ) and Vanya Vida (NZ).

Secretariat

Under the conference rules, the Chair provides the Secretariat. The rules state that the Secretariat function includes “the management and preservation of the documents and files of the Conference”.

This year the Office of the Privacy Commissioner, New Zealand, has provided the Secretariat. The contribution of the following NZOPC staff members is particularly acknowledged: Blair Stewart, Assistant Commissioner (Auckland), Vanya Vida, Policy Adviser (Codes and International), and Linda Williams, Executive Assistant.

The contribution of independent contractor Simon Yock in the design and build of the permanent Conference website is acknowledged. The website represents a major effort by the Secretariat to manage, disseminate and preserve core Conference documentation and to build the Conference’s administrative capacity.

Tasks of the Executive Committee

The Executive Committee and Secretariat perform a variety of functions on behalf of the Conference. Some of these functions set out in the rules are routine and are carried out each year. New functions – some of them placing a substantial new burden on the Committee - have arisen from resolutions of recent Conferences. In addition the Committee has found scope to take initiatives under its general mandates to make the Conference more effective or efficient.

This report focuses principally on the new initiatives undertaken this year. This is not to diminish the importance of tasks Committees routinely undertake every year. The task of selecting topics for, and then organising, the closed session has, in particular, involved substantial time and effort by the entire Committee.

Upgrading Conference communications

From the outset, the Chair placed a special emphasis on the importance of communications as a means to meet the needs of the wider Conference community and promote accountability and responsiveness. Two significant initiatives were the establishment of a regular newsletter and the construction of the long awaited permanent Conference website.

The newsletter has been a useful communications channel with the membership. It has enabled the Chair and Secretariat routinely to update the membership of the Committee’s work rather than needing to await an annual meeting. The newsletter has also been a vehicle to highlight developments in the DPA community such as appointments, retirements, obituaries and honours. The Secretariat has made a special effort to include profiles of other privacy networks operating at regional and global level.

The regular despatch of a newsletter has helped keep the Conference contact list current, a constant challenge for the Secretariat.

The newsletter also provided a focus for the Secretariat to create an ‘alumni network’ mailing list of former Commissioners who wished to maintain contact with the DPA community following their retirement.

The launch of a permanent Conference website in April 2015 was a major milestone for the Conference. The website is a much needed resource as has been recognised in successive Conference resolutions since 2005’s Montreux Declaration.

The existence of the website has enabled the Secretariat to assemble, preserve and making available Conference documentation through the establishment of an online archive. It has also been valuable for publishing current documents such as Executive Committee minutes and newsletters.

New tasks flowing from Conference resolutions

Two interrelated functions placed with the Committee under the Conference rules are “to implement the decisions of the Closed Session” and “to ensure the application of the resolutions of the Closed Session”.

Several closed session decisions and resolutions placed new responsibilities on this Committee. Some of these new functions were relatively small or ‘one off’ matters. However, several placed a substantial burden upon the time of the Secretariat during the year in designing, building and testing the necessary systems (such as those concerning host selection and signing up to the Enforcement Cooperation Arrangement) and represent an ongoing work-stream for future Committees.

Amongst the smaller matters dealt with were the efforts to advance the objectives of the Resolution on Privacy in the Digital Age by engaging with the institutions of the United Nations. Pleasingly, these efforts have resulted in the newly appointed UN Special Rapporteur on the Right to Privacy agreeing to address the annual meeting.

More substantial functions arising from closed session decisions and resolutions included:

- **New host selection processes:** The 36th Conference approved rule changes to empower the Committee to evaluate and recommend future hosts out of session. A sub-committee to the Executive Committee developed the necessary guidance documentation, templates and assessment methodology and successfully piloted the process in the selection of the 2016 Conference host. The result was that the selected host has at least an extra 4 months preparatory time than would have been the case under the former system. The Committee intends that the selection process will begin even earlier to give future hosts even longer preparation time.
- **Strategic direction:** Work of the Strategic Direction Working Group is undertaken ‘in close liaison’ with the Executive Committee. That working group is reporting separately but the group’s deliverables (strategic plan, and Secretariat funding proposal) have been developed with the Committee’s involvement.
- **Cross-border Enforcement Cooperation Arrangement:** This resolution has several features that impact upon the Executive Committee’s mandates. Two examples are the roles of ensuring that there is “an annual opportunity for those particularly interested in issues of enforcement and coordination to meet”, which was discharged by recognising an event run in Canada, and another is a role of initiating discussions “with GPEN and other relevant networks” to explore coordination opportunities, for which some preliminary work has been undertaken with a plan developed to complete the task in 2016. More substantially, the Secretariat is in the process of implementing processes for authorities to be able to sign onto the Enforcement Cooperation Arrangement. This work is in progress at time of writing this report.

Other matters

The report has highlighted some of the more interesting or substantial new endeavours. Other matters of note:

- **Representation before meetings of international organisations:** France has undertaken the responsibility arranging Conference representation as an observer before certain meetings of committees of the OECD, Council of Europe and ISO. The French CNIL has itself provided the relevant delegates this year. The Committee acknowledges the contribution of the following CNIL staff: Lim Laurent; Matthieu Grall.

- **Accreditation of new members:** Coordination of this task was undertaken by the FTC. The Committee acknowledges the contribution of FTC staffer: Guilherme Roschke.
- **Hosting authority:** The Netherlands has organised the public conference planned for Amsterdam without the need for any assistance or involvement by the Committee. The Committee acknowledges the contribution of the following Dutch DPA staff: Paul Breitbarth; Dominique Hagenauw; R.B.S. Stroot.

Closing comment

It has been my honour to serve the Conference as Executive Committee Chair this year and to have provided the hard working Secretariat. As I am offering myself for re-election, I look forward to working with a new Committee to build on the substantial progress made this year by the Committee.

John Edwards

Chair, ICDPPC Executive Committee