

26th International Conference on Privacy and Personal Data Protection

Wroclaw, Poland, 14 September 2004

Minutes of the Closed Session of World Data Protection

Commissioners, 14 September 2004

[Extract only]

1. Welcome and Agenda

Dr. Ewa Kulesza, the Inspector General for Personal Data Protection, Poland, as Host of the 26th International Conference on Privacy and Personal Data Protection and Chair of the closed session, welcomed delegates to the Closed Session of World Data Protection Commissioners.

The Chairwoman informed the participants of the documents which were handed to them prior to and at the beginning of the Closed Session.

2. Report of the Credentials Committee and Resolution on Accreditation

On behalf of the Credentials Committee Mr Richard Thomas, Information Commissioner, United Kingdom, introduced the report. Please refer to Attachment A for the content of this report.

At the beginning Mr Richard Thomas thanked former members of the Committee Mr Bruce Slane and Mr Michele Gentot for their significant contribution to the Credentials Committee's works in its first period of activity.

Mr Richard Thomas explained that each application obtained by the Committee was assessed against the accreditation principles adopted during the 23rd Conference in Paris. Of the 5 accreditation applications received, 3 were at the national level, one at the sub national level and one at supranational and international level.

The Committee recommended granting the accreditation to the Korean Information Security Agency (KISA). In connection with this proposal Mr Richard Thomas informed the meeting about extra meeting with the KISA representatives organised a day before the conference during which a wide scope of remits of the Korean authority and existence of guarantees of its independence had been demonstrated. Mr Richard Thomas requested adoption of the Resolution and adding KISA as an authority at the national level.

As to the applications submitted by the Federal Institute of the Federal Institute of Access to Information, Mexico, and the Chief Privacy Officer of the Department of Homeland Security the Credentials Committee did not recommend granting these authorities the accreditation because of too narrow scope of their powers and as to the American authority the issue of guarantees of adequate level of independence and "internal" nature of the Officer was raised.

The Committee recommended granting accreditation at the sub national level to the Catalonian Data Protection Commissioner. Whereas at the supranational and international level the Credentials Committee for the first time recommended granting the accreditation with the voting rights to the European Data Protection Supervisor (EDPS).

The Resolution on Accreditation was adopted with consensus with the amendments concerning KISA's accreditation. This Resolution is at Attachment B.

On the margin of the Credential Committee's Report Mr Richard Thomas noticed stressing that the following was his personal opinion that the present accreditation rules deprived the world commissioners meeting of the representation of key states the authorities of which the Credentials Committee had to recognise as not meeting the adopted principles because of binding rules on accreditation granting. Mr Richard Thomas underscored that this resulted in losing the possibility of having a wide opinion and experiences sharing by a full exclusion of the large number of important states which at the best obtain the observer status only because they act in different ways than the rest of commissioners.

The discussion conducted afterwards demonstrated the importance of the problem, however the commissioners did not take any binding resolution in this regard.