

Resolution

On accreditation



The Executive Committee proposes that the 34th International Conference of Data Protection and Privacy Commissioners grants accreditation to the authorities listed in the schedule.

The Members of the Executive Committee:

- Jacob Kohnstamm, Netherlands DPA
- Julie Brill, United States Federal Trade Commission
- José Clastornik, Uruguay Unidad Reguladora y de Control de Datos Personales
- Timothy Pilgrim, Office of the Australian Information Commissioner
- Jacqueline Peschard Mariscal, Mexico Instituto Federal de Acceso a la Información y Protección de Datos

Schedule

1. Members

- Colombia** Superintendence of Industry and Commerce of Colombia
- Korea** Personal Information Protection Commission (PIPC)
- Peru** National Authority for Data Protection
- Saxony (Germany)** - Saxon Commissioner for Data Protection (SCDP)
- Serbia** – Poverenik za informacije od javnog značaja i zaštitu podataka o ličnosti (Commissioner for Information of Public Importance and Personal Data Protection)
- Tunisia** - Instance Nationale de Protection des Données à Caractère
- Costa Rica** - Agencia de Protección de Datos de los Habitantes
- Norway** - Datatilsynet (Data Protection Authority)

2. Observers

- Association Francophone Des Autorités De Protection Des Données Personnelles** (French-Speaking Association of Personal Data Protection Authorities)
- Organization of American States**
- Korea National Information Society Agency (NIA)**
- Ecuador** Dirección Nacional de Registro de Datos Públicos (DINADARP)

Report

This year the executive committee received 12 applications:

Country	Status Requested	Name of The Authority
Colombia	Member	Superintendence of Industry and Commerce of Colombia
Costa Rica	Member	Agencia de Protección de Datos de los Habitantes
Ecuador	Observer	Dirección Nacional de Registro de Datos Públicos (DINADARP)
Korea	Member	Personal Information Protection Commission (PIPC)
Korea	Observer	National Information Society Agency (NIA)
Norway	Member	Datatilsynet (Data Protection Authority)
Peru	Member	National Authority for Data Protection
Saxony (Germany)	Member	Saxon Commissioner for Data Protection (SCDP)
Serbia	Member	Poverenik za informacije od javnog značaja i zaštitu podataka o ličnosti (Commissioner for Information of Public Importance and Personal Data Protection)
Tunisia	Member	Instance Nationale de Protection des Données à Caractère
---	Observer	Association Francophone Des Autorités De Protection Des Données Personnelles (French-Speaking Association of Personal Data Protection Authorities)
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1. Applications for Accreditation as Member

Upon review of the applications received and consideration of the legislative instruments and other documents provided as background information, the Executive Committee recommends that the Colombia Superintendence of Industry and Commerce of Colombia, the Costa Rica Agencia de Protección de Datos de los Habitantes, The Korea Personal Information Protection Commission (PIPC), the Norway Datatilsynet, the Peru National Authority for Data Protection, the Saxon Commissioner for Data Protection, the Serbia Commissioner for Information of Public Importance and Personal Data Protection, and the Tunisia Instance Nationale de Protection des Données à Caractère be granted Member status to the Conference. The Executive Committee is satisfied that each of these authorities meets the requisite conditions for accreditation; notably that they:

- are public entities, created by an appropriate legal instrument based upon legal traditions of the country or international organization which they belong to;
- have the supervision of the implementation of the legislation on the protection of personal data or privacy as one of their principal regulatory mandates;
- operate under a legislation that is compatible with the principal international instruments dealing with data protection or privacy;
- have an appropriate range of legal powers to perform their functions; and
- have appropriate autonomy and independence.

Finally, and given that the Ecuador DINADARP has submitted its documentation significantly after the expiry of the deadline provided for by the Accreditation rules, the Executive Committee was not able to properly assess its membership application. However we do recommend that DINADARP be approved as an observer, for they meet the criteria.

