

2015 Rule Changes for Observers

Note by Secretariat: 21 April 2016

[Provided for information: No ExCo action needed]

The Committee will recall that Conference rules 5.3 and 5.4 were amended last year to provide that applications for Observer status were to be made “on the form provided by the Secretariat” and that Observer status would now be granted “for a particular annual meeting or for a period of time covering more than one annual meeting”.

We reported at the last meeting that all the necessary forms were now uploaded to the website together with FAQs. (As an aside, we have received our first application using the online process, although it is a membership rather than an observer application.)

This note provides an update for the Committee about the Secretariat’s work in implementing the new Observer arrangements. This was an identified task for the Secretariat in the Committee’s 2015/16 work plan.

Rule 5.3: Grant of observer status for a single meeting or for multiple meetings

The provision for granting observer status for a particular annual meeting or for a period of time covering more than one meeting represents a change in practice. The change will bring benefits including controlling a list of observers that would, if left unchecked, simply grow larger and out of date. Getting a more realistic list of active observers will assist hosts in predicting how many observers might need to be accommodated in the closed session. Placing a finite period on observer status will enable the Conference to maintain better control on which non-members can access the closed session.

The new rule does not determine which observers will be granted single meeting rights and which will be granted multiple meeting rights. That will be determined on a case by case basis.

Nor does the rule specify the period of time for multiple meeting rights but as part of providing the necessary forms the Secretariat has settled upon 3 years as a suitable period.

The Secretariat has given the following guidance for applicants in the FAQs

How long does observer status last for?

The online forms ask applicants to indicate whether they wish observer status to be granted for a particular annual meeting or for a period of time covering more than one annual meeting.

Observer status for a particular annual meeting

If an applicant wishes observer status to be granted only for a particular conference the Executive Committee will consider the application only for that conference.

If an organisation obtains 'one off' observer status and then later wants to attend another conference in another year they need simply to submit a new application at the time.

Grant of observer status for a particular annual meeting may be particularly relevant to:

- Organisations that would find it useful to observe the conference when it is held in their own or a neighbouring country but who would be unlikely to travel to the Conference in another region.
- Organisations engaged in a short term project closely touching upon data protection – for instance an international organisation setting privacy standards in a specialised area- but no long term involvement with privacy and data protection.
- Government bodies setting up a data protection authority that will later be able to apply for membership in its own right.

Observer status for a period of time covering more than one annual meeting

If an applicant wishes observer status to be granted for a period of time covering more than one annual meeting the Executive Committee will consider the application on that basis but might, in some cases, instead recommend that observer status be granted only for a particular conference.

If an organisation obtains observer status for a period of time covering more than one annual meeting the Secretariat will advise the term recommended by the Executive Committee, normally 3 years. Towards the end of the period the observer need simply submit a [renewal application](#) if they wish to continue to be an observer. On a renewal application the observer will be asked to indicate which Conferences they attended during the period of their observer status. If it turns out that the observer has not attended the conference during the term of the observer status it may be appropriate to switch to seeking observer status only for particular annual meetings.

Grant of observer status for a period of time covering more than one annual meeting may be particularly relevant to:

- International organisations with an ongoing and long term work programme touching upon privacy and data protection.
- Public entities with ongoing involvement in global issues of privacy and data protection.

Existing observers

By way of further update, the Secretariat can advise that it is in the process of contacting all observers to advise of the rule changes and to confirm or update contact details. To avoid any disruption in the change process, all existing observers that indicate to the Secretariat that they wish to continue as observers are being accorded a 3-year observer status (i.e. covering the next 3 conferences and expiring in April 2019).

So far 12 out of 28 listed observers have confirmed that they wish to continue to as an accredited observer. Once the position with each observer is clarified the website will be suitably updated. The Secretariat will also implement a reliable contact database.