

ICDPPC Executive Committee Minutes

30th Meeting of ICDPPC Executive Committee

20 July 2016

Attended in person

Chair: John Edwards, New Zealand
Secretariat: Blair Stewart, New Zealand
France: Isabelle Falque-Pierrotin, Florence Raynal
Canada: Brent Homan, Miguel Bernal-Castillero
Morocco: Lahoussine Aniss
Hong Kong*: Stephen Wong, Charly Yu, Dennis Ng, Joshua Ngai

**HKPCPD is the host of the 39th Conference and was invited to attend the meeting as an observer. The purpose was to encourage a smooth host transition and provide an opportunity to the future and current hosts to develop a hosting handover document.*

Attended via teleconference

Secretariat: Vanya Vida
Netherlands: Udo Oelen

Meeting opened: 4:45pm (SST)

Apologies: Daniel Therrien (CA), Said Ihrari (MO), Wilbert Tomesen (NL)

Action in 2016

1. Previous meeting

- a. **Minutes** of 29th meeting: **approved**.
- b. **Action points** All completed except tasks 2 and 4 (to be completed shortly) and task 6.

2. Standing items

- a. **Update from the Secretariat:** Secretariat highlighted a new webpage dedicated to other privacy networks such as regional, linguistic-based and enforcement networks. The web resource supports the strategic priority of supportive connections between networks.

b. Accreditation

- i. **Membership:** Seven membership applications received from: Armenia Personal Data Protection Agency; Belgium Supervisory Body for Police Information Management; Cote d'Ivoire Telecommunications Regulatory Authority; Japan Personal Information Protection Commission; Nigeria National Identity Management Commission; Philippines National Privacy Commission; Russia Federal Service for Supervision of Communications, Information Technology and Mass Media.

Reports by CA on the assessments of each application had been circulated. CA orally elaborated upon its reasoning.

The Committee considered that the applicants Armenia, Cote d'Ivoire and Philippines met the membership criteria and agreed to recommend that the Conference grant them membership status.

Consensus was not reached in relation to the application from the Belgium Supervisory Body for Police Information Management. FR expressed concern at grant of membership to an authority with such a narrow sectoral mandate. The Committee agreed to defer this application to the September meeting and asked the Secretariat to prepare a paper to assist discussion.

The Committee declined to recommend membership for Japan's Personal Information Protection Commission as all its statutory powers would not fully commence until September 2017. The Committee agreed to recommend that the PPC be granted observer status for the 38th Conference. The PPC could reapply for membership in anticipation of the 39th Conference and the Committee was confident it would be eligible.

The Committee discussed the application from the National Identity Management Commission of Nigeria. The Committee agreed that the Nigerian authority does not meet the membership criteria in rule 5.1(b), (c), (d) and (e). However, the Committee agreed to recommend observer status for one meeting.

The Committee discussed the application from the Russian Federal Service for Supervision of Communications, Information Technology and Mass Media. The Committee agreed that the Russian authority did not possess the necessary guarantees of autonomy and independence. The Chair requested CA to prepare a note highlighting the relevant unfulfilled membership criteria in order to help the Russian authority identify the relevant criteria that needs to be satisfied to become a member.

Three membership applications had been received too late to be assessed in time for the meeting: Cape Verde National Commission of Data Protection; Mali Data Protection Authority; Nigeria Cybercrime Advisory Council. CA will complete assessments before the next meeting.

The Chair thanked Canada for their work in assessing membership applications.

Action: Secretariat to notify membership applicants where the Committee has reached a decision on accreditation recommendations.

Action: CA to prepare a note for the Secretariat to be incorporated into the notification to Russia highlighting the steps that might be taken to fulfil the relevant membership criteria.

Action: Secretariat to prepare a paper addressing the issues FR raised regarding the Belgian scope of jurisdiction and the current rules.

Action: CA to complete assessments of remaining membership applications from Cape Verde, Mali and Nigeria.

- ii. **Observer:** Four observer applications had been received from: Baker & McKenzie; Danish National Police; International Committee of the Red Cross; Commission on Administrative Justice of Kenya.

Reports by the Secretariat in relation to each application had been circulated. The Secretariat orally elaborated upon its reasoning.

The Committee agreed to recommend observer status to the International Committee of the Red Cross (3 years) and to the Commission on Administrative Justice of Kenya (1 meeting). The Committee especially noted the ICRC's engagement in relation to the Conference working group on privacy and international humanitarian action.

The Committee agreed that Baker & McKenzie does not meet the rule 5.3(b) criteria and would not recommend grant of observer status.

The Committee agreed that observer status should not be granted to the Danish National Police applicant. This was consistent with previous Committees that had declined to support observer status for bodies solely possessing internal data protection compliance functions for a particular organisation.

Action: Secretariat to notify observer applicants of the Committee's recommendations.

- c. **Upcoming meetings of international organisations:** The Secretariat had updated Committee in writing on the OECD Ministerial on the Digital Economy and the Chair spoke briefly to the matter. FR advised that it will provide a written report on the European Spring Conference to the Secretariat for circulation to the Committee.

Action: FR to provide a written update on the European Spring Conference.

3. 38th Conference

a. Closed session topic

- i. **Day 1:** The Chair advised the Committee that Ian Kerr has accepted a formal invitation to present at the closed session. Ian Kerr will moderate both the AI/Robotics and Encryption topics.

The Chair advised the Committee that Nadia Thalman (AI) and Frederica Lucivero (Robotics) are available. The Committee agreed to formally invite them both to address the AI/robotics topic.

Latha Reddy and Chris Kuner had been confirmed as available speakers on the Encryption topic.

Action: Secretariat to formally invite Nadia Thalman, Frederica Lucivero, Latha Reddy and Chris Kuner to present at the closed session.

- ii. **Day 2:** The Secretariat advised that it will seek programme suggestions from members to add to the items already identified. The Secretariat will draft and circulate a draft agenda for Day 2 with the final agenda endorsed at the next meeting.

Action: Secretariat to invite members to suggest agenda topics for Day 2.

Action: Secretariat to prepare an agenda for Day 2.

b. Public Conference

MO updated the Committee. A special advertising campaign has been put in place to promote the Conference. MO requested members to promote the public conference. The Chair agreed with MO and encouraged the Committee and Conference members to publicise and promote the 38th Conference via various networks.

MO highlighted the difficulty it faced in communicating with usual business and civil society attendees as it did not have access to the participant list from the 37th Conference. The Chair encouraged NL as previous host to use its records and undertake a mail out to previous attendees.

MO advised the Committee that the open session agenda is still being finalised and will be circulated to the Committee shortly. MO thanked Committee members for comments on the draft agenda.

Action: All Committee members to publicise and promote the 38th Conference through their networks. The Chair specially called upon NL as previous host to promote the Conference using the participant list from the 37th Conference which was not being made available to the host of the 38th Conference.

Action: Secretariat to send a reminder to members to register for the 38th Conference.

Action: MO to send final open session agenda to Secretariat for circulation to Committee.

4. Committee work to implement strategic plan

a. Part A. Strengthening Our Connections, Working With Partners

- i. Observer arrangements: The Committee endorsed the Secretariat's recommendation to make administrative changes to observer rules.

Action: Secretariat to draft a proposed rule change to create a more flexible process to approved observers in advance of annual meetings.

- ii. Enforcement cooperation coordination

- i. General: The Secretariat updated the Committee that a new webpage dedicated to other networks. This initiative promotes the Conference's strategic priority to develop supportive connections between networks.

- ii. Connection between GPEN and the Conference

The enforcement cooperation resolution mandates the Executive Committee to initiate discussions with GPEN and other networks with a view to explore practical options and opportunities to improve enforcement cooperation, a mandate delegated to the Chair. The Chair updated the Committee on exploratory correspondence with the GPEN Committee on the possibility of a MoU between the two networks. FR noted that a broader discussion was warranted within the Committee about the strategic direction and vision for relationship between the Conference and GPEN.

Action: Chair/Secretariat to advance discussion with GPEN Committee and prepare a draft MoU for consideration at the next Committee meeting.

- iii. Enforcement cooperation arrangement compatibility with Convention 108: item deferred to next meeting.

b. Part B. Advancing Global Privacy in a Digital Age

- a. Invitation extended to UNSR to address closed session: The Committee agreed that the invitation to the UNSR to attend the closed session will extend to the full meeting (both Days 1 and 2).
- b. Develop common approaches and tools for data protection and privacy: item deferred to next meeting.
- c. Part C. Completing Conference Capacity building: item deferred to next meeting.
- d. Part D. Assessing Our Effectiveness: item deferred to next meeting.

5. Working groups

Item deferred to next meeting.

Planning for 2017 and beyond

6. 39th Conference planning and organisation

HKPCPD updated the Committee on advance planning.

7. Future Conferences

The Committee endorsed the Secretariat's plan for calling for hosting proposals for the 40th Conference with the next Committee confirming a selection before the end of 2016.

Action: Secretariat to release call for hosting proposals for the 40th Conference.

8. Future Enforcement Cooperation meetings

Item deferred to next meeting.

9. Next meeting

21/22 September 2016

Meeting closed: 5:57pm (SST)