2. Applications for Accreditation as Observer

The Executive Committee recommends that the Korea National Information Society Agency, The French-Speaking Association of Personal Data Protection Authorities, and The Organization of American States be granted Observer status to the conference, insofar as they are public entities involved in dealing with the protection of personal data. For the same reason, the Executive Committee recommends that the Ecuador DINADARP be granted observer status as well.

Background Information of New Members

The Superintendence of Industry and Commerce (SIC) of Colombia is public entity created by Decree 2974 of 1968. The SIC is an autonomous public entity adjunct to the Ministry of Commerce, Industry and Tourism. It is divided into six Deputy Superintendencies, one of which is dedicated to data protection. (Others include competition and consumer protection.) Article 19 of the General Data Protection Law (GDPL) states that the SIC,

through its data protection Superintendency, “shall exercise supervision to ensure that the personal data treatment principles, rights, guarantees, and procedures established in this law are respected.” In addition, one of the SIC’s functions is to “ensure compliance with legislation on personal data protection” (GDPL Art 21). The head of the SIC’s Superintendency for Data Protection is José Alejandro Bermúdez Durana.

The Costa Rica Agencia de Protección de Datos de los Habitantes (Prodhav) is created by the Law for Protection of Personal Data Arts. 15-22 (Ley de protección de la Persona frente al Tratamiento de sus Datos Personales, Law No. 8968). The law was passed by the National Assembly of Costa Rica and was issued in the official diary of Costa Rica’s Government, No. 170 of July 7, 2011. Prodhav is responsible for enforcing this law in the public and private sectors. The Director of Prodhav is Arlene Gonzalez Castillo.

The Korea Personal Information Protection Commission (PIPC) is a public entity created by Article 7 of the Personal Information Protection Act (PIPA). The PIPC has general supervisory as well as certain remedial authority in the implementation of Korea’s data privacy requirements. The Chairman of the PIPC is Tae Jong Park.

The Norway Datatilsynet (Data Protection Authority) was created by the Personal Data Act. The Personal Data Act is reported by the Norwegian DPA to principally implement the 1995 EU Directive. The Norwegian DPA has jurisdiction over both the private and the public sector. The Director of the Norwegian DPA is Bjørn Erik Thon.

The Peru National Authority for Data Protection (NADP) is a public entity created by the Law for Personal Data Protection (LPDP), Act no. 29733. Article 32 of the LPDP states that the NADP may “perform all necessary actions to implement the purpose and other provisions of this act and its regulations.” The purpose of the act per Article 1 is “to guarantee the fundamental right to personal data protection.” The Director of the NADP is Jose Alvaro Quiroga León.

The Saxon Commissioner for Data Protection (SCDP) is a public entity created by the Law for the Protection of the Right to Informational Self-Determination in the Free State of Saxony (Saxon DPL). The SCDP has jurisdiction over the public sector (DPL Article 27) and some aspects of the private sector (DPL Article 30a). The head of the SCDP is Dr. Tino Nauman.

The Serbia Commissioner for Information of Public Importance and Personal Data Protection (SDDP) is a public entity created by the Law on Free Access to Information of Public Importance (LFAI). The SCDP implements the Law on Personal Data Protection (LPDP). Article 2 of the LPDP states that “the objective of this Law is to ensure realization and protection of the right to privacy and other rights and freedoms regarding personal data processing to every natural person.” The LPDP implements the Council of Europe Convention No. 108 and the Council of Europe Additional Protocol. The head of the SCDP is Rodoljub Šabić.

The Tunisia Instance Nationale de Protection des Données à Caractère (INPDP) is a public entity created by Organic Act No. 2004-63 (OA). The INPDP is responsible for the implementation of Tunisia’s data protection law. Article 76 of the OA states that the INPDP “shall specify the necessary guarantees and the appropriate steps for the protection of

personal data” and “give its opinion on any matter linked with the requirements of this Act.” The purpose of the Act per Article 1 is to ensure that personal data processing “respect[s] transparency, fairness and the respect of human dignity.” The President of the INPDP is Yahyaoui Mokhtar